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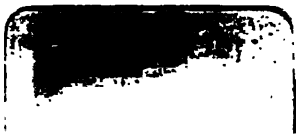
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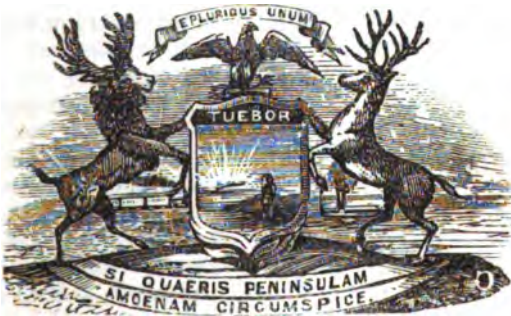
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE
REGULAR AND EXTRA SESSIONS OF 1861,
WITH AN APPENDIX,

Containing Certified Statements of Boards of Supervisors relative to
the Erection of New Townships; also, State Treasurer's
Annual Reports for the years 1859 and 1860.



By Authority.

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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of taxes in the unorganized county of Delta.

SECTION 1. *The People of the State of Michigan enact, That* Time extended.
the time for the collection of the State and county and town taxes of the unorganized county of Delta, for the year eighteen hundred and sixty, be and the same is hereby extended until the first day of July next; and the proper officer whose duty Returns, when made.
it is to collect the said taxes is hereby authorized to proceed and collect said taxes, and make return thereof, as fully as he might have done within the lifetime of his warrant, and make his said return by the first day of July next.

Sec. 2. A transcript of all unpaid taxes returned to the Unpaid taxes, how returned and collected.
county treasurer of the county of Mackinac, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest from the same time as other taxes for the year eighteen hundred and sixty, and duly returned to the Auditor General for non-payment, are to be collected.

Sec. 3. It shall be the duty of the officer whose duty it is to Duty of collector.
collect the said taxes, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as now prescribed by law, and to execute to the treasurer of the county of Mackinac a bond, with sufficient sureties, to be approved by such treasurer, with the same penalty and conditions as required by law of township treasurers.

Sec. 4. This act shall take immediate effect.

Approved January 10, 1861.

[No. 2.]

AN ACT to provide for the relief of school districts number one and two, of the township of Manchester, in the county of Washtenaw.

Cancellation
of tax.

SECTION 1. *The People of the State of Michigan enact*, That the treasurer of the township of Manchester, in the county of Washtenaw, be authorized and required to cancel so much of the tax in the tax roll of said township for the year eighteen hundred and sixty, as results from the levying of a tax of one thousand dollars on the property of school districts number one and two of said township, for the purpose of building a union school house.

Supervisor,
duty of.

Sec. 2. The supervisor of said township shall, on being applied to by the treasurer, furnish said treasurer with a statement of the amount added to the tax of each individual liable to pay tax in the said districts, by reason of the levying of the said sum of one thousand dollars.

Sec. 3. This act shall take immediate effect.

Approved January 15, 1861.

[No. 3.]

AN ACT to repeal act No. 29, of the session laws of 1859.

Repeal.

SECTION 1. *The People of the State of Michigan enact*, That act No. 29, of the session laws of the year eighteen hundred and fifty-nine, being "an act appropriating money from the Treasury to relieve the immediate wants and necessities of the suffering citizens of Gratiot, Isabella, and other newly settled counties of this State," be and the same is hereby repealed:

Proviso.

Provided, That nothing in this act contained shall be deemed a release of any obligations held by the State under the provisions of the act hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved January 22, 1861.

[No. 4.]

AN ACT to authorize fractional school district number one, of the townships of Shelby and Sterling, in the county of Macomb, to issue bonds. www.libtool.com.cn

SECTION 1. *The People of the State of Michigan enact,* That Bonds authorized. fractional school district number one, of Shelby and Sterling, in the county of Macomb, is hereby authorized to issue bonds in such sums, and for such amounts, not exceeding five thousand dollars, and drawing not exceeding ten per cent. interest, as such school district shall, at any annual or special meeting How issued. direct, by the votes of two-thirds of the legal voters of said district there assembled: *Provided,* That the meeting at which Provided. such bonds shall be authorized, shall be called in the manner now provided by law.

Approved January 22, 1861.

[No. 5.]

AN ACT to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa, for the year one thousand eight hundred and sixty.

SECTION 1. *The People of the State of Michigan enact,* That Time extended. the time for the collection of taxes in the township of Holland, in the county of Ottawa, is hereby extended to the first Monday of March next.

Sec. 2. The treasurer of the township of Holland aforesaid, is Returns, when made. hereby authorized and empowered to proceed and collect said tax in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first Monday of March next, and said warrant is continued in full force for said purpose until said time.

Sec. 3. It shall be the duty of said treasurer of said township, Bond to be renewed. before he shall be entitled to the benefit of this act, to pay over all moneys collected by him as provided by law, and to give to the county treasurer of his county an official bond as treasurer of said township, conditioned and to be approved by said county

treasurer as required by law, to pay over or otherwise account for said deferred taxes at the time limited by this act, or required by law.

Return of
unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes returned to the treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable ; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and sixty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 22, 1861.

[No. 6.]

AN ACT to legalize the tax roll of the township of Ionia, in the county of Ionia, for the year one thousand eight hundred and sixty, and to authorize the collection of the same.

Tax roll le-
galized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Ionia, in the county of Ionia, for the year one thousand eight hundred and sixty, be and the same is hereby declared to be as valid and legal as it would be if the tax levied on each description in said roll was extended opposite to, and on the same line with said description.

Power of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect all taxes remaining due and unpaid on the same, and make his return at any time on or before the first Monday in March next, and the warrant thereon attached is hereby continued and declared to be in full force and effect, for the purposes named therein, until said first Monday in March next.

Warrant
continued in
force.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant

as is now provided by law, and to renew his official bond to Renewal of bond.
the satisfaction of the treasurer of said county.

Sec. 4. This act shall take effect immediately.

Approved January 22, 1861.

[No. 7.]

AN ACT to provide for the collection and return of taxes by township treasurers in newly organized counties, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* Duty of township treasurer.
when any new county shall be organized, and officers elected and qualified after the State and county tax has been assessed in such new county, by the county to which it had been attached, and before the township treasurers have made their returns, the said township treasurers of such newly organized counties shall make their returns to, and pay over the moneys Collection of taxes and settle with the county treasurer of the county from whom they received their warrants, and to whom they have given bond, and the collection of said taxes shall proceed and be made as though no new county had been organized or set off.

Sec. 2. Such newly organized county, and the county to which Apportionment of taxes.
the same, or any part thereof, was formerly attached, shall settle and adjust their equitable rights in a division and apportionment of such taxes between them, according to the provisions of section twenty one, of chapter nine, of the compiled laws, and the sections following to section twenty-five inclusive.

Sec. 3. This act shall take effect immediately.

Approved January 22, 1861.

[No. 8.]

AN ACT to provide for the restoration of lost records, papers or other proceedings in courts of record.

SECTION 1. *The People of the State of Michigan enact, That* Application for restoration, how made.
whenever any record, paper or proceeding in or relating to any

cause or special proceeding pending or determined in any court of record in this State, shall be lost, any person having an interest in the recovery of the lost record, paper or proceeding, may apply to the court having jurisdiction of said cause, or of the records thereof, for an order that a duplicate of the lost record, paper or proceeding, be prepared and filed in said court

Proof before the court.

Sec. 2. The person asking [making] such application shall show to the satisfaction of the court, that the record, paper or proceeding proposed to be restored, once existed, and has been lost without the fault or connivance, directly or indirectly, of such applicant; and thereupon the court shall direct the manner of proceeding to supply the loss, and the notices which shall be given to parties interested in the application.

Notice of proceeding.

Powers of court.

Sec. 3. The court before whom any such application is pending, may issue subpoenas for, and compel the attendance of witnesses, or may direct the examination of witnesses on interrogatories, and compel such witnesses to submit to such examination for the purpose of establishing any point in any proceeding under this act.

Order of court.

Sec. 4. If the court shall be satisfied that the record, paper or proceeding proposed to be substituted for the lost, exhibits all the material facts of the original, an order shall be entered that said substituted record, paper or proceeding, be filed or recorded with the officer to whom belongs the custody of the original; and during the continuance of such loss, the substituted record, paper or proceeding, shall have the same effect in all respects and in all places as the original.

Effect.

Rules of supreme court.

Sec. 5. The supreme court may make general rules for proceedings under this act, and such rules, when made, shall govern all inferior courts.

Approved January 23, 1861.

[No. 9.]

AN ACT to compel the service of process by certain ministerial officers.

SECTION 1. *The People of the State of Michigan enact, That* ^{Refusal or neglect to discharge duty.} whenever any constable, marshal, deputy or assistant marshal, coroner, sheriff or deputy sheriff, of any town, city, village or county, shall at any time willfully neglect or refuse to execute any lawful process of any court, or judicial officer having authority to issue the same, and which shall be duly issued, or whenever such officer shall, at any time, willfully neglect or refuse to discharge or execute any special duty imposed on any such officer by any provision of law, such officer shall be deemed guilty of a misdemeanor and shall be liable, on con-^{Penalty.} viction thereof in any court of competent jurisdiction, to a fine of not less than twenty dollars; and on a second conviction ^{Second conviction.} he shall be adjudged to have forfeited his office, and to pay a fine of not less than fifty dollars: *Provided, That* in all cases ^{Provide.} where such process shall be sued [out] in the name of a party, other than the people of this State, it shall appear on the trial for such offense that the legal fees for serving such process have been tendered or paid to such officer.

Approved January 23, 1861.

[No. 10.]

AN ACT to extend the time for the collection of drain or ditch tax, in the townships of Brownstown and Romulus, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time extended.} the time for the collection of so much of a drain or ditch tax assessed in the township of Brownstown, in the county of Wayne, for the year eighteen hundred and sixty, for paying the expenses of making such drain or ditch, as relates to sections nineteen, thirty and thirty-one, in township four south of range ten east, shall be and is hereby extended for one year, subject to the provisions of section three of this act.

Time ex-
tended.

Sec. 2. That the time for the collection of so much of a drain or ditch tax assessed in the township of Romulus, in the county of Wayne, for the year eighteen hundred and sixty, for paying the expenses of making a certain drain or ditch, called or known as "Hale Creek," shall be and is hereby extended for one year, subject to the provisions of section three of this act.

Duty of
treasurers.

Sec. 3. It shall be the duty of the several collectors and treasurers in the townships of Brownstown and Romulus, before the parties interested shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Bonds to be
renewed.

[This act shall take effect immediately.]

Approved January 25, 1861.

[No. 11.]

AN ACT to provide for the payment of members and officers of the legislature, for the year eighteen hundred and sixty-one.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding thirty-five thousand dollars, for the payment of the members and officers of the legislature.

Compensation of mem-
bers.

Sec. 2. The compensation of the President and members of the Senate, and the Speaker and members of the House of Representatives, shall be three dollars per day each, for actual attendance, and when absent on account of sickness, during the session of the legislature, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the Senate and House of Representatives from the upper peninsula, two dollars per day additional each, for the first forty days during

LAWS OF MICHIGAN.

the session of the legislature. Each member of the Senate and House of Representatives shall be entitled to receive five dollars for stationery and newspapers. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Sergeant-at Arms of the Senate, and their authorized assistants, and of the Clerk and Engrossing and Enrolling Clerk, and Sergeant-at Arms of the House of Representatives, and of their authorized assistants, and of the clerks employed with the consent of either the Senate or the House of Representatives, by any of the standing or special committees of either of said houses, shall be three dollars per day each for actual attendance during the session: *Provided, however,* That the Secretary of the Senate, and the clerk of the House, shall, in addition, receive the same compensation for actual travel in coming to and going from the place of meeting, as the members and other officers of the legislature. The compensation of the firemen of the Senate and of the House of Representatives, and of their authorized assistants, and of the messengers of the Senate and House of Representatives, shall be two dollars per day for actual attendance during the session.

Sec. 3. Such sums as may be due, under the provisions of this act, to the Secretary of the Senate and Clerk of the House of Representatives, shall be certified by the presiding officer of the respective houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate and the Speaker of the House of Representatives, shall be certified by the secretary or clerk of the respective houses, and countersigned by the Auditor General; and such sums as may be due the members and other officers of either house, shall be certified by the secretary or clerk, and countersigned by the presiding officers of the respective houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Approved January 25, 1861.

[No. 12.]

AN ACT to extend the time for the collection and return of taxes in the township of Groveland, in the county of Oakland, and the township of Orleans, in the county of Ionia, in the year eighteen hundred and sixty.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection and return of taxes in the township of Groveland, in the county of Oakland, and the township of Orleans, in the county of Ionia, for the year eighteen hundred and sixty, be and the same is hereby extended to the second Monday in March next.

Time extended.

Authority of treasurers.

Sec. 2. The treasurers of said townships are authorized to proceed and collect said taxes as fully as they might have done during the lifetime of their respective warrants, and make their returns on or before the second Monday of March aforesaid.

Renewal of bonds.

Sec. 3. It shall be the duty of said township treasurers, before they shall be entitled to the benefits of this act, to pay over all the moneys collected by them as such treasurers, as provided by law, and to renew their official bonds to the treasurers of their respective counties.

Unpaid taxes, how collected.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty, duly returned to the Auditor General.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1861.

[No. 13.]

AN ACT to amend section forty-four, of chapter sixty-five, of the revised statutes of one thousand eight hundred and forty-six, (compiled laws, vol. two, sec. two thousand seven hundred and sixty-three) in relation to the discharge of mortgages.

SECTION 1. *The People of the State of Michigan enact, That* section forty-four, of chapter sixty five, of the revised statutes ^{Act amend-} of one thousand eight hundred and forty-six, be and the same ^{ed.} is hereby amended so as to read as follows :

Sec. 44. If any mortgagee, or his personal representative or ^{Refusal or} assignee, as the case may be, after full performance of the con- ^{neglect to} dition of the mortgage, whether before or after a breach thereof, ^{discharge} or if the same be entirely due and payable, after a tender of the ^{mortgage.} whole amount so due and payable thereon, shall, for the space of seven days after being thereto requested, and after tender of his reasonable charges, refuse or neglect to discharge the same as provided in this chapter, or to execute and acknowledge a certificate of discharge or release thereof, he shall be liable to ^{Penalty} the mortgagor, his heirs or assigns, in the sum of one hundred ^{therefor.} dollars damages, and also for all actual damages occasioned by such neglect or refusal, to the person who shall perform the condition of such mortgage, or make such tender to the mortgagee, his heirs or assigns, or to any one who may have an interest in the mortgaged premises, to be recovered in an action ^{How recov-} on the case, or be awarded by a court of equity, upon a bill ^{ered.} filed to procure a discharge or a release of such mortgage, with double costs, in the discretion of the court.

Approved February 2, 1861.

[No. 14.]

AN ACT to amend "an act to provide for the construction of train railways," approved February thirteenth, one thousand eight hundred and fifty-five, by adding two new sections thereto, to be numbered sections thirty-three and thirty-four.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amend-} the act entitled "an act to provide for the construction of train ^{ed.}

railways," approved February thirteenth, one thousand eight hundred and fifty-five, be amended by adding two new sections thereto, to be numbered thirty three and thirty four.

Street rail-
ways.

Sec. 33. It shall be competent for parties to organize companies under this act to construct and operate railways in and through the streets of any town or city in this State.

Right of
companies.
Proviso.

Sec. 34. All companies formed for such purposes, shall have the exclusive right to use the same: *Provided, however,* That no such company shall be authorized to construct a railway under this act, through the streets of any town or city, without the consent of the municipal authorities of said town or city; and under such regulations, and upon such terms and conditions, as the said authorities may from time to time prescribe.

[This act shall take immediate effect.]

Approved February 2, 1861.

[No. 15.]

AN ACT to extend the time for the collection of taxes in the township of Caseville, in the county of Huron, for the year eighteen hundred and sixty.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection and return of taxes in the township of Caseville, in the county of Huron, for the year eighteen hundred and sixty, be and the same is hereby extended to the second Monday in March next.

Powers of
treasurer.

Sec. 2. The treasurer of said township is authorized to proceed and collect said taxes as fully as he might have done during the lifetime of his warrant, and make his return on or before the second Monday of March aforesaid.

Bond to be
renewed.

Sec. 3. It shall be the duty of said township treasurer, before he shall be entitled to the benefit of this act, to pay over all the money collected by him as such treasurer, as provided by law, and to renew his official bond to the treasurer of Sanilac county.

Collection of
unpaid tax-
es.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and

such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty, duly returned to the Auditor General www.libtool.com.cn

Sec. 5. This act shall take immediate effect.

Approved February 2, 1861.

[No. 16.]

AN ACT to repeal act number one hundred and ninety-seven of the session laws for the year one thousand eight hundred and fifty-nine, being an act entitled "an act to restore certain sections of land to town six south of range five east," approved February fifteenth, one thousand eight hundred and fifty-nine

SECTION 1. *The People of the State of Michigan enact, That* act number one hundred and ninety-seven, of the session laws Act repealed of the year one thousand eight hundred and fifty-nine, being an act entitled "an act to restore certain sections of land to town six south of range five east," approved February fifteenth, one thousand eight hundred and fifty-nine, be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved February 2, 1861.

[No. 17.]

AN ACT to amend section eight, of chapter thirty-eight, of the revised statutes of one thousand eight hundred and forty-six, as amended by an act entitled an act to amend chapter forty of the compiled laws, relative to the support of poor persons by the public, approved February eleventh, one thousand eight hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section eight, of chapter thirty eight, of the revised statutes of Act amended one thousand eight hundred and forty-six, as amended by an act entitled an act to amend chapter forty of the compiled laws, relative to the support of poor persons by the public, approved

February eleventh, one thousand eight hundred and fifty-nine, be amended so that the same shall read as follows :

Poor person. Sec. 8. When any poor person or persons shall apply for relief to a **county superintendent** of the poor, or the supervisor of any township, city or ward, the said superintendent of poor, or supervisor, shall make immediate personal inquiry into the state and circumstances of the applicant; and if it shall appear that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, such superintendent, or supervisor, shall, by a written order, cause such poor person to be removed to the county poor-house, to be received and provided for as his necessities may require; but if it shall appear that any such poor person so applying for relief, requires but temporary or partial support, or is so sick, lame, or otherwise disabled, that such person cannot be safely or conveniently removed to the poor-house, then the superintendent, or supervisor, may cause provisions to be made, under his own direction, for the temporary or partial relief and support of such poor person, when furnished by a supervisor, which support shall [which support, when furnished by a supervisor, shall] in no case exceed the sum of twenty dollars in any one year, unless by the consent in writing of a county superintendent of the poor.

Removal to county poor house.

Temporary relief of.

Approved February 2, 1861.

[No. 18.]

AN ACT to authorize the trustees of the [First] Congregational Church and Society of Lawrence, Van Buren county, to mortgage real estate.

Mortgage authorized. SECTION 1. *The People of the State of Michigan enact, That* the trustees of the First Congregational Church and Society of Lawrence, in the county of Van Buren, and State of Michigan, be and are hereby authorized to mortgage their church edifice, and the land on which the same is erected, to secure the payment of such sum or sums of money as they may have borrowed, or may hereafter borrow, and used, or to be used, in completing

and finishing said church edifice; and such mortgage duly and ^{Validity thereof.} properly executed by them as security for the payment of such money, shall be good and valid, according to the true intent and meaning thereof, like common mortgages on real estate.

Sec. 2. This act shall take immediate effect.

Approved February 2, 1861.

[No. 19.]

AN ACT to authorize fractional school district number three, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds.

SECTION 1. *The People of the State of Michigan enact*, That fractional school district number three, of the townships of Sylvan and Lima, is hereby authorized to issue bonds to an amount ^{Issue of bonds authorized.} not exceeding five hundred dollars, payable in one, two, and three years, and drawing interest not exceeding ten per cent. per annum: *Provided*, Such school district shall, at a regular ^{Provide.} or special meeting, called on due notice, so direct by the votes of a majority of the electors there assembled.

Sec. 2. This act shall take immediate effect.

Approved February 2, 1861.

[No. 20.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and sixty, in the townships of Lyons and Boston, in the county of Ionia.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Lyons ^{Time extended.} and Boston, in the county of Ionia, for the year eighteen hundred and sixty, be and the same is extended until the first Monday in March, eighteen hundred and sixty-one.

Sec. 2. The treasurers of said townships are hereby author- ^{Authority of treasurers} ized and empowered to proceed and collect said taxes in the same manner as they could do in the lifetime of their warrants,

Warrants
continued
in force.

and to make returns of the same at any time before the first day of March next; and the said warrants are hereby extended and continued in full force and effect for the purposes therein named until that time.

Duty of
treasurers.

Sec. 3. It shall be the duty of the treasurers of said townships, before they shall avail themselves of the benefit herein conferred, to pay over all moneys collected during the lifetime of their warrants, as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Renewal of
bonds.

Sec. 4. This act shall take effect immediately.

Approved February 2, 1861.

[No. 21.]

AN ACT to confirm deeds and instruments intended for the conveyance of real estate in certain cases.

Execution
of deeds.

SECTION 1. *The People of the State of Michigan enact, That* all deeds of lands situated within this State, heretofore or hereafter made without this State, and executed according to the laws of the place where made, and acknowledged to be the free act of the grantor or grantors therein named, before any person authorized to take the acknowledgment of deeds by the laws of the place where executed, or of the laws of the territory or State of Michigan, in force at the date of such acknowledgment, shall be deemed between the parties thereto, and all persons claiming under or through them, as valid and effectual to convey the legal estate of the premises therein described, as if the said deed had been in all respects legally executed:

Validity
thereof

When exe-
cuted by
attorney in
fact

Sec. 2. All deeds of lands situated in this State heretofore or hereafter made by any married woman jointly with her husband, by their attorney in fact, under a joint power of attorney, executed and acknowledged as required in the joint deed of a husband and wife, and recorded in the office of the register of deeds of the proper county, shall be taken and deemed as between the parties thereto, and all persons claiming under

or through them, as valid and effectual to convey the legal title of the premises therein described, as if the same had been executed and acknowledged by the husband and wife in person.

Sec. 3.. No deed of lands situate in this State, heretofore or hereafter executed, shall be deemed defective by reason of any informality or imperfection in the certificate of acknowledgment, if it shall sufficiently appear by such certificate that the person making the same was legally authorized to take such acknowledgment, and that the grantor or grantors named in such deed were personally known to him, and that he or they personally appeared before him and acknowledged such deed to be his or their free act; and if such deed was executed out of this State, it shall be sufficient if the certificate, under the seal of office of the clerk or other proper certifying officer of the court of record of the county or district within which such acknowledgment was taken, in cases where any such certificate was required, sufficiently show that the person before whom such acknowledgment was taken, was, at the date thereof, such officer as he is therein represented to be; and whenever such deed has been recorded in the office of the register of deeds of the proper county, such record shall be effectual for all purposes of a legal record, and the record of such deed, or a transcript thereof, may be given in evidence, as in other cases: *Provided*, That nothing in this section, or in the preceding two sections contained, shall impair the rights of any person under a purchase heretofore made in good faith, and on valuable consideration.

Sec. 4. No conveyance of land or instrument intended to operate as such conveyance, made in good faith and upon a valuable consideration, whether heretofore made or hereafter to be made, shall be wholly void by reason of any defect in any statutory requisite in the sealing, signing, attestation, acknowledgment, or certificate of acknowledgment thereof; but the same, when not otherwise effectual to the purposes intended, may be allowed to operate as an agreement for a proper and

lawful conveyance of the premises in question, and may be enforced specifically by suit in equity in any court of competent jurisdiction, subject to the rights of subsequent purchasers in good faith and for a valuable consideration; and when any such defective instrument has been or shall hereafter be recorded in the office of the register of deeds of the county in which such lands are situate, such record shall hereafter operate as legal notice of all the rights secured by such instrument.

Enforcement
of in equity.

Record
thereof to be
notice.

Sec. 5. This act shall take effect immediately.

Approved February 2, 1861.

[No. 22.]

AN ACT to authorize the Fort Street Presbyterian Church, of Detroit, to hold certain property.

Authorized
to receive
land.

SECTION 1. *The People of the State of Michigan enact, That the Fort Street Presbyterian Church, of Detroit, a religious corporation, organized in pursuance of the statute in such cases made and provided, and the name thereof being established by special act of the legislature, be and the same is hereby authorized and empowered to receive a conveyance of such lot or parcel of land on the "Woodbridge Farm," in the city of Detroit, as may be deemed most suitable to be held by the said corporation, solely and exclusively for the purpose of maintaining thereon a Sunday school and religious meetings, and to be by them thereafter conveyed to a new Presbyterian church.*

Not to alienate
the same.

Sec. 2. This act shall not be construed to authorize the said corporation to hold said property in any manner inconsistent with the terms and conditions of the conveyance thereof; and they shall not have the power at any time, with or without the approval of the circuit court, or otherwise, to alienate the same to any other than the uses designated, nor to embarrass or cut off the right of reversion in the party or persons who may deed the said lot or parcel of land, and his or their heirs.

Sec. 3. This act to take effect immediately.

Approved February 2, 1861.

[No. 23.]

AN ACT to extend the time for the collection and return of taxes in the unorganized territory in Manitou county.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the unorganized territory in Manitou county be extended to the first day of June, in the year one thousand eight hundred and sixty-one, and until the same date in each year thereafter, until said territory shall become organized; and the proper officer whose duty it is to collect the said taxes shall, by the first day of June in each year, make his returns as fully, and in like manner, to the county treasurer, as he should have done had he made his returns the first day of February.

Sec. 2. A transcript of all unpaid taxes in said unorganized territory returned to the county treasurer of Manitou county, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and in like manner as now required by law, except the time of making said returns; and the Auditor General is hereby authorized to receive such returns so made, and such unpaid taxes shall be collected in the same manner, and with interest from the same time as other taxes for like years, and duly returned to the Auditor General for non payment.

Sec. 3. It shall be the duty of the officer whose duty it is to collect the taxes in the territory aforesaid, before he shall be entitled to the benefits of this act, to pay all money collected during the time he was heretofore allowed by law to collect the same, and to execute to the treasurer of said county a bond in a similar form, and with like condition and penalty as is required by law of county treasurers, with sufficient sureties, to be approved by such treasurer.

Sec. 4. This act to take effect immediately.

Approved February 2, 1861.

[No. 24.]

AN ACT to amend an act entitled "an act to authorize the incorporation of bridge companies," approved April fourth, one thousand eight hundred and fifty-one, by adding two sections thereto.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled "an act to authorize the incorporation of bridge companies," approved April fourth, A. D. one thousand eight hundred and fifty-one, be amended by adding thereto two sections, to stand as sections seventeen and eighteen.

Act amend- ed. **Penalty for delay of travelers.** **Recovery thereof.** **Sec. 17.** Every toll gatherer at any such bridge, who shall unreasonably hinder, detain or delay any traveler or passenger, shall, for each offense, forfeit the sum of five dollars to the party aggrieved, and shall be further liable to the party aggrieved for all damages, to be sued for in the name of the party, in an action of debt or assumpsit; and when execution shall have been issued on a judgment so recovered, and the same cannot be collected for want of goods and chattels of the person against whom the same was rendered, the amount of such judgment unsatisfied, with costs, may be recovered of such incorporation.

Penalty for delay of toll. **Sec. 18.** Any person who shall forcibly or fraudulently pass the toll-gate or toll-house of any bridge erected pursuant to the provisions of this act, not having paid the legal toll, shall, for each offense, be liable to a fine not exceeding ten dollars, to be sued for and recovered by such company in an action of debt or assumpsit: *Provided,* Nothing in this section shall be so construed as to authorize the taking of tolls on any such bridge contrary to the provisions of section six of the act to which this is an amendment.

Sec. 19. This act to take effect immediately.

Approved February 2, 1861.

[No. 25.]

AN ACT to amend sections nine and thirty-four, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, compiled laws, volume two, sections forty-three hundred and fifty-one and forty-three hundred and seventy-six.

SECTION 1. *The People of the State of Michigan enact, That* sections nine and thirty-four, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows:

Sec. 9. The said officers shall proceed to select from the persons assessed on the assessment roll of the township or ward for the same year, suitable persons, having the qualifications of electors, to serve as jurors; and in making such selection, they shall take the names of such only as are not exempt from serving on juries, who are in possession of their natural faculties, and not infirm or decrepid, of good character, of approved integrity, of sound judgment, and well informed, and conversant with the English language, and free from all legal exceptions, and who have not made, and in whose behalf there has not been made, to the officers mentioned in the preceding section, any application to be selected and returned as jurors.

Qualifications of.

Sec. 34. When there shall not be jurors enough present to form a panel in any cause, the circuit court may direct the sheriff, or other proper officer, to summon a sufficient number of persons having the qualifications of jurors, to complete the panel from among the bystanders, or from among the neighboring citizens; and the sheriff shall summon the number so ordered accordingly, and return their names to the court: *Provided*, That any person so summoned to complete the said jury, may be peremptorily challenged therefrom, by either party, in addition to the other challenges allowed by law; in case he has been before so summoned to complete a jury at the same, or the next preceding term of said court.

Panel, how completed.

Provided.

Sec. 85. This act shall take effect immediately.

Approved February 2, 1861.

[No. 26.]

AN ACT to provide for changing the names of minor adopted children, and of other persons.

SECTION 1. *The People of the State of Michigan enact, That* whenever any person shall have adopted any minor child, with the consent of the surviving parent, or the parents of such child, or in case of orphanage, with the consent of the nearest of kin to such child, or of the principal officer of a public or incorporated orphan asylum, of which such child may have been an inmate, or of two of the superintendents of the poor, or the directors of the poor, or of any authorized officers or agent of any institution, public or private, in this State or elsewhere, in whose care such orphan child may have been, and if such child be above the age of seven years, then with the consent of such child, and shall desire to change the name of such child, and to bestow upon him or her the family name of the person adopting such child, with intent to make such child his or her heir, the said person, together with his or her wife or husband, if any there be, and the surviving parent or next of kin of such child, or such officer of a public or incorporated orphan asylum, or superintendent or directors of the poor, or any authorized officer or agent of any institution, public or private, in this State or elsewhere, may make under their hands an instrument in writing whereby they shall declare that such child, naming him or her by the name he or she has usually borne, is adopted as the child of such person or persons first above referred to, and that he, she or they, intend to make such child his, her or their heir, and stating the full name they desire such child shall bear; and the execution of the said instrument shall be, by the persons so signing the same, acknowledged before any officer authorized by law to take acknowledgments of deeds; and thereupon the same may be presented to, and filed with the judge of probate of the county where such person or persons adopting such child reside. Such probate judge, on being satisfied of the good faith of such proceeding, and that the person or persons adopting such child is or are suitable to have charge thereof, shall make

Adopted children.

Bestowal upon of family name.

Declaration of intention to be in writing.

Where filed.

an order to be entered in the journal of the probate court, that such person or persons do stand in the place of a parent or parents to such child, and that the name of such child be changed to such name as shall be so designated in said instrument for that purpose; whereupon said child shall be thereafter known and called by said new name, and the said person or persons so adopting such child shall thereupon stand in the place of a parent or parents to such child-in-law, and be liable to all the duties, and entitled to all the rights of parents thereto; and such child shall thereupon become an heir-at-law of such persons, the same as if he or she were in fact the child of such person or persons.

Sec. 2. The probate court of any county of this State shall have power, by an order to be entered on its journal, to change the name of any adult person who has been one year a resident of such county, who may apply to such court in writing for that purpose, upon such person showing a sufficient reason for such proposed change, to the satisfaction of such court, and that such change is not sought with any fraudulent or evil intent; and provided that notice of intention to make such application shall be published six weeks prior to the making of such application, and for three successive weeks in a newspaper printed and published in said county where the application is to be made, if there be one, or in a newspaper printed and published in an adjoining county, or in the nearest county in which a newspaper is or may be printed and published.

Sec. 3. Such probate judge shall require of the person making the application under the second section of this act, to pay over to the county treasurer, for the use of the county, a fee of three dollars, and shall furnish to such applicant, if desired, a certified copy of the order made in such matter.

Sec. 4. This act shall take effect immediately.

Approved February 2, 1861.

[No. 27.]

AN ACT relative to the duties of township and county officers, concerning receipts for moneys paid into the county treasury.

SECTION 1. *The People of the State of Michigan enact, That* in all cases where money is paid into the county treasury by any officer of a township or county, other than township treasurers, the said officer shall file with the clerk of the county a duplicate receipt of the same, which duplicate it shall be the duty of the county treasurer to furnish at the time of such payment; and said clerk shall present the same to the board of supervisors of the county, or to the board of county auditors in Wayne county, at the next meeting thereof.

Receipts
filed with
Co. clerk.

Presented to
supervisors.

Clerk to
keep record
thereof.

Sec. 2. It shall be the duty of each county clerk to keep a book, in which he shall enter the date of all such duplicate receipts, the name of the person making the payment, and of his office, the amount paid, and the account or fund on which the money had been collected; which book shall be open for the inspection of citizens of the county at all times during business hours.

Approved February 8, 1861.

[No. 28.]

AN ACT to legalize the tax roll of township of Maple Grove, in the county of Barry, for the year eighteen hundred and sixty, and to extend the time for the collection of said taxes.

SECTION 1. *The People of the State of Michigan enact, That* the tax roll of the township of Maple Grove, in the county of Barry, for the year eighteen hundred and sixty, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer at the time prescribed by law, and that the time for the collection of the taxes assessed in said township for the said year, be and the same is hereby extended to the first Monday in April, eighteen hundred and sixty-one.

Declared
valid.

Time ex-
tended.

Authority of
treasurer.

Sec. 2. The treasurer of said township of Maple Grove is hereby authorized and empowered to proceed and collect said

taxes, as fully as he could do if said warrant had been delivered to him within the time prescribed by law, and to make his returns on or before the first Monday of April, in the year eighteen hundred and sixty-one, and said warrant is hereby revived and continued in force until the said first Monday of April; and it shall be the duty of said treasurer, before he shall be entitled to the benefit of this act, to pay over to the county treasurer all such moneys as he may already have collected on account of county and State taxes, and to renew his official bond to the satisfaction of the treasurer of said county.

Warrant re-
vived.

Sec. 3. The county treasurer shall have the same length of time to make his returns to the Auditor General, of the delinquent taxes of said township, after the township treasurer returns to him, and the same proceedings shall be had thereon, in all respects, as is now provided by law.

Delinquent
taxes.

Sec. 4. This act shall take immediate effect.

Approved February 8, 1861.

[No. 29.]

AN ACT to extend the time for the collection of taxes in the townships of Clay, Kimball and Riley, in the county of St. Clair.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Clay, Kimball and Riley, in the county of St. Clair, for the year eighteen hundred and sixty, be and the same is extended until the first day of May, eighteen hundred and sixty-one.

Time ex-
tended.

Sec. 2. The treasurers of the said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could do in the lifetime of their warrants, and to make returns at any time before the first day of May next; and said warrants are hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first day of May next.

Revival of
warrant.

Bonds re-
newed.

Sec. 3. It shall be the duty of the several treasurers of said townships, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the said county of St. Clair.

Sec. 4. This act shall take immediate effect.

Approved February 8, 1861.

[No. 30.]

AN ACT to extend the time for the collection of taxes in the townships of Clyde, Columbus and St. Clair, in the county of St. Clair.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the townships of Clyde, Columbus, Berlin, Ira and St. Clair, in the county of St. Clair, for the year eighteen hundred and sixty, be and the same is extended until the first Monday in April, eighteen hundred and sixty-one.

Authority of
treasurer.

Sec. 2. The treasurers of said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could in the lifetime of their warrants, and to make returns at any time before the first Monday of April next; and said warrants are hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said first Monday of April next.

Duty of.

Sec. 3. It shall be the duty of the treasurers of the said townships, before they shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the said county.

New bond.

Sec. 4. This act shall take immediate effect.

Approved February 8, 1861.

[No. 31.]

AN ACT to extend the time for the collection of taxes in the townships of Casco and Wales, in the county of St. Clair.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the townships of Casco and Wales, in the county of St. Clair, for the year eighteen hundred and sixty, be and the same is hereby extended until the first Monday in March, one thousand eight hundred and sixty-one.

Sec. 2. The treasurers of said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could do in the lifetime of their warrants, and to make returns at any time before the first Monday of March next; and said warrants are hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

Sec. 3. It shall be the duty of the treasurers of the said townships, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Sec. 4. This act shall take immediate effect.

Approved February 8, 1861.

[No. 32.]

AN ACT to authorize the trustees of the First Methodist Episcopal Church of Lansing to convey to the trustees of the Central Methodist Episcopal Church of Lansing, lot numbered six, in block numbered ninety-six, in the city of Lansing.

SECTION 1. *The People of the State of Michigan enact,* That the trustees of the First Methodist Episcopal Church of Lansing be and hereby are authorized and empowered to convey by deed to the trustees of the Central Methodist Episcopal Church of Lansing, lot numbered six, in block number ninety-six, in the city of Lansing, and that when said conveyance shall be made,

Proviso.

the title to said lot shall vest as fully in the said Central Methodist Episcopal Church as though the same had been originally deeded by the State to the said Central Methodist Episcopal Church: *Provided*, That no rights of creditors of said First Methodist Episcopal Church shall by this act be jeopardized.

Sec. 2. This act shall take effect immediately.

Approved February 8, 1861.

[No. 33.]

AN ACT to extend the time for the collection of taxes in the county of Wayne.

Time extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of State and county taxes in the county of Wayne, for the year one thousand eight hundred and sixty, is hereby extended until the first day of March next.

Authority of collectors.

Sec. 2. The collectors of the several wards of the city of Detroit, and the treasurers of the several townships in the said county of Wayne, are hereby authorized to proceed and collect said taxes as fully as they might have done during the lifetime of their warrants for that purpose, and to make their returns on or before the first day of March next; and said warrants are continued in full force for said purpose until said time.

Warrants continued in force.

Bonds to be renewed.

Sec. 3. It shall be the duty of the several collectors and treasurers aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne.

Unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for

the year one thousand eight hundred and sixty, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 8, 1861.

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[No 34.]

AN ACT to change the name of the Algerville and Grand Blanc plank road company, the name of the Grand Blanc and Holly plank road company.

SECTION 1. *The People of the State of Michigan enact*, That the plank road company known by the name of the Algerville and Grand Blanc plank road company, running from the town of Grand Blanc, in the county of Genesee, to the village of Holly, in the county of Oakland, incorporated in the year eighteen hundred and fifty-five, under "an act entitled an act relative to plank roads, approved March thirteenth, one thousand eight hundred and forty-eight, and the acts amendatory thereto," shall hereafter be known as the "Grand Blanc and Holly plank road company." Name changed.

Sec. 2. All dues, demands, contracts, and liabilities of the Algerville and Grand Blanc plank road company shall be and remain in force against the Grand Blanc and Holly plank road company, in like manner as when originally incurred by the said company under another name and designation; and all suits and proceedings of whatever name and nature, wherein the said plank road company is concerned, shall continue, and the name Grand Blanc and Holly plank road company shall be used therein, and said Grand Blanc and Holly plank road company shall be bound in like manner as if originally named in said suits and proceedings. Debts transferred. Suits against.

Approved February 8, 1861.

[No. 35.]

AN ACT to repeal an act to amend chapter twenty-three of the revised statutes of eighteen hundred and forty-six, relative to highway taxes, approved April second, eighteen hundred and fifty.

Repealed. SECTION 1. *The People of the State of Michigan enact, That* an act entitled an act to amend chapter twenty-three of the revised statutes of eighteen hundred and forty-six, relative to highway taxes, approved April second, eighteen hundred and fifty, be and the same is hereby repealed.

Approved February 11, 1861.

[No. 36.]

AN ACT to amend sections seven, thirteen and twenty-one, of chapter twelve, of the revised statutes, the same being sections one hundred and fifty-four, one hundred and sixty and one hundred and seventy-three, of the compiled laws, relative to the bonds of the State Treasurer.

SECTION 1. *The People of the State of Michigan enact, That* section seven, chapter twelve, of the revised statutes, the same being section one hundred and fifty-four of the compiled laws, be amended so as to read as follows:

Sec. 7. The State Treasurer, before entering upon the duties of his office, shall give bond to the people of this State, in the sum of one hundred and fifty thousand dollars, with three or more sureties, to be approved by the Auditor General and the Attorney General, which bond shall be filed in the office of the Secretary of State. The Auditor General, with the concurrence of the Attorney General, whenever he deems the sureties on the bond of the State Treasurer to be insufficient security for the said sum of one hundred and fifty thousand dollars, may demand, and the State Treasurer shall give additional bonds with sureties, to be approved by the Auditor General and the Attorney General.

Additional bond.

Sec. 2. Section thirteen, of chapter twelve, of the revised

statutes, the same being section one hundred and sixty of compiled laws, be amended so as to read as follows:

Sec. 13. The treasurer shall, on the first Tuesday of each month, and at such other times as the Auditor General may require, exhibit to the said Auditor General and Commissioner of the State Land Office, for their examination, the moneys in the treasury, and a true account of his receipts, and of moneys paid out by him as treasurer. Monthly exhibit.

Sec. 3. Section twenty-one, of chapter twelve, of the revised statutes, the same being section one hundred and seventy-three of compiled laws, be amended so as to read as follows:

Sec. 21. They shall, on the first Tuesday in each month, and at any other time when they may deem it necessary, examine the treasurer's account of moneys received, and of moneys paid out by him, and the moneys in the treasury; and if, on examining such account and such moneys, they shall discover any irregularity or deficiency therein, they shall, as soon thereafter as may be, report in writing the nature and extent of such irregularity or deficiency to the Governor, so that the same may be submitted to the legislature, if, in the opinion of the Governor, the interests of the State shall require it. Deficiencies, how reported.

Approved February 11, 1861.

[No. 37.]

AN ACT to authorize the sale, by the State Treasurer, of two thousand copies of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* the State Treasurer is hereby authorized to sell, from time to time, any number of copies of the compiled laws, not exceeding two thousand, at a price not less than five dollars per copy. State Treasurer authorized to sell comp. laws.

Sec. 2. This act shall take immediate effect.

Approved February 11, 1861.

LAWS OF MICHIGAN.

[No. 38.]

AN ACT to change the name of Clarissa Melissa Wing to Clara Barnes.

Name changed. SECTION 1. *The People of the State of Michigan enact, That* the name of Clarissa Melissa Wing, adopted daughter of Samuel A. and Harriet Barnes, of the city and county of Jackson, in this State, be and the same is hereby changed to Clara Barnes: *Provided, That* this act shall not take effect, until the said Samuel A. Barnes and Harriet Barnes shall execute, acknowledge and file in the office of the judge of probate of the county of Jackson, an instrument in writing, under their hands and seals, adopting the said Clarissa Melissa Wing as their lawful heir: *And provided further, That* in such case the said Samuel A. Barnes and Harriet Barnes shall thereupon stand in the place of parents to such child-in-law, and be liable to all the duties and entitled to all the rights of parents thereto, and the said Clarissa Melissa Wing shall thereupon become their heir-at-law, the same as if their real child.

Proviso.

Shall adopt as heir.

Rights and duties.

Sec. 2. This act shall take immediate effect.

Approved February 11, 1861.

[No. 39.]

AN ACT to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact, That* section nineteen of the act. entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by an act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Sec. 19. Each and every one of the aforesaid railroad com-

panies shall complete and put in good running order at least Twenty continuous miles to be constructed twenty continuous miles of its road by the first of January, in the year eighteen hundred and sixty-two, except that the roads in the Upper Peninsula of this State shall not be obliged to complete said twenty miles until January first, eighteen hundred and sixty-three, and shall put in good running order at least twenty continuous miles of its roads by the first day of January in each of the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, except that the roads in the Upper Peninsula shall be entitled to one year longer in each instance for such construction and completion, and shall Exception. complete the entire length of its road within the time specified by an act of Congress entitled "an act making a grant of alternate sections of public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," approved June third, one thousand eight hundred and fifty-six: Proviso. *Provided*, That the Amboy, Lansing and Traverse Bay railroad company shall locate their depot buildings at Lansing within twenty rods of a line drawn east or Lansing depot. west from the capital square, situated on section sixteen, in the township of Lansing.

Sec. 2. All acts and parts of acts in any manner contravening the provisions of this act are hereby repealed.

Approved February 12, 1861.

[No. 40.]

AN ACT to attach certain territory to the township of Geneva, in Tuscola county.

SECTION 1. *The People of the State of Michigan enact*, That fractional township fifteen north, of range seven east, be and Township attached. the same is hereby permanently attached to the township of Geneva, all in Tuscola county.

Sec. 2. This act shall take effect immediately.

Approved February 14, 1861.

[No. 41.]

AN ACT to repeal an act to authorize Bay county to raise money, by the issue of bonds, to aid in the construction of a road, approved February fourteenth, eighteen hundred and fifty-nine.

Repeal. SECTION 1. *The People of the State of Michigan enact*, That an act to authorize Bay county to raise money, by the issue of bonds, to aid in the construction of a road, approved February fourteenth, eighteen hundred and fifty-nine, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved February 14, 1861.

[No. 42.]

AN ACT to amend an act to amend certain sections of an act to incorporate the city of Flint, approved February thirteenth, eighteen hundred and fifty-five, approved February second, eighteen hundred and fifty-seven, being act number thirty-five, of session laws of eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section seven of the act to amend certain sections of an act to incorporate the city of Flint, approved February thirteenth, one thousand eight hundred and fifty-five, (1855,) approved February second, one thousand eight hundred and fifty-seven, (1857,) be and the same is hereby amended so as to read as follows:

**Authority of
common
council to
levy tax.**

Proviso.

Sec. 7. That section twenty-nine of said act be amended so as to read as follows: "Sec. 29. The common council shall have authority to assess, levy, and collect taxes on all real and personal estate, taxable in said city, which taxes shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That they shall not raise more than twelve hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by vote of the property tax-payers of said city, who are electors, when convened for that purpose pursuant to previous notice."

Sec. 2. This act shall take effect immediately.

Approved February 14, 1861.

[No. 48.]

AN ACT to amend an act entitled an act to incorporate the village of Bay City, approved February ninth, one thousand eight hundred and fifty-nine.

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SECTION 1. *The People of the State of Michigan enact, That sections one, eight, twenty-nine and thirty, of an act entitled an act to incorporate the village of Bay City, be amended so as to read as follows:*

SECTION 1. *The People of the State of Michigan enact, That so much of the township of Hampton, in the county of Bay, as is embraced in the following boundary, to wit: commencing at a point in the center of the Saginaw river, where the south line of section twenty-nine, in town fourteen north of range five east, crosses said river; running thence north-easterly along the center of said river, to a point on the south line of section sixteen of the same town, where the east and rear line of the original plat of Lower Saginaw, as recorded, would cross if extended north; thence south along said east and rear line, to the south line of the John Riley reserve; thence west along the south line of said John Riley reserve, to a quarter stake in section twenty-eight of said town fourteen, and to the north-east corner of the recorded plat of the village of Portsmouth; thence south along the easterly and rear boundary line of the said recorded plat of Portsmouth, to the south line of section twenty-eight, of the said town fourteen; thence west along the south line of said section twenty-eight, to the center of the river, the place of beginning; intending to embrace within said boundaries, the village plat of Lower Saginaw first recorded; James Frazer's first and second additions to Lower Saginaw, so-called; so much of the John Riley reserve as lies immediately south of said part [plat] of Lower Saginaw, laid off into blocks, lots, and streets, commonly called the Frazer, Fitzhugh, and Birney addition, and so much of what was formerly a portion of the plat of Portsmouth as lies within section twenty-eight, or within the township of Hampton as at present bounded; all lying upon the east side of the Saginaw river, and being parts*

Boundaries of corporation.

of sections twenty-one, twenty-eight and twenty-nine, of said town fourteen north of range five east, be and the same is hereby constituted a village corporate, by the name of the village of Bay City.

Duty of treasurer.

Sec. 28. ~~It shall be the duty of~~ the treasurer to act as collector of the village, to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor; and his compensation shall be a salary of twenty-five dollars per annum, and two per centum upon such moneys as he shall collect and disburse: *Provided*, That whenever the common council shall deem it expedient, the marshal may perform the duties of collector, and in such case the marshal shall receive the same per centage allowed the treasurer for collecting.

Compensation.

Proviso.

Duplicate of taxes.

Sec. 29. It shall be the duty of the common council to make or cause to be made out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, or in case of their absence or the absence of either of them, by any two members of the common council, and delivered to the treasurer or marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws and ordinances of the village shall direct.

Collection of taxes.

Taxes collected to be paid over by treasurer.

Proviso.

Sec. 30. All moneys to be raised by tax in said village shall be collected and paid over by the treasurer or marshal of said village, as shall be prescribed by the ordinances of the village: *Provided, however*, That the highway rolls may be collected by the street commissioner, who, for that purpose, is hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred upon him by the ordinances of the village.

Sec. 2. This act shall take effect immediately.

Approved February 14, 1861.

[No. 44.]

AN ACT to amend section eighty-six of, an act entitled "an act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled 'of courts held by justices of the peace,' the same being section thirty-seven hundred and thirty-eight of the compiled laws.

SECTION 1. *The People of the State of Michigan enact,* That section eighty-six, of an act entitled, "an act to amend chapter Section amended. ninety-three of the revised statutes of eighteen hundred and forty-six, entitled 'of courts held by justices of the peace,' the same being section thirty-seven hundred and thirty-eight of the compiled laws, be so amended as to read as follows :

Sec. 86. If either party to the suit shall make it appear to Adjournment, how obtained. the satisfaction of the justice, by his own oath, or the oath of any other person, that he cannot safely proceed to trial for the want of some material testimony or witness, the justice shall postpone the trial for such reasonable time, and so often as he shall deem it proper, not exceeding in all three months : *Provided,* That a party claiming an adjournment after a former Subsequent adjournment. adjournment has been had, shall further make it appear, to the satisfaction of the justice, that he has used reasonable diligence to procure such testimony or witness since the last preceding adjournment : *And provided,* That in the Upper Peninsula the adjournments shall not exceed six months.

Approved February 14, 1861.

[No. 45.]

AN ACT to continue the authority of circuit court commissioners after the expiration of their term of office, in certain cases.

SECTION 1. *The People of the State of Michigan enact,* that in all cases where any circuit court commissioner shall have advertised real estate for sale under and by virtue of any decree or order of any court of this State, and his term of office shall expire before the sale shall be consummated, it shall be

competent and lawful for him to proceed to complete the sale and report thereof, and do all things necessary to perfect the same, as if his term of office had not expired; and for such purpose his power and authority shall continue until all such business is fully closed.

Approved February 14, 1861.

[No. 46.]

AN ACT to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* the act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, be amended by adding thereto the following section :

Railroads
authorized
to make
contracts.

Proviso.

Sec. 65. Every railroad company organized under this act, may enter into arrangements, and make contracts for its benefit, and consistent with and calculated to promote the objects for which it was organized, with any other railroad company within or without this State, when the lines of such railroads are connected by water or otherwise: *Provided*, Such arrangements and contracts shall not release said company so organized under this act, or the directors or stockholders thereof, from any duties or liabilities imposed upon them by the laws of this State: *And provided further*, That nothing in this section contained shall be construed to authorize any railroad companies to bridge, dam, fill up or divert the course of the St. Clair river, or any other navigable waters in this State, nor to consolidate the stock of any railroad companies.

Sec. 2. This act shall take immediate effect.

Approved February 14, 1861.

[No. 47.]

AN ACT to change the name of Alonzo M. Baldwin.

SECTION 1. *The People of the State of Michigan enact*, That the name of Alonzo M. Baldwin, of the county of Tuscola, in this State, be and the same is hereby changed to Morgan Baldwin Slafter.

Approved February 14, 1861.

[No. 48.]

AN ACT to change the name of Nellie Frances Augur.

SECTION 1. *The People of the State of Michigan enact*, That the name of Nellie Frances Augur, of the town of Constantine, in the county of St. Joseph, and in this State, be and the same is hereby changed to Nellie Frances Hull.

Approved February 14, 1861.

[No. 49.]

AN ACT to change the name of Cynthia Massey to Tinnie Young.

SECTION 1. *The People of the State of Michigan enact*, That the name of Cynthia Massey, of the township of Blissfield, county of Lenawee, in this State, be and the same is hereby changed to Tinnie Young.

Approved February 14, 1861.

[No. 50.]

AN ACT to change the name of William Franklin Kelley.

SECTION 1. *The People of the State of Michigan enact*, That the name of William Franklin Kelley, adopted son of Alpheus Pierce, of the township of Shelby, and county of Macomb, be and the same is hereby changed to William Franklin Pierce.

Approved February 14, 1861.

[No. 51.]

AN ACT to authorize the trustees of the Central Methodist Episcopal Church, of Lansing, to borrow money, and secure the payment thereof by mortgage on lot number six, in block number ninety-six, in the city of Lansing.

SECTION 1. *The People of the State of Michigan enact, That* the trustees of the Central Methodist Episcopal Church, of Lansing, be and they are hereby authorized and empowered to borrow any sum of money, not exceeding five thousand dollars, for the purpose of finishing their church edifice, and of paying for the same; and they may secure the payment thereof by mortgage on lot number six, in block number ninety-six, in the city of Lansing.

Sec. 2. This act shall take immediate effect.

Approved February 14, 1861.

[No. 52.]

AN ACT to amend section twenty-five, of title four, and section four, of title eleven, of an act entitled an act to revise the charter of the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-five, of title four, of an act entitled "an act to revise the charter of the city of Grand Rapids," be and the same is hereby amended so as to read as follows:

Sec. 25. The city constables and police constables shall obey the orders of the mayor, recorder, and aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State or the ordinance of said city, and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars; and said city constables shall also have the same powers, and shall be required to perform the same duties, which constables elected in townships are authorized and required to perform by statutes, and shall give like security, which shall be filed with the city clerk.

Sec. 2. That section four, of title eleven, of said act, be and the same is hereby amended so as to read as follows:

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs, in the manner defined by law, except in cases wherein the city of Grand Rapids shall be plaintiff.

Sec. 3. This act shall take immediate effect.

Approved February 15, 1861.

[No. 53.]

AN ACT to authorize the First Presbyterian Society of Ann Arbor to borrow money and secure the payment thereof.

SECTION 1. *The People of the State of Michigan enact*, That the trustees of the First Presbyterian Society of Ann Arbor are hereby authorized and empowered to borrow such sum of money, not exceeding ten thousand dollars, as they may deem proper, for the purpose of completing the house of public worship now in process of erection by said society, in the city of Ann Arbor, and for the payment and discharge of its existing obligations; and that for the purpose of securing the payment of the sum of money so borrowed, the said trustees may execute, in the name of said society, a bond conditioned for the payment thereof at such time or times, and at such rate of interest, not exceeding ten per centum per annum, as said trustees may determine; and they may also make, execute, acknowledge and deliver a mortgage upon any real estate owned by said society in the city of Ann Arbor, at the date of such mortgage, to secure the moneys mentioned in the condition of such bond; and such bond and mortgage, when made and delivered, shall be obligatory upon

and valid against said society in its corporate capacity. Such mortgage shall be a valid lien upon the property that shall be mortgaged by such trustees, under the authority aforesaid.

Sec. 2. This act shall take effect immediately.

Approved February 15, 1861.

[No. 54.]

AN ACT to amend act number two hundred and forty-eight, of the laws of eighteen hundred and fifty-nine, entitled "an act to regulate fire, marine, life and health insurance companies and their agents, associations, partnerships and individuals, doing fire, marine, life and health insurance business, not incorporated by the State of Michigan, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "an act to regulate fire, marine, life and health insurance companies and their agents, associations, partnerships and individuals, doing fire, marine, life and health insurance business, not incorporated by the State of Michigan," approved February fifteenth, eighteen hundred and fifty-nine, be amended so as to read as follows :

Section amended.

Renewal of statement.

Sec. 4. The statement and evidences of investment required by this act shall be renewed annually, in the month of February in each year; and the Secretary of State, on being satisfied that the capital, securities and investments remain secure as at first, shall furnish a renewal of the certificate as aforesaid; and the agent or agents obtaining such renewed certificate shall file a copy of the same, together with a copy of the statement on which it was obtained or renewed, in the office of the clerk of the county in which said agency is established, or propose to transact business: *Provided*, That for the present year the said statement may be filed at any time within three months after this act shall take effect.

Proviso.

Sec. 2. That a new section be added to the act hereby amended, to stand as section nine, which shall read as follows :

Sec. 9. It shall be the duty of any and all companies doing

business within this State, under the provisions of this act, as a condition precedent to the renewal of an annual certificate by the Secretary of State, to make and file in the office of the State Treasurer, annually, in the month of February in each year, on oath or affirmation, a statement of the number of policies issued, and the amount of premiums received or secured thereon during the year then terminated, and shall pay into the hands of the State Treasurer a specific tax of one per cent. on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be recovered in any court, at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific taxes on railroad corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act.

Statement of
No. of poli-
cies issued
to be made
to State
Treasurer.

Tax on pre-
mium.

How appre-
priated.

Treasurer to
give receipt.

Sec. 3. This act shall take immediate effect.

Approved February 15, 1861.

[No. 55.]

AN ACT to amend section five, of chapter eighty-one, of the revised statutes of eighteen hundred and forty-six, being section twenty-four hundred and thirty-six of compiled laws, relative to bonds of county treasurers, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* section five, of chapter eighty-one, of the revised statutes of eighteen hundred and forty six, be and the same is hereby amended so as to read as follows:

Section
amended.

Sec. 5. Before any county treasurer shall receive moneys authorized to be paid to him by the preceding section, he shall execute and give to the State a bond, with good and sufficient sureties, in the amount to be fixed by the Commissioner of the State Land Office, which bond shall be conditioned for the honest and faithful discharge of all trusts and responsibilities

Bond to the
State.

Sureties,
how approv-
ed

imposed by this act, the sureties to be approved by the judge of probate and register of deeds of their respective counties.

Sec. 2. This act shall take effect immediately.

Approved February 16, 1861.

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[No. 56.]

AN ACT to amend sections one, four and five, of title two, and section six, of title four, and sections five, six, seven and ten, of title five, (also, by adding a section to said title to stand as section twenty,) and sections thirty-seven, thirty-eight, and forty, of title six, of an act to incorporate the city of East Saginaw, approved February, one thousand eight hundred and fifty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, four and five, of title two, of an act to incorporate the city of East Saginaw, approved February the fifteenth, in the year eighteen hundred and fifty nine, be amended so that the same shall read as follows:

Officers of
the city.

Sec. 1. The officers of said city shall be one mayor, one recorder, one treasurer, one comptroller, four justices of the peace, one supervisor, one constable in each ward of said city, two aldermen in each ward of said city, and one director of the poor, all of whom shall be elected at the annual city election by the qualified electors of the whole of said city, or of the wards thereof respectively, by ballot, as hereinafter provided; also, one marshal, and one assistant marshal, who may perform all the duties now devolving on the marshal, except the collection of taxes; one clerk, one chief of police, one city surveyor, one health physician, one city attorney, and so many police constables, watchmen, fire-wardens, common cries, keepers of almshouse, workhouse, city prison, pound masters, inspectors of fire-wood, weights, measures, [weigh-masters,] sealers of weights and measures, auctioneers, and such other officers as may be necessary to carry into effect the powers herein granted, as the common council from time to time may direct, are to be appointed by the common council, except as herein otherwise pro-

vided, and whose powers and duties and compensation shall be prescribed by the common council, except as herein otherwise provided.

Powers, duties and compensation of officers.

Sec. 4. At the first annual election to be held in said city after the passage of this act, there shall be elected two aldermen in each ward, who shall enter upon the duties of their office immediately upon their qualification, in the year eighteen hundred and fifty-nine, one for the term of one year, and another for the term of two years, and the term for which the person voted for is intended shall be designated on the ballot; and at each annual election thereafter to be held, one alderman shall be elected in each ward, who shall hold his office for the term of two years; there shall be elected annually in each ward, by the electors thereof, one constable, to hold his office for one year. At the first annual election after the passage of this act, there shall be elected by the electors of said city, voting in their respective wards, four justices of the peace, one of whom shall be elected for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; and the term for which each person is voted shall be designated on the ballot, who shall each enter upon the duties of his office immediately upon being duly qualified according to law; and at every annual election thereafter there shall be elected one justice of the peace, who shall hold his office for the term of four years; and every justice of the peace elected in said city, shall take the oath and file his bond within ten days after his election, and enter upon the performance of the duties of his office on the tenth day after his election. There shall also be elected annually, one supervisor for each ward of said city, by the electors of each ward, and each of said supervisors shall hold his office for the term of one year; and there shall also be elected annually, by the electors of the whole city, voting in their respective wards, one mayor, one treasurer, one director of the poor, who shall each hold his office for the period of one year. At the first annual election after the passage of this act, and at

Election of aldermen.

Terms of office.

Constables.

Election of justices.

Terms.

Oath and bond of justices.

Supervisor.

Terms.

City officers.

the annual election every two years thereafter, there shall be elected in said city, by the electors thereof, voting in their respective wards, one recorder, one comptroller, who shall each hold his office for the term of two years, one school inspector in each ward, by the electors thereof, to hold his office for the term of two years.

School inspector.

Common council to appoint marshal and clerk.

Commissioners of cemetery.

Term.

Chief of police, &c.

Powers.

Watchmen.

City surveyor and physician. Other officers.

City attorney.

Sec. 5. The common council shall, at the first meeting after their election, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, appoint by ballot, one marshal; one clerk of the city, to hold his office during the pleasure of the council; two commissioners for the city cemetery or cemeteries, one of whom shall hold his office for the term of two years, and one of them for the term of one year, and the term of each shall be designated upon the ballot; and annually thereafter the said common council shall appoint one commissioner of the city cemetery, who shall hold his office for two years; the common council may appoint one assistant marshal, one chief of police, and police constables, to hold their offices during the pleasure of the said common council, not to exceed one for each ward, who shall have the same power and authority as constables now have by law, except as to the service and return of civil process and proceedings in civil cases, and shall be subject to the same liabilities and regulations, except as herein otherwise provided; they may also appoint the watchmen for said city, of whom they shall designate one as captain of the watch, to hold their respective offices during the pleasure of the said council; they may appoint, at their first annual meeting after their election, or as soon thereafter as may be, one city surveyor, one health physician, to hold their offices one year, and so many fire wardens, sealers of weights and measures, common criers, keepers of almshouses, pound masters, weigh-masters, inspectors of fire-wood and auctioneers, as the common council shall deem necessary, each to hold their offices during the pleasure of the common council; the common council shall contract with a counsellor at law to perform such services as may be required of him as attorney

and counsellor at law for said city, for such period, not exceeding one year, and for such compensation, not to exceed five hundred dollars for a year, and at the same rate for any less period, as the common council shall determine; the person with whom such contract is made shall not be entitled to receive during its continuance, or for services rendered during its continuance, besides his salary, any fee or reward whatever which shall be paid out of or withheld from the treasury of the city.

Compensation.

Sec. 2. That section six, of title four, of said act, be amended so that the same shall read as follows:

Sec. 6. The annual assessment of all property in said city shall be made by the supervisors thereof, who, for that purpose, are hereby vested with all the powers and required to perform all the duties of supervisors of townships in relation to the assessment of property for taxation, except as herein otherwise provided. For the purpose of assessing, each ward in the said city shall constitute one assessment district, and the supervisor thereof shall make the assessment for the ward in which he is elected.

Annual assessment.

Districts.

Sec. 3. That sections five, six, seven and ten, of title five, of said act, be amended so that the same shall read as follows: also, by adding a new section to stand as section twenty, which reads as follows:

Sec. 5. Each of the supervisors of said city shall complete his assessment of all the taxable property in his respective ward in said city, within such time as is or may be prescribed for the supervisors or assessors of townships by the general law of this State; and upon the completion thereof shall file a notice thereof with the city clerk, who shall report the same to the city council at their next meeting.

Assessment, when completed.

Notice thereof.

Sec. 6. The supervisors, comptroller, treasurer and city attorney, shall constitute a board of review, four of whom shall constitute a quorum. They shall have power, and it shall be their duty, to examine said assessment, and correct any errors found therein, and on cause shown to reduce, equalize, or increase the valuation of any property found on said rolls, and to

Board of review.

Powers and duties.

Notice of
meeting

add thereto any taxable property in said city that may have been omitted, and to value the same. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by said council at least two weeks prior to the time of meeting, by publishing a notice thereof in some newspaper published in said city, and also by posting the same in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed; and the said board shall decide upon the same, and their decision shall be final; and the said board shall keep a record of their proceedings, and all changes made by them in said rolls, and their record shall be deposited with the city clerk.

Change of
valuation.

Record of
proceedings.

Confirma-
tion of tax
roll.

Sec. 7. The said supervisors shall deliver their assessment rolls to said board of review at the time of their first meeting, and after the same shall be confirmed by resolution of the board, to be entered in their records, it shall be the duty of the city

Rolls copied.

clerk to copy the several rolls so presented by the supervisors into one roll, and when so copied the said several rolls shall remain in the office of the city clerk; and the said supervisors shall take such copied roll into their possession, and retain the same until after the equalization thereof by the board of supervisors of the county of Saginaw; and immediately thereafter they shall deliver the same to the comptroller, which is hereby determined to be the assessment roll for all purposes whatsoever, except for the purpose of extending the assessment roll for the collection of the city taxes, as provided in section twenty of this title, for which last mentioned purpose the comptroller shall use the assessment roll deposited with the said city clerk.

Delivery to
comptroller.

Determina-
tion of an
annual tax.

Sec. 10. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of

May in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the comptroller, and it is hereby made the duty of the comptroller of said city to levy the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State, except as herein as otherwise provided: *Provided*, That in extending such taxes there shall not be, besides the column for State and county taxes, any other columns, except such as the common council shall hereafter by ordinance prescribe.

Sec. 20. Immediately after the board of review shall have completed the equalization of said assessment rolls, as provided in section six of this title, and shall have deposited with the city clerk the record of their doings, the said clerk shall forthwith notify the comptroller thereof; and it shall be the duty of the said comptroller to make out the assessment roll, for the purpose of collecting the city taxes, and extend the same, in the same manner as he is now by law required to do, except he shall not incorporate into said assessment roll the State and county tax; and when such assessment roll shall be so completed, he shall attach thereto a warrant, under his hand, properly countersigned, as directed by section eleven of this title, and deliver the same to the marshal on or before the third Saturday in June of each year; and the said warrant shall direct the said marshal to return said assessment roll on or before the last Saturday in the month of August then next following; and the said marshal shall return to the county treasurer all descriptions of real estate delinquent for the non-payment of the city taxes charged thereon, at the same time and in the same manner as he is now by law required to do.

Sec. 4. That sections thirty-seven, thirty eight and forty, of title six, of this act, be amended so that the same shall read as follows:

Public im-
provements

Sec. 37 Whenever the common council shall determine that the whole or any part of the expense of any public improvement, not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefitted thereby, they shall declare the same by an entry in their minutes, and proceed to let the contract for the performance of said work; and when the contract shall have been so let, the common council shall declare, by resolution, whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefitted by such improvements; the cost and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the expenses of such improvements.

Assessment
therefor.

Commission-
ers to be ap-
pointed.

Sec. 38. The common council shall thereupon make an order, reciting the public improvement so made, the amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city, not interested in any of the property so benefitted, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by making such improvement; which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the improvements so made, if the common council shall by resolution so declare.

Duty of
commission-
ers.

Sec. 40 The commissioners thus sworn shall proceed to make an assessment according to said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in

the premises, and return the same to the common council within fifteen days from the date of their appointment.

Sec 5. This act shall take effect immediately.

Approved February 20, 1861.

[No. 57.]

AN ACT to change the name of the First Congregational Society, of the village of Ionia, to First Presbyterian Society of Ionia.

SECTION 1. *The People of the State of Michigan enact,* That the corporate name of the First Congregational Society, of the village of Ionia, be and the same is hereby changed, and that hereafter the corporate name thereof shall be the First Presbyterian Society of Ionia. Name changed.

Sec. 2. All dues, demands, contracts and liabilities of the First Congregational Society, of the village of Ionia, shall be and remain in force against the First Presbyterian Society of Ionia, in like manner as when originally incurred by the said society under another name and designation; and all suits and proceedings of whatever name and nature, wherein the said society is concerned, shall continue, and the name "First Presbyterian Society of Ionia" shall be used therein, and said First Presbyterian Society of Ionia shall be bound in like manner as if originally named in said suits and proceedings. Transfer of liabilities and suits.

Approved February 25, 1861. ●

[No. 58.]

AN ACT to extend the time for the collection of taxes in the township of Bingham, in the county of Clinton.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Bingham, in the county of Clinton, for the year eighteen hundred and sixty, be and the same is hereby extended until the fifteenth Time extended.

day of March next, and the tax roll and warrant thereto annexed are hereby continued in full force for said period.

Authority of treasurer. Sec. 2. The treasurer of said township is hereby authorized and empowered to collect said taxes as fully as he could have done during the lifetime of his said warrant, and to make his return at any time before the fifteenth day of March next, and said treasurer shall renew his official bond to the county treasurer.

Unpaid taxes. Sec. 3. A transcript of the unpaid taxes of said township returned under the provisions of this act, shall be as valid in all things as the same would have been if the time for the collection thereof had not been extended.

Sec. 4. This act shall take immediate effect.

Approved February 25, 1861.

[No. 59.]

AN ACT to attach fractional township seventeen north, of range nine east, to the township of Caseville, in Huron county.

SECTION 1. *The People of the State of Michigan enact*, That fractional township seventeen north, of range nine east, be and the same is hereby attached to the township of Caseville, in the county of Huron.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1861.

[No. 60.]

AN ACT to provide for the superintendence and care of the Bay City and Tuscola County plank road.

Directors to have charge of road. SECTION 1. *The People of the State of Michigan enact*, That James Frazer, Charles C. Fitzhugh, William McEwen and William L. Fay, last elected directors of the Bay City and Tuscola County plank road company, by the late stockholders of said road, be and are hereby authorized to take charge of and have the superintendence of said road.

Sec. 2. That the provisions of an act to provide for the for-^{Application of former laws.} mation of companies to construct plank roads, approved April eighth, eighteen hundred and fifty-one, and other existing statutes in reference to plank roads, so far as applicable, shall apply to said road.

Sec. 3. Said directors shall cause suitable toll-gates to be^{Collection of tolls.} erected along said road, and have toll collected, as provided by law for other plank roads; and the toll thus collected, after defraying necessary expenses, shall be used in keeping said road in repair, and any surplus shall be expended in extending^{How expended.} said road, on the route originally designated in the articles of association of said company.

Sec. 4. Said directors are authorized to fill any vacancies^{Vacancies, how filled.} that may occur in their number from time to time: *Provided,*^{Provide.} That the former stockholders of said road may, during the month of August, in any year, after having given notice of a meeting for said election to be held in Bay City, for four consecutive weeks, in a newspaper published in Bay county, elect directors, who shall be the successors of those designated in this act, and exercise the authority herein granted.

Sec. 5. The directors herein named, and their successors in^{Annual report.} office, shall make an annual report of their doings, and the receipts upon said road, and file a copy thereof with the clerk of the supervisors of Bay county, and also a copy in the office of the Secretary of State.

Sec. 6. This act shall take immediate effect.

Approved February 25, 1861.

[No. 61.]

AN ACT making appropriations for paying indebtedness incurred by repairing damage done by fire at the Reform School.

SECTION 1. *The People of the State of Michigan enact, That* the sum of one thousand four hundred and ninety-four dollars^{Appropriation} and twenty-eight cents, be and the same is hereby appropriated

out of the general fund, and the same shall be passed to the credit of the Reform School, for paying indebtedness incurred by repairing damage done by fire; which sum shall be drawn on the warrant of the Auditor General, who is hereby authorized to draw his warrant on the State Treasurer for such sum, when the board of control shall so direct.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1861.

[No. 62.]

AN ACT to amend section three thousand five hundred and sixty-three of the compiled laws, relative to proceedings in chancery for the foreclosure of mortgages.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand five hundred and sixty-three of the compiled laws of eighteen hundred and fifty-seven, being section one hundred and ten, of chapter one hundred and fifteen, of said laws, be so amended as to read as follows:

Sec. 110. All bills for the foreclosure or satisfaction of mortgages shall be filed in the circuit court in chancery of the county where the mortgaged premises, or any part thereof, are situated.

Approved February 25, 1861.

[No. 63.]

AN ACT to amend an act entitled an act amendatory to the several acts in relation to the Wesleyan Seminary, at Albion, and the Albion Female Collegiate Institute, approved February ninth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two and three, of an act entitled an act amendatory of the several acts in relation to the Wesleyan Seminary, at Albion, and the Albion Female Collegiate Institute, approved February ninth, eighteen hundred and fifty-seven, be amended so as to read as follows:

Sec. 1. That George Smith, Samuel W. Walker, Manasseh Hickey, Enoch Holdstock, Elijah H. Pilcher, William E. Bigelow, Andrew M. Fitch, William Farley, William Bort, John C. Blanchard, William H. Johnson, Clinton B. Fisk, be and hereby are continued and constituted a body corporate by the name of the Albion College, and shall be the trustees of said corporation with the classification which now exists in the board of trustees of the Wesleyan Seminary, at Albion, and the Albion Female College, for the purpose of enlarging, maintaining and conducting the institution of learning, located at the village of Albion, in the county of Calhoun, in the State of Michigan; and the said Albion College shall be and hereby is vested with all the corporate powers, privileges and rights of the said the Wesleyan Seminary at Albion, and the Albion Female College, as heretofore existing, except as hereby changed or altered, and with all its corporate property, as fully to all intents and purposes as before vested in the said the Wesleyan Seminary at Albion, and the Albion Female College, and for the same purposes.

Board of trustees.

Corporate powers, privileges and rights.

Sec. 2. That the power to fill all vacancies occurring in the board of trustees of the said Albion College, by removal from the State, death, expiration of the term of office, or otherwise, is hereby and hereafter vested in the Michigan annual conference of the Methodist Episcopal Church, and in the Detroit annual conference of the Methodist Episcopal Church, in equal moieties, so that each of the said annual conferences shall elect two trustees in each and every year, and to fill the vacancies occurring in the classification belonging to each of the said annual conferences, to serve for the unexpired term of the person or persons whose place he or they may be elected to fill; each of such trustees, elected for a regular term, shall hold his office for the term of three years, and until his successor shall have been elected; the election shall be by ballot; each trustee so elected shall receive a certificate of his election from the secretary of the annual conference by which he is elected, which certificate shall be recorded in the office of the register

Vacancies, how filled.

Term of office.

Certificate of election.

Proviso of deeds in the county of Calhoun: *Provided*, The trustees now in office shall continue in office during the terms for which they were elected.

Powers of trustees.

Sec. 3. That the said trustees shall have power to make by-laws for their own government and for the government of the institution, to elect or appoint the faculty or board of instruction of said college, to prescribe the course of study, to attend the examinations of the classes, and regulate the government and instruction of the students, and manage the affairs of said corporation in such manner as they may think best calculated to promote and carry out the objects contemplated in this act; they shall have power to confer on such gentlemen as shall have completed satisfactorily to the faculty and said trustees the course of study prescribed, the degree of bachelor of arts, of science or of civil engineer, and also on such of the graduates or alumni of said institution as they shall judge worthy the second degree, or the degree of master of arts or science, and upon ladies who have completed a similar course, degrees of a similar grade, with such title as they shall deem appropriate; and they shall have power also to confer such honorary degrees as are usually conferred by colleges and universities, and shall have all other powers and privileges belonging to colleges, according to the laws of this State: *Provided always*, That the course of study for graduation to either of the foregoing degrees shall be equal to that which is now required in the University of Michigan.

Th.

Proviso.

Additional sections.

Sec. 2. That there be added six new sections, to be numbered and stand as sections four, five, six, seven, eight and nine, of said act, as follows:

Pro Vice
ex-officio a
trustees.

Sec. 4. That the president of said college shall be elected by the board of trustees, and by virtue of his office of president shall be a member of said board of trustees, with all the powers and privileges of a trustee, so that the whole number of trustees of said college shall be thirteen, and no more; a majority of them shall constitute a quorum for the transaction of business.

Quorum.

Sec. 5. That the said corporation shall be capable of suing ^{Corporation may hold real estate, &c.} and being sued, and receiving by will or bequest, property, real and personal, and of holding and conveying the same: *Provided*, That the annual income shall not exceed the sum of ^{Proviso.} fifty thousand dollars; they shall have power to make and use ^{Common seal.} a common seal, and to alter the same at pleasure.

Sec. 6. This act shall be and hereby is declared to be a ^{Declared a public act. Effect of non-use of privilege and misnomer.} public act; no non-user of any of the privileges hereby granted to the said corporation shall create or produce a forfeiture of the same, and no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise or other instrument, contract or conveyance, shall defeat or vitiate the same: *Provided*, The corporation be sufficiently described to ascertain the intention.

Sec. 7. That the Michigan and Detroit annual conferences of ^{Appointment of visitors} the Methodist Episcopal Church shall have power to appoint visitors of said college, and the Superintendent of Public Instruction for the State may appoint three visitors annually; that the board of trustees shall make a full report of the state ^{Report of trustees.} and condition of the said college to the Michigan and Detroit annual conferences of the Methodist Episcopal Church at each annual session, and to the Superintendent of Public Instruction, who shall incorporate the same in his annual report, or so much thereof as he may deem proper.

Sec. 8. All acts and parts of acts in any manner contraven- ^{Repeal.} ing the provisions of this act, be and the same are hereby repealed.

Sec. 9. That the legislature may at any time alter, amend, or repeal this act.

Sec. 3. This act shall take immediate effect.

Approved February 25, 1861.

[No. 64.]

AN ACT to provide for the continuance of the State geological survey.

SECTION 1. *The People of the State of Michigan enact, That* there be and hereby is appropriated out of the general fund, not otherwise appropriated, the sum of two thousand dollars for the year eighteen hundred and sixty-one, and the further sum of two thousand dollars for the year eighteen hundred and sixty-two, for the purpose of continuing the geological survey of the State; and the State Geologist is hereby authorized to draw on the State Treasurer from time to time, for such sums as may be necessary, not exceeding the whole amount appropriated for any one year, which drafts, when countersigned by the Auditor General, shall be paid by the State Treasurer.

Sec. 2. The State Geologist is hereby directed to restrict his labors to the geological department exclusively, except so far as the collection of specimens in botany and natural science may not materially interfere with the same.

Approved February 25, 1861.

[No. 65.]

AN ACT to change the name of the village of Willow Creek, in the county of Huron, to Huron City.

SECTION 1. *The People of the State of Michigan enact, That* the name of the village of Willow Creek, in the county of Huron, be and the same is hereby changed to Huron City.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1861.

[No. 66.]

AN ACT to authorize the supreme court to appoint a crier.

SECTION 1. *The People of the State of Michigan enact, That* the supreme court, sitting at Detroit and at Lansing, may, from

time to time, designate some fit and competent person to act as Crier appointed. crier to said court; and the person so designated shall receive the same amount of compensation, and to be paid in the same Compensation. manner, as deputies of the sheriff are by law entitled to for attending such courts.

Approved February 25, 1861.

[No. 67.]

AN ACT making appropriations for the salaries of the State officers, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact,* That there be and the same is hereby appropriated out of any Appropriations, 1861. moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and sixty-one: For the salary of the Governor, one thousand dollars; for the Governor. salaries of the chief justice and the associate justices of the Justices supreme court supreme court, two thousand five hundred dollars each; for the Judges. salaries of the judges of the circuit court, and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salary of the district judge of the Upper Peninsula, one thousand dollars; for the salary of the district attorney of the Upper Peninsula, a sum at the rate of seven hundred District Attorney. dollars per annum, so long as the office continues; for the salary of the Auditor General and State Treasurer, one thousand dollars each; for the salaries of the Commissioner of the State Auditor General. State Treasurer. Land Office, the Secretary of State and the Attorney General, eight hundred dollars each; for the salary of the Superintendent Com'r Land Office. Supt. Public Instruction. of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of Adj. Genl. Q. M. Genl. the Quarter-Master-General, one hundred and fifty dollars; for the salaries of the deputy State Treasurer, deputy Auditor Deputies. General, deputy Secretary of State, deputy Superintendent of Public Instruction, and deputy Commissioner of the State Land

Book keeper, Office, seven hundred dollars each; for the salary of the book-keeper of the State land office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; [for] the salary of the private secretary of the Governor, five hundred dollars; for the clerk of the Attorney General, four hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the reporter of the supreme court, five hundred dollars; for the salaries of such additional clerks in the State land office, State Treasurer's office, of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding six hundred dollars each per year, for the time employed.

Appropriations, 1862. Sec. 2. That there be and the same is hereby appropriated out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and sixty-two: For the salary of the Governor, one thousand dollars; for the salaries of the chief justice and the associate justices of the supreme court, two thousand five hundred dollars each; for the salaries of the judges of the circuit courts, and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salary of the district judge of the Upper Peninsula, one thousand dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary [of] State and the Attorney General, eight hundred dollars each; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter-Master General, one hundred and fifty dollars; for the salaries of the deputy Auditor General, deputy State Treasurer, deputy Secretary of State, deputy Superintendent of Public Instruction, and deputy Commissioner of the State

Land Office, seven hundred dollars each; for the salary of the book-keeper of the State land office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the private secretary of the Governor, five hundred dollars; for the clerk of the Attorney General, four hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the reporter of the supreme court, five hundred dollars; for the salaries of such additional clerks in the State land office, State Treasurer's office, of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding six hundred dollars each per year, for the time employed.

Approved February 25, 1861.

[No. 68.]

AN ACT to amend an act to incorporate the city of Ann Arbor, approved April fourth, one thousand eight hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act to incorporate the city of Ann Arbor, approved April fourth, eighteen hundred and fifty-one, be amended so that the same shall read as follows:

Sec. 1. That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits, (including the present city of Ann Arbor,) to wit: the south three-fourths of section number twenty, the south three-fourths of the west three-fourths of section number twenty-one, the west three-fourths of section number twenty-eight, entire section number twenty-nine, the north half of section number thirty-two, and the west three-fourths of the north half of section number thirty-three, in township two south, of range six east, and also so much of the east half of the south-east quarter of section number twenty-one, and of the east half of the

north-east quarter of section number twenty-eight, as lies west of the easterly bank of Huron river and north of the south line of the territorial road crossing said river on or near the line between said sections, and the same is hereby set off from said township and declared to be a city, by the name of the city of Ann Arbor.

Sec. 2. Section three of said act shall be amended so that the same may read as follows:

Wards,
boundaries
thereof.

Sec. 3. The said city shall be divided into five wards, as follows: the first ward shall embrace all that portion of the city lying south of Huron street, and east of Fourth street; the second ward shall embrace all that portion of the city lying south of Huron street and west of Fourth street; the third ward shall embrace all that portion of the city lying north of Huron street and south of the river Huron, and west of Fourth street; the fourth ward shall embrace all that portion of the city lying north of Huron street and south of the river Huron, and east of Fourth street; and the fifth ward shall embrace all that part of the city lying north-east of the river Huron; the aforesaid division is made by the actual or supposed continuation of the centre line of each of said streets, in the present direction thereof, to the limits of the wards: *Provided*, That the common council may, at any time, alter the bounds of said wards, or any of them, and may at any time, with the assent of the board of supervisors of the county of Washtenaw, by a majority vote of all the supervisors elect, create an additional ward, and may create an additional assessment district or an additional assessment and collection district, when there shall be six wards.

Proviso.

Sec. 3. Section four of said act shall be amended so that the same may read as follows:

City officers.

Sec. 4. There shall be the following officers in and for said city, to wit: one mayor; one recorder; one marshal; one street commissioner; one attorney; one treasurer; two supervisors, one to be elected in the first and second wards, and one to be elected in the third, fourth and fifth wards, who shall be asses-

sors in their respective districts; one collector, or such number of collectors not exceeding one in each collection district in said city as the common council may by proper ordinance prescribe; one constable, to be elected in each ward; all of which officers shall hold their offices for one year, and until their successors are elected or appointed and qualified; and two aldermen to be elected in each ward, who shall respectively hold their offices for one and two years, and until their successors are elected and qualified; and four justices of the peace, who shall respectively hold their offices for four years; and when, by an ordinance to that effect, the common council shall, with the assent mentioned in section three, have increased the number of wards to six, and the number of assessment districts to three, there shall be three supervisors, one in the first and second wards, one in the third and fourth wards, and one in the fifth and six wards, who shall be assessors in their respective districts, and shall respectively hold their offices for one year, and until their successors are elected and qualified.

Sec. 4. Section number five of said act shall be amended so that the same shall read as follows:

Sec. 5. The inhabitants of said city, having the qualifications of electors under the constitution of this State, shall, on the first Monday of April in each year, at such place in each ward as the common council shall designate, proceed to elect by plurality of votes by ballot, from among the qualified electors of said city, one mayor, one recorder, one justice of the peace, one marshal, one street commissioner, and one collector (or such number of collectors not exceeding one for each assessment district in said city, as the common council may by proper ordinance have prescribed); and the inhabitants of each ward in said city, having the like qualifications of electors, shall at the same time and place in their respective wards, proceed to elect one alderman, to hold his office for two years, and until his successor shall be elected and qualified, and one constable; and there shall also, at the same time, be elected one supervisor by the qualified electors of the first and second wards, and one

supervisor by the qualified electors of the third, fourth and fifth wards: *Provided*, That in each ward in which there shall, at the time of such election, be no alderman having another year to serve, there shall be two aldermen elected, who shall be divided into classes, as prescribed in section six of this act, unless the electors shall by their ballots designate which is to hold office for one year only: *And provided also*, That when the common council shall, with the assent aforesaid, by an ordinance to that effect, have increased the number of wards to six, and the number of assessment districts to three, there shall be elected three supervisors, one in the first and second wards, one in the third and fourth wards, and one in the fifth and sixth wards: *And provided also*, That such justices, supervisors [and] constables, shall each of them have the like power and be subject to the same duties and liabilities as such officers respectively in the several townships in this State; and that such collector or collectors, and each of them, shall have the like power and be subject to the same duties and liabilities in relation to collecting taxes as township treasurers in the several townships in this State: *And provided further*, That all actions within the jurisdiction of justices of the peace, may be commenced and prosecuted in said justices courts when the plaintiff or defendant, or one of the plaintiffs or defendants, resides in a township adjoining the township of Ann Arbor, or in the townships of York, Saline, Freedom or Lima.

Sec. 5. Section thirty-six of said act shall be amended so that the same shall read as follows:

Specific taxes, how apportioned.

Sec. 36. Whenever the common council shall be authorized, by a vote of the property tax payers of said city, to raise a tax for any specific purpose, and which cannot be included in the assessment roll and collected or returned for non-payment, as provided in section number thirty-five of this act, it shall be lawful for the common council to apportion such tax upon the property taxable for such purpose, according to the valuation contained in the then last assessment roll, and shall place the tax in a column opposite the valuation of the property; and

when such roll is completed, the recorder shall make and deliver a copy thereof to the collector or collectors of the proper district or districts, together with a warrant or warrants, signed by the mayor and recorder, commanding the collector to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names, and to account for and pay over to the city treasurer, within a time in said warrant to be specified, not less than thirty days nor more than ninety days from the date thereof, all moneys collected or received by each collector upon or by virtue of such roll, after deducting the collector's fees upon the amounts collected, and to deliver such roll and warrant to the recorder; and such warrant shall authorize the collector, in case any person named in said roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person; and it shall be the duty of such collector to collect such taxes within the time specified in such warrant, or within such further time as the common council may by resolution direct, and to account for and pay over to the city treasurer all moneys collected or received by him upon or by virtue of such roll, after deducting such collector's fees upon the amount collected by him, and to deliver such roll and warrant to the recorder; and in case any person shall neglect or refuse to pay the tax imposed on him, the collector may levy the same by distress and sale of the goods and chattels of such person, in the same manner as township treasurers; and if any of the taxes mentioned in said roll shall remain unpaid, and the collector shall be unable to collect the same from the person taxed, he shall make out and deliver to the city treasurer a full and perfect description of the premises, and a copy from said roll of the taxes so unpaid, and shall add thereto an affidavit, sworn to before an officer authorized to administer oaths for general purposes, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent search and inquiry, been able to discover any

Tax roll and
warrant.

Levy and
sale for
taxes.

Duty of col-
lector.

Unpaid
taxes.

goods or chattels, belonging to the person taxed, whereupon he could levy the same.

Sec. 6. Section forty-three of said act shall be amended so as to read as follows:

Ann Arbor township to retain its present organization, subject to alteration of boundaries.

Sec. 43. The township of Ann Arbor shall retain its present organization, subject to the alteration of boundaries herein made and provided; and the next annual township meeting for said township shall be held at the Washtenaw House, in that part of said township above set off and annexed to the city of Ann Arbor, at which election there may be chosen, in addition to the usual township officers, so many justices of the peace as may be necessary to fill any vacancies in the office of justice of the peace in said township, occasioned by the alteration of its boundaries; and future township meetings, or elections for said township, or meetings of the township board, may be held within said city of Ann Arbor, with the like effect in every respect as if held in said township, and the township library and township clerk's office may be kept in said city.

Township elections and officers.

Sec. 7. The following sections shall be added to said act, to wit:

Ordinances now in force

Sec. 48. The ordinances now in force in the village of Ann Arbor shall remain in force in that part of said village above annexed to the city of Ann Arbor, until repealed, altered or amended by the common council; and all sums of money heretofore raised for local improvements on either side of the river, shall be expended on the side of the river on which the same were raised; and all the property, rights, credits and effects, of every kind, belonging to said village, are hereby absolutely vested in the city of Ann Arbor, and shall be delivered to the common council of said city.

Money heretofore raised, &c.

Supervisor to discriminate in apportioning the taxes.

Sec. 49. In making assessments in said city, and in apportioning the taxes for city purposes, the supervisors shall so discriminate as not to impose upon the rural portions those expenses which belong exclusively to the built portions of the city; for which purpose they may, in their discretion, distinguish in their assessment what properties are within the agricultural

or rural sections, not having the benefit of lighting, watering, watching, or other expenditures, for purposes exclusively for the benefit of the built and densely populated parts of the city; and all lands within such agricultural or rural districts, exclusively used for woodland, pasture, meadow, or farming purposes, may and shall be assessed to the owner or occupant at their cash value, and by some suitable general description, and not as separate city lots; and for such purpose, the common council, in preparing the certified statement to the supervisors of the amount of taxes to be raised for general purposes, or purposes other than school, public buildings, or street or highway purposes, shall distinguish between the expenses which are properly chargeable upon the whole city, including, for collecting fees, one per cent. of the amount of all taxes to be raised in the city, and those which are exclusively for the benefit of the more densely populated parts of the city, and shall apportion to each assessment district its equitable proportion of the taxes for each purpose, and shall, in such statement, distinguish the amount of each class of such local expenses; and the supervisors, in apportioning such local expenses, shall charge upon the property within the district to be benefitted by such local expenditure, the amount of the taxes therefor.

Duty of common council in relation thereto.

Sec. 50. Each supervisor shall, on or before the fifteenth day of November, deliver to the collector of his district the tax roll or tax list of such district, with the taxes for the year annexed to each valuation and carried out in the last column thereof, the school, library and school-house taxes in one column, the highway or street taxes in another, the city taxes in another, the county taxes in another, and the State taxes in another column; and if other taxes are at any time required by law, they shall be placed each in another column; and the warrant for their collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the city and county treasuries respectively.

Tax roll, when delivered, and contents thereof.

Warrant thereto.

Sec. 51. To such tax roll or tax list the supervisor shall annex a warrant, under his hand, directed to the collector of

Supervisor to annex warrant

his district, commanding him to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over to ~~the county treasurer~~ the amounts therein specified for State and county purposes, and to pay over the remainder of said taxes (after deducting one per cent. of the amount collected by him as his fees for collecting) to the treasurer of said city, on or before the first day of February then next; and such warrant shall authorize the collector, in case any person named in such roll shall neglect or refuse to pay his tax, with the fees for collecting to be added, to levy the same by distress and sale of the goods and chattels of such person.

Distress and sale.

Notice of collector, contents thereof.

Sec. 52 Each collector shall, immediately after the receipt of the tax roll, and before the first day of December, post up in the post office in said city, and in as many as ten of the most public places in his collection district, conspicuous hand bills, giving notice where the tax roll can be seen and taxes paid, and a receipt therefor obtained without expense, at any time between nine o'clock A. M. and four o'clock P. M. during the month of December, (Sundays and Christmas-day only excepted;) and the tax roll shall be kept at the place or places mentioned in such hand bills, from nine o'clock A. M. until four o'clock P. M. each day during the month of December, (Sundays and Christmas-day excepted,) so that any person or persons can pay the tax assessed against him or them, and obtain the collector's receipt therefor; and on all taxes so paid prior to the first day of January, no fee or per centage, besides the amount of tax specified in such roll, shall be charged or payable.

No per centage on taxes paid prior to Jan 1st.

Per centage thereafter prescribed by common council.

Sec. 53. The common council may, by ordinance, prescribe what amount, not exceeding three per cent., nor less than one per cent., the collector or collectors may add for his fees to each tax remaining unpaid on the first day of January upon his tax roll; and it shall be lawful for each collector to add to each tax remaining unpaid on his roll on the first day of January, such per centage as the common council may have prescribed for the collector's fees, and to collect such per centage with

such tax in the same manner as he is authorized to collect the tax; and for the purposes of collecting such taxes by the collector, such additional per centage shall be deemed and taken to be a part of the tax. www.libtool.com.cn

Sec. 54. Each collector in said city shall and may proceed to collect the taxes in his collection district, and to pay over money to the county treasurer, and to return to the county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers; and all provisions of the laws of this State relating to the collection of taxes by township treasurers, or to the paying over money by township treasurers to the county treasurer, or to the returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the collector or collectors of said city. Duties of collectors.

Sec. 55. Each collector shall, on or before the first day of February, account for and pay over to the city treasurer the full amount of all the taxes contained in his tax roll, deducting the amount to be paid to the county treasurer, and deducting the amount of one per cent. upon all taxes collected by such collector, for the collector's fees for collecting or receiving the same. Moneys collected, when accounted for.

Sec. 56. The common council shall have power to make, enact, modify, amend and repeal such ordinances, by-laws and regulations, as they may deem necessary or expedient within said city, for prohibiting, restraining, or regulating sports, theatres, caravans of animals, and other performances or exhibitions, except exhibitions of agricultural or educational societies, for money or pay; bathing or swimming in any public water or place; indecent exposure of the person, horse-racing, ringing bells, crying goods or commodities for sale or at auction, any disorderly noise or disturbance; and for prohibiting, restraining or regulating, within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing any wooden buildings; the buying, selling, carrying, keeping, storing, using, or firing gunpowder, fire- Common council, power thereof.

Common
council,
power there-
of.

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crackers or fireworks; making bonfires, butchers shops or stalls, candle, soap, glue or starch factories, establishments for rendering tallow, lard or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; blacksmiths, coopers, cabinet makers, carpenters and joiners shops, and all buildings, business, and establishments of any kind, usually classed as extra hazardous in respect to fire; and for preventing, suppressing and punishing street begging, soliciting alms, mock auctions, and every kind of fraudulent game, device or practice; the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious, or adulterated wine, spirituous liquors, or beer, or knowingly keeping or offering the same for sale; for preventing auctions, peddling, pawnbrokerage, or using for hire carts, drays, cabs, hacks, or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food or drink, or billiard tables, or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire, auctioneers, peddlers, pawnbrokers, auctions, peddling, pawnbrokerage, taverns, hotels, victualing houses, saloons, and other houses or places for furnishing meals, food or drink, and keepers of billiard tables and ball alleys, but not for gaming; for establishing and regulating markets, market places, booths or stands, public reservoirs, wells and pumps, and preventing the waste of water, and may provide for obtaining, holding, regulating and managing burial grounds, within or without the city; for keeping sidewalks clear from boxes, dirt, snow, wood, or other obstructions; appointing watchmen, and their duties and compensation; the purity of the waters in the streams or ponds in the city, and for taking a census of the inhabitants of the city when deemed expedient, and regulating the same.

Sec. 57. Whenever, in any ward or wards in said city, there shall not be two aldermen to constitute the board of registration

of such ward, previous to any election, the common council shall, in time, appoint suitable freeholders, resident in such wards, temporary aldermen of such wards, who shall take the oath of office, and have all the powers of aldermen of such wards, and shall hold their offices until the close of the election, and of the canvass of the votes in such ward, at the next election after such appointment; and shall, during their continuance in office, act as and be members of the board of registration of such ward, and have all the powers, and perform all the duties, of members of the board of registration in such ward.

Board of
reg's ration,
vacancies ..
therein, how
filled.

Sec. 58. This act shall take effect immediately.

Approved February 25, 1861.

[No. 69.]

AN ACT to organize the township of Wisner, in the county of Tuscola.

SECTION 1. *The People of the State of Michigan enact, That* fractional township fourteen north, of range seven east, in the county of Tuscola, be and the same is hereby organized into a separate township, to be known as the township of Wisner; and the first township meeting shall be held at the house now occupied by Hiram Thomas; and that N. H. Terry, Wm. B. Ormsbee and Elijah Gibbs, are hereby appointed inspectors of said first township meeting, held in pursuance of this act.

Organiza
tion.

First elec
tion.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1861.

[No. 70.]

AN ACT to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties herein named, for the improvement of the mouth of the South Black river, in the county of Van Buren.

SECTION 1. *The People of the State of Michigan enact, That the* legal voters of the townships of South Haven, Deerfield, Bangor, Arlington, Columbia and Geneva, in the county of Van Buren,

Tax autho
rized.

and the townships of Casco, Ganges and Lee, in the county of Allegan, are hereby authorized and empowered to vote annually, for ten years, at the annual township meeting for the election of township officers, for a special tax, not exceeding one per cent. on the taxable property of each township, to be expended in the improvement of the harbor of the South Black river, in the said county of Van Buren; said tax to be voted, assessed and collected in like manner, and with the tax for township purposes, and paid out upon the orders of the township board.

How expended.

Commissioners, their
wors.

Sec. 2. That Emory O. Briggs, of the township of Arlington, Daniel G. Wright, of the township of South Haven, and Timothy McDowell, of the township of Casco, be and the same are hereby appointed commissioners, who shall receive all orders drawn on the township treasurers of the said townships, for all moneys raised by said tax, and appropriate the same for the improvement of said harbor, and make all necessary contracts in relation thereto.

Superintendent.

Sec. 3. The said commissioners, or any two of them, shall have power to appoint a superintendent of said work, who shall be controlled by the said commissioners.

Bond of commissioners.

Sec. 4. The said commissioners shall execute bonds in double the amount of the taxes so levied, payable to the treasurer of the county of Van Buren, for the use of the inhabitants of the said townships, conditioned for the faithful performance of said trust, and shall annually, on or before the annual township meeting, submit to the supervisor of each township taxed a full and complete statement of the receipts and disbursements of all sums received by them.

Annual statement.

Vacancies.

Sec. 5. The presiding judge of the fifth judicial district of the State of Michigan, shall have power to appoint substitutes in said board of commissioners, whenever vacancies shall occur by death, resignation or removal from office or from the district, and shall also have power to remove from office any of the said

Removal.

commissioners on petition of the resident citizens of said district, for good cause shown.

Sec. 6. This act shall take effect immediately

Approved February 25, 1861.

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[No. 71.]

AN ACT to amend an act entitled "an act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section seven of said act shall be so altered and amended as to read as follows:

Sec. 7. The common council shall have power to appoint an attorney for the city, one or more deputy street commissioners and deputy marshals, a deputy recorder, who shall have no power or authority to act in the meetings of the common council, and at other times and places, only in case of the death, absence or inability of the recorder to discharge the duties of his office, and such other officers, whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the marshal or treasurer, or any constable of said city, for any violation of the provisions of this act, or of any amendment thereof, or of any by-law or ordinance, or for neglecting or refusing to perform the lawful requirements of said common council, in the manner to be provided by the by-laws or ordinances of said common council; and in case of the death, resignation, or removal from the city, or from the ward from which he was elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office: *Provided*, Such appointment shall not extend beyond the next annual election of said city, and until his successor shall be elected and qualified. All officers so appointed shall be notified

Common council to appoint certain officers.

Power of removals.

To all vacancies

Proviso.

Proviso. and qualified as herein directed: *Provided*, That the common council may, at any time, order a special election to fill vacancies in any office which is elective under this act; in which case the common council shall designate the time and places for holding such special election, and the same notice shall be given as for an annual election, stating the office or offices to be filled, and any person so elected, shall hold and serve for the remainder of the term of such office.

Special elections.

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

Mayor, duties of.

Sec. 47. The mayor of said city shall be the chief executive officer thereof. It shall be his duty, in addition to the other requirements of this act, to see that all the officers of said city faithfully comply with and discharge their official duties, to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed. He is also hereby authorized and empowered generally to administer oaths and to take affidavits, and shall, from time to time, recommend such measures to the common council as to him shall seem proper. The

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Ex-officio member of board of supervisors

mayor of said city shall also be, ex-officio, a member of the board of supervisors of the county of Calhoun, and shall, with the supervisor elected or appointed in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers, and be chargeable with the like duties as any other of the members of said board of supervisors, and shall be entitled to the same pay, and be paid in the same manner as the other members of said board: *Provided*, That he shall exercise no authority as a supervisor, except as a member of such board.

Proviso.

Sec. 3. Section fifty-seven of said act shall be so altered and amended so as to read as follows:

Persons charged with the violation of any by-law or ordinance entitled to a jury.

Sec. 57. In all trials before any justice of the peace, under the provisions of this act, of any person or persons charged with any violation of any by-law or ordinance of the common council, he or they shall be entitled to a trial by a jury of six

persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in similar cases before justices of the peace; and within the same time, and in all cases, the right of appeal or certiorari from the justices court to the circuit court for the county of Calhoun, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in appeals or proceedings by certiorari from justices courts in similar cases.

Sec. 4. This act shall take immediate effect.

Approved February 25, 1861.

[No. 72.]

AN ACT to amend section five, of chapter one hundred and sixty-five, of the revised statutes of eighteen hundred and forty-six, section six thousand seventy-two of compiled laws, relative to challenging jurors in criminal cases.

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter one hundred and sixty-five, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 5. Any person who is put on trial for an offence punishable with death, or for murder, shall be allowed to challenge peremptorily thirty of the persons returned as jurors, and no more; and the prosecuting officers on behalf of the people, shall be allowed to challenge, in such case, peremptorily, fifteen of the persons returned as jurors, and no more. Peremptory challenge.

Approved February 25, 1861.

[No. 73.]

AN ACT to amend an act entitled an act to provide punishment for fraudulently removing or embezzling property under chattel mortgages, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section first of an act to provide punishment for fraudulently removing or embezzling property under chattel mortgage, be amended so as to read as follows:

Removal,
No. of mort-
gaged goods.

SECTION 2. [1.] *The People of the State of Michigan enact*, That if any person who shall have made or executed any mortgage or conveyance, intended to operate as a mortgage of goods and chattels, shall fraudulently embezzle, remove, conceal or dispose of any such goods and chattels, mortgaged or conveyed as aforesaid, with intent to injure or defraud the mortgagee or assignee of said mortgage or conveyance, he shall be guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court.

Penalty.

Approved February 25, 1861.

[No. 74.]

AN ACT to change the name of the township of Fremont, in the county of Alpena.

Name
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Fremont, in the county of Alpena, State of Michigan, be and the same is hereby changed to Alpena.

Sec. 2. This act shall take immediate effect.

Approved February 25, 1861.

[No. 75.]

AN ACT to amend the charter of the village of Hillsdale.

SECTION 1. *The People of the State of Michigan enact*, That section one, thirteen and twenty-seven, of an act entitled "an act to incorporate the village of Hillsdale," approved March sixteenth, eighteen hundred and forty-seven, be and the same is hereby amended so as to read as follows: Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Hillsdale, in the county of Hillsdale, as is included in the following boundaries, namely: The north-west quarter of the north-west quarter of section thirty-five, the north half of the north-east quarter of section thirty-four, the north-east quarter of the north-west quarter of section thirty-four, the east half of section twenty-seven, the east half of the west half of section twenty-seven, the west half of the east half of section twenty six, the west half of section twenty-six, the south-west quarter of section twenty-three, the west half of the south-east quarter of section twenty three, the south-east quarter of section twenty-two, the east half of the south-west quarter of section twenty-two, shall be and the same is hereby constituted a town corporate, by the name and title of the village of Hillsdale. Corporation limited.

Sec. 13 The president and trustees shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, street commissioner, treasurer, clerk and assessor; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village, and applying the same, as well as the amount of taxes to be raised: *Provided*, There shall not be raised in any one year, exclusive of the poll tax, more than two thousand dollars, unless the president and the trustees shall deem it for the interest of said village to increase that amount, or add thereto, in which event it shall be the duty of the president and trustees to submit the question of increased taxation Powers of president and trustees. Provided.

to the electors of said village, which shall be decided by said electors by ballot; and the president and trustees are authorized to provide, by by-law, for the manner of taking such vote, and the requisite notice to be given: *Provided*, Such increased taxation shall not exceed one thousand dollars in any one year; and the said president and trustees shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, to construct drains, sewers and reservoirs, to license all showmen, and regulate the number; to make such regulations respecting fires, and to establish fire limits, and for protecting the village from damage by fire, as they shall deem proper and expedient; relative to the calling of meetings of the electors of said village; relative to the restraining swine, horses and other animals from running at large in said village; to suppress gaming tables kept for hire, gain or reward in said village; for preventing and suppressing all gambling, disorderly and bad houses; for the suppression of riots; for the apprehension and punishment of all gamblers, vagrants, drunkards and idle persons; to prevent encumbering of the streets, alleys and public grounds; and they shall have power to make such other laws and ordinances for the safety and good government of said village as shall be necessary to carry into effect all the powers and authority reposed in them, as to them shall seem necessary, and to impose all fines, penalties and forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid: *Provided always*, Such by-laws and ordinances shall not be repugnant to the constitution and laws of the United States, or the State of Michigan.

Sec. 27. Any justice of the peace of the town of Hillsdale is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed within said village against any of the by-laws, ordinances and regulations that shall be made, ordained, or established by the said president and trustees, in pursuance of the power granted them in this act, and punish the offender or offenders as by the said by-laws, ordinances and regulations

shall be prescribed: *Provided always*, That any person charged with any such offense shall have the right of a trial by jury.

Sec. 2. This act shall take immediate effect.

Approved February 28, 1861.

[No. 76.]

AN ACT to amend sections eight, nine and sixteen and eighteen, of chapter ninety-four, of the revised statutes of eighteen hundred and forty-six, the same being chapter one hundred and eighteen of the compiled laws, relative to criminal proceedings before justices of the peace.

SECTION 1. *The People of the State of Michigan enact*, That sections eight, nine, sixteen and eighteen, of chapter ninety-four, of the revised statutes of eighteen hundred and forty-six, the same being chapter one hundred and eighteen of the compiled laws, shall be so amended as to read as follows: Sections amended.

Sec. 8. After the joining of issue, and before the court shall proceed to an investigation of the merits of the cause, the accused may demand of such court, that he be tried by a jury, which shall consist of six persons; whereupon the court shall direct the sheriff, or any constable of the county, to make a list in writing of the names of eighteen inhabitants of the county, qualified to serve as jurors in the courts of record in this State, from which list the complainant and accused may each strike out six names. When accused may demand a jury.

Sec. 9. In case the complainant or the accused shall neglect to strike out such names, the court shall direct some suitable disinterested person to strike out the names for either or both the parties so neglecting; and upon such names being struck out, the justice shall issue a venire directed to the sheriff, or any constable of the county, requiring him to summon the six persons whose names shall remain upon such list, to appear before such court, at the time and place to be named therein, to make a jury for the trial of such offence. On refusal, the court shall direct the striking out

Sec. 16. Whenever the accused shall be tried under the pre- Venire

Conviction ceding provisions of this chapter, and found guilty, either by the court or by a jury, or shall be convicted of the charge made against him upon a plea of guilty, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, as the nature of the case may require, together with such costs of prosecution as the justice of the peace shall order; but such punishment shall in no case exceed the limit fixed by law for the offence charged.

Right of appeal. **Sec. 18.** The person so charged with, and convicted by any such justice of the peace of any such offence, may appeal from the judgment of such justice of the peace to the circuit court: *Provided*, Said person shall enter into a recognizance to the people of the State of Michigan, in a sum not less than fifty nor more than five hundred dollars, within ten days after the rendition of the judgment, with one or more sufficient sureties, conditioned to appear before said court, on the first day of the next term thereof, and prosecute his appeal at said term to effect, and abide the orders and judgment of said court; and the justice from whose judgment an appeal is taken, shall thereupon discharge the person so convicted, or order his discharge, and shall make a special return of the proceedings had before him, and shall cause the complaint, the warrant and the return, together with the recognizances and the testimony taken by him, to be filed in the said circuit court, on or before the first day of the circuit court next to be holden for said county; and the complainant and witnesses may also be required to enter into recognizances, with or without sureties, in the discretion of the court, to appear at said circuit court at the time last aforesaid, and to abide the order of the court therein.

Discharge on recognizance.

Return of Justice.

Recognizance of witnesses for appearance at circuit court

Approved February 28, 1861.

[No. 77.]

AN ACT to amend section five of an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February fourteenth, A. D. eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact, That* section five of an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February fourteenth, eighteen hundred and fifty-three, be and the same is hereby amended so as to read as follows:

Sec. 5. The following property shall be exempt from tax-Property exempt from taxation.
tion, viz.:

1. Household furniture, including stoves put up and kept for use in any dwelling house, not exceeding in value two hundred dollars;

2. All spinning and weaving looms and apparatus, not exceeding in value fifty dollars;

3. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family;

4 The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures;

5. To each householder, ten sheep with their fleeces, and the yarn and cloth manufactured from the same; two cows, five swine, and provisions and fuel for the comfortable subsistence of such householder and family for six months;

6. All the property of the United States and of this State, except lands bid off for the State at tax sales, except as hereinafter provided;

7. All public or corporate property of the several counties, cities, villages, townships and school districts in this State, used or intended for corporate purposes;

8. The personal property of all library, benevolent, charitable, and scientific institutions, incorporated within this State, and such real estate belonging to, or leased by such institutions as

shall be actually occupied by them, for the purpose for which they were incorporated;

Property exempt from taxation.

9. All the houses of public worship, with the pews or slips, and furniture therein; also the land on which such houses of worship may stand, so far as occupied by such houses of worship, and for no other purposes, and rights of burial, and tombs, while in use as repositories of the dead;

10. The personal estates of persons who, by reason of infirmity, age and poverty, may, in the opinion of the supervisor, be unable to contribute towards the public charges.

Approved February 28, 1861.

[No. 78.]

AN ACT to organize the township of Hamlin, in the county of Mason.

Organization.

First election.

SECTION 1. *The People of the State of Michigan enact, That* township nineteen north, of range eighteen west, is hereby organized into a separate township by the name of Hamlin, and the first township meeting therein shall be held at the house of Charles Mears, in said township, on the first Monday of April next.

Inspectors of election.

Sec. 2. S. P. Saxton, Anton Warevashick and William Barnhart, are hereby appointed inspectors of election at the first township meeting, each of whom shall take the oath of office prescribed in the constitution.

Sec. 3. This act shall take immediate effect.

Approved February 28, 1861.

[No. 79.]

AN ACT to locate and establish the county seat of Mason county.

SECTION 1. *The People of the State of Michigan enact*, That the county seat of Mason county be and the same is hereby located and established at Little Sauble, in said county.

Sec. 2. This act shall take effect immediately.

Approved February 28, 1861.

[No. 80.]

AN ACT to authorize certain highways to be laid out less than four rods wide.

SECTION 1. *The People of the State of Michigan enact*, That the commissioners of highways of the township of Portsmouth, in the county of Bay, be and they are hereby authorized to lay out and establish highways leading to the village plat of Daglish Division of Portsmouth, three rods wide, any distance from said village plat, not exceeding one mile. Highway authorized.

Sec. 2. This act shall take immediate effect.

Approved February 28, 1861.

[No. 81.]

AN ACT to authorize the conveyance of certain portions of section sixteen, township one south of range eleven west, in the county of Kalamazoo.

SECTION 1. *The People of the State of Michigan enact*, That the Governor is hereby authorized to issue patents for any description of lots or parcels of land on the south-west quarter of the south-west quarter of section sixteen, township one south of range eleven west, in the county of Kalamazoo, upon payment of a ratable proportion of the purchase money which any such lot or parcel shall bear to the whole of the above recited description: *Provided*, That the Governor and the Commissioner Governor authorized to issue patents. Provide.

of the State Land Office shall be satisfied that the interests of the State will not be prejudiced by such conveyance.

No conveyance to be made while the original purchaser has a lien thereon.

Sec. 2. Before any such conveyance shall be made, the Governor and said Commissioner shall be satisfied that the original purchaser of said lands from the State has parted with his legal or equitable title to the lots or parcels to be conveyed, and that no legal or equitable lien exists thereon in favor of such original purchaser, or his legal representatives.

Original contracts not forfeited

Sec. 3. Nothing in this act contained shall be construed to operate as a forfeiture of the original contract of purchase and sale of said premises, but the amount paid for the conveyance of such lots or parcels as may be conveyed by virtue of this act shall be credited on such original contract.

Sec. 4. This act shall take immediate effect.

Approved February 28, 1861.

[No. 82.]

AN ACT to amend section thirty-three, chapter one hundred and nine, of the revised statutes of eighteen hundred and forty-six, being section forty-six hundred and forty-eight of compiled laws, relative to partition of lands owned by several persons.

SECTION 1. *The People of the State of Michigan enact, That* section thirty-three, of chapter one hundred and nine, of the revised statutes, be amended so as to read as follows:

When court to order sale

Sec. 33. (4648.) If the commissioner to whom reference shall be made, as hereinbefore provided, shall report to the court that all the lands or tenements of which division and partition is sought, are so situated, or that any district, tract, lot or portion thereof, is so situated that a partition and division thereof amongst the persons interested therein cannot be made without great prejudice to the owners, and if the court shall be satisfied that such report is just and correct, the court may thereupon make an order that the commissioner sell the premises so situated, at public auction, to the highest bidder; and if said commissioner shall report that any portion, interest or part can

be divided, and partitions made thereof, and that other portions, Partition and sale. interests or parts cannot be so divided without great prejudice to the owner thereof, the court shall, if satisfied that such report is just, by an order appoint commissioners as hereinbefore provided, and direct said commissioners to proceed to make partition and division of such parts or interest of which division can be made, and set apart such portions, interest or parts thereof to be sold, and the same may be sold as hereinafter provided.

Approved February 28, 1861.

[No. 83.]

AN ACT to amend section fifty-five of an act entitled "an act to provide for assessing property at its true value, and for collecting taxes thereon," approved February fourteenth, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact, That* section fifty-five of an act entitled "an act to provide for as- Sections amended. sessing property at its true value, and for collecting taxes thereon," approved February fourteenth, eighteen hundred and fifty-three, be and the same is hereby amended so as to read as follows:

Sec. 55. Upon the settlement of the amount of taxes directed Upon settlement the Co. treasurer to endorse bond as paid up. to be collected by the township treasurer and paid to the county treasurer, such county treasurer shall endorse the bond of the township treasurer as paid up, which endorsement shall operate Discharge of treasurer and sureties as a full discharge of the treasurer and his sureties from the obligation thereof, unless it shall afterwards appear that the return of such treasurer is false, in which case such bond shall continue in force, and such treasurer and his sureties shall be liable thereon for all damages occasioned by such false returns; and the township treasurer shall immediately deposit his tax roll and warrant with the county treasurer, who shall file and Tax roll deposited with Co. treasurer. preserve the same in his office, and which said roll, or a duly certified copy thereof, shall, for all purposes, in all courts, suits

and proceedings, be taken, held and used as evidence, in the same manner and with like effect as the original roll.

Sec. 2. This act shall take immediate effect.

Approved February 28, 1861.

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[No. 84.]

AN ACT to incorporate the city of Coldwater.

SECTION 1. *The People of the State of Michigan enact, That* sections fifteen, sixteen, all that portion of section seventeen lying east of Coldwater river, all that part of the north half of section twenty lying east of the river and lake, and all of sections twenty-one and twenty-two, of township six south of range six west, being the township of Coldwater, Branch county, be and the same are hereby set off from said township, and declared to be a city by the name of the city of Coldwater, by which name it shall be hereafter known.

Body corpo-
rate and
politic.

Name.

Powers.

Common
seal.

Wards :

First.

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Coldwater, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever; and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for said city.

Sec. 3. The said city shall be divided into four wards, as follows: The first ward shall embrace all that portion of the city lying south of the center of Chicago street, and east of a line commencing at the intersection of the center of Chicago street with the center of Monroe street, running thence southerly, in the center of Monroe street, to the north line of the depot

grounds of the Michigan Southern and Northern Indiana railroad company; thence westerly, following the north line of said depot grounds, to the center of Clay street; thence south, in the center of Clay street, to the south line of section twenty-one. The second ward shall embrace all that portion of the city lying north of Chicago street and easterly of a line commencing at the intersection of the center of Chicago street with the center of Marshall street; thence north, in the center of Marshall street, to its intersection with the center of Grand or Battle Creek street; thence north-westerly, in the center of Grand street or Battle Creek road, to the north line of section sixteen. The third ward shall embrace all that portion of the city lying north of the center of Chicago street, and not included in the second ward. The fourth ward shall embrace all that portion of the city lying south of the center of Chicago street, and not included in the first ward.

Sec. 4. The following officers shall be elected from among the electors of said city, to wit: one mayor, one clerk, one treasurer, one marshal, one street commissioner and one collector, who shall be elected annually and shall hold their offices for one year, and until their successors are elected and qualified; there shall also be elected, annually, one justice of the peace, shall hold his office for the term of four years, commencing on the fourth day of July next after his election: *Provided*, That at the first election under this act, there shall be elected four justices of the peace for said city, one for the full term of four years, one whose term of office will expire on the third day of July, eighteen hundred and sixty-four, one whose term of office will expire on the third day of July, eighteen hundred and sixty-three, and one whose term of office will expire on the third day of July, eighteen hundred and sixty-two; the terms of office of the justices of the peace, elected for other than the full term, shall commence immediately on the filing of their bonds and taking the oath of office; the term for which each justice is elected, shall be expressed on the ballot.

Sec. 5. There shall also be elected, at the same time, in t'

several wards, from among the electors thereof respectively, one supervisor, one alderman and one constable; the said alderman to hold his office for two years, and the said supervisor and constable for one year, and until their successors are elected and qualified: *Provided*, That at the first election under this act, two aldermen shall be elected in each ward, one for the term of one year, and one for the full term of two years; and that the term for which said aldermen are elected at said first election, shall be designated on the ballots; all city and ward officers shall be voted for upon one ballot.

Sec 6. The annual elections, under this act, shall be held on the first Monday of April, in each year, at such places in each of the several wards as the common council shall designate, notice of which shall be given by the clerk, at least eight days before the election, by posting the same in three public places in each ward, and by publication in two of the weekly newspapers published in said city; the supervisor, who shall be chairman, and aldermen of each ward shall be the inspectors of such election, and they shall also be inspectors of the State and county and all special elections. The said inspectors shall, before opening the polls at any election, appoint some person to act as clerk of said election; and in case of the absence of one or more of such inspectors, the electors present may choose, *viva voce*, from their number, one or more to fill such vacancy or vacancies, to whom, and to such clerk, shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace of said city. The manner of conducting all elections, and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector, in case his vote shall be challenged; and also in the making of all certificates or statements of and concerning such elections: *Provided*, That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in said city, and also of the offi-

Supervisor.
Alderman.
Constable.
Terms.

Provide

Annual
elections.

Notice

Inspectors.

Clerk of
elections.

Oath.

How con-
ducted.

Certificates.

cers in and for their respective wards, which certificate shall be within twenty-four hours filed in the office of the clerk of said city; and upon the Thursday next following the day of such election, the common council shall meet at the office of the clerk of said city, and thereupon determine who, by the greatest number of votes given in the several wards, are duly elected to fill the respective city and ward offices; and it shall be the duty of said clerk, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified, shall, within ten days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to the said clerk, who shall file the same in his office; *Provided*, That in case of the election of one or more justices of the peace, the said clerk shall make a certificate thereof, and cause it to be delivered to the clerk of the said county of Branch, in the same manner as is required of township clerks; and in case two or more shall receive, for the same city or ward office, an equal number and a plurality of the votes given at such election, the common council shall immediately proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office; and in case any of the officers so elected and notified shall neglect, for the term of ten days, to qualify as aforesaid, or to give such security as the provisions of this act, or the by-laws or ordinances of the common council of said city shall require, the office shall thereby become vacant.

Canvass

Notice to persons elected

Justices of the peace.

Proceedings in case of a tie.

Neglect to qualify.

Sec. 7. The common council shall have power to appoint a chief and two assistant engineers for the fire department, a sexton, pound-master, and such other officers, whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall also have power to remove the marshal, street commissioner, or treasurer, for any violation of the provisions of this act, or any by-laws or ordi

Powers of Common Council.

Removal

nances, or for refusing to perform the lawful requirements of said common council; and in case of the death, resignation or removal from office, or neglect to qualify or perform the duties of his office, or removal from the city or from the ward from which he was elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office; and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may, at any time, order a special election to fill vacancies in any office which is elective under this act; in which case the common council shall designate the time and place for holding such special election, and the same notice shall be given as at an annual election, stating the office or offices to be filled, and any person so elected shall serve for the remainder of the term of such office.

Proviso

Common council.

Quorum.

Meetings.

Fines for non attendance at meetings.

Duty of mayor. Clerk

President pro tempore

Sec. 8. The mayor and aldermen, when assembled together, and duly organized, shall constitute the common council of the city of Coldwater, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; and said common council shall meet at such times as they shall determine, and at such other times as the mayor may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the members and officers thereof at such meetings, and also to require the attendance of any officer of said city, and to impose fines for non-attendance. It shall be the duty of the mayor to preside at all meetings of the common council, and it shall also be the duty of the clerk to attend all such meetings, and keep a fair and accurate report of their proceedings. In case the mayor shall be absent, the common council may appoint one of their number president *pro tempore*, to preside at such meeting; and in case of the absence or sickness of the mayor, or of a vacancy occurring in said office, the president *pro tempore* of the common council is hereby authori-

ized to do and perform all the duties and trusts appertaining to the office of mayor, until the said mayor resumes his duties, or another be elected and qualified.

Sec. 9. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties of the trusts reposed in them as the common council shall direct and require. Security required.

Sec. 10. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace; for the suppression of riots; for the apprehension and punishment of vagrants, drunkards, and disorderly persons; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers thereof; to prohibit every species of gaming; to prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor or apprentice; to license and regulate auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking, peddling, and pawnbrokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; to regulate the keeping of gunpowder, and to prevent or regulate the discharge of every species of fire-arms; to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; to provide against or punish immoderate riding or driving in any of the streets of the city; relative to a city watch; relative to the public lighting of said city with gas or otherwise; relative to the restraining of swine, cattle, horses, geese, and other animals from running at large in the streets, lanes, or alleys, and other public places in said city; relative to licensing and regulating billiard and other tables, and pin or ball alleys kept for hire, gain or reward in said city; to regulate and establish one or more pounds for

Public peace
Vagrants.
Disorderly houses.
Gaming.
Intoxicating liquors.
Auctions, &c.
Gunpowder.
Sabbath.
Watch.
Lighting of city.
Animals running at large.
Billiards, &c.
Pound.

Lewdness. said city; for the punishment of all lewd and lascivious behavior in the streets and other public places in said city; to prevent the encumbering the streets, side-walks, alleys, or public grounds or squares; to provide for clearing the Coldwater river, and races connected therewith, of all drift-wood, filth or other nuisance, and to prohibit and prevent the depositing therein of all filthy and other matter tending to render the water thereof impure, unwholesome, or offensive; to regulate the

Obstructions.

Cemeteries. cemeteries now owned by the village of Coldwater, and the burial of the dead therein; to compel the occupants of lots to clear the side-walks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the

Nuisances. common council; to prohibit, prevent, abate and remove all nuisances in said city, and punish the person occasioning the same, and declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of said city; and if, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level or drain any lot or premises, they

Expenses of abating, how collected. shall have power to do so; to assess the cost and expenses of such filling, leveling, or draining, and to impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon until paid, and shall be collected in the same manner as other taxes and assessments levied and imposed by the authority of the common council; to compel the owner or occupant of any grocery, soap or candle factory, butcher's shop or stall, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse the same whenever necessary for the comfort, health or convenience of the inhabitants of said city.

**Fire book-
etc.**

Sec. 11. The common council shall have power and authority to make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries

by fire, thieves, robbers, burglars, and other persons violating the public peace; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire-buckets as they may direct; they shall also have power to prohibit, forbid and prevent the construction or erection, within such parts, streets, or districts of said city, as in their opinion the public safety may require, any wooden or frame house, store, shop, or other building, and prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lot or place within said limits, and the rebuilding and repairing the same; and also to regulate the construction of party walls, chimneys, fire-places, and the putting up of stoves, stove-pipes, and other things that may be dangerous in causing or promoting fires; to prevent the burning out of chimneys, and compel and regulate the cleaning the same, and appoint one or more officers to enter into all buildings to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; and also to regulate the construction of all blacksmith-shops, cooper-shops, carpenter-shops, planing establishments, bakeries, and all buildings and establishments usually regarded as extra hazardous in respect to fire; to establish, maintain and regulate all such fire-engine, hook and ladder, and hose and bucket companies, as they may deem expedient; to construct reservoirs, dig wells, and provide such companies with necessary and proper buildings, engines and other implements, to prevent and extinguish fires, and to appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed necessary and proper to be employed as firemen: *Provided*, Such number does not exceed fifty for each company; and each fire, and hose, and hook and ladder company shall have the power to appoint their own officers, and pass by-laws for the organization and government of said company, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by the by-laws and

Frame
building.

Precautions
against fire.

Extra has
ardous
buildings.

Fire com-
panies.

Pro-

Powers of
fire compan-
ies.

regulations of every such company; and every person belonging to such company may obtain from the clerk of said city a certificate to that effect, which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts of this State, or payment of poll tax; and it shall be the duty of every fire company, under the direction of the chief-engineer, to keep in good and perfect repair the fire-engines, hooks, hose, ladders, and other instruments used by such company; and upon any alarm, or breaking out of any fire within said city, each fire company shall forthwith assemble at the place of said fire, with the engines and other implements of each of said fire companies, and be subject to the orders of the chief-engineer of the fire department; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining said engines or other implements, with a view to their perfect order and repair.

Marshal at
fires.

Sec. 12. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, and for which purpose

By-standers
at fires.

act as chief of the police; and the mayor, or any alderman, may require the assistance of all by-standers; and, in pursuance of his duties, the marshal shall be in all respects obedient to the mayor, aldermen, and fire-wardens, or either of them, or such of them as may be present at such fire; and in case any by-stander shall willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Public
health.

Sec. 13. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the

public health of said city; to restrain, or regulate, or prohibit the slaughtering of animals within the limits of said city, and also the exercise of any unwholesome or dangerous avocation within said limits; to establish a board of health, and invest it with such powers, and impose upon it such duties as shall be necessary to secure said city, and the inhabitants thereof, from contagious, malignant and infectious diseases; to provide for its proper organization, and the election or appointment of the necessary officers therefor, and make such by-laws, rules and regulations for its government and support as shall be required for enforcing the most prompt and efficient performance of its duties, and the lawful exercise of its powers

Sec. 14. The common council shall have full power and authority to construct, repair and preserve sewers, drains, wells and reservoirs, and to provide for supplying such reservoirs with water; to cause bridges to be built or repaired; to make by-laws and ordinances to regulate the weighing of hay and the measuring of fire-wood, and for that purpose may appoint some proper person to measure all fire-wood brought into the city for the purpose of sale in the streets or public grounds; and also relative to drays, carts, hacks and other vehicles kept for the transportation of persons and property in said city, and prescribe the amount of charges for their services, and to designate the stands for the sale of hay, wood, produce and other things exposed for sale in the streets or public grounds, and also for the regulation of a city market; also relative to the powers, duties and compensation of the officers of said corporation, subject to the restrictions contained in this act; relative to the calling of meetings of the electors of the city; and also to provide for taking a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same; also, relative to the licensing of showmen and other exhibitions, where money or other consideration is demanded or received for admission, and to fix the amount of said license; to direct the number of and license inn-keepers and common victualers; to provide for the collection of and disposition of

Board of health.

Sewers, drains, &c.

Bridges.

Hay, wood.

Drays, carts, &c.

Stands.

Market.

Officers.

Census.

Licences.

- Fines and penalties.** all fines and penalties which may be incurred under the by-laws and ordinances of said city; to regulate the setting of awnings and other posts, and shade-trees, in the streets and
- Awnings, shade trees, &c.**
- Pavements.** other public places in said city; to cause the streets and
- Sidewalks.** public squares to be paved, and also to cause side-walks to be constructed and repaired when and where they shall deem necessary and proper, and cause the expenses of paving said streets and public squares, or constructing or repairing said side-walks, to be assessed on the lots or premises adjoining such streets or side-walks, or public squares, and may pass all needful by-laws and ordinances in relation to the assessment and collection of the expenses therefor; they may also fix and establish the grades of all such streets and side-walks, and also establish lines upon which buildings may be erected, and beyond which such buildings shall not extend, and to make all such other by-laws and ordinances as they may deem proper and necessary for the safety, order and good government of said city, and to promote the prosperity, and improve the condition of the inhabitants thereof, not inconsistent with the laws and constitution of the State, and the constitution of the United States, and to impose fines, forfeitures and penalties on all persons offending against the by-laws and ordinances made as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding ninety days: *And provided further*, That no by-law or ordinance shall be of any effect until the same shall have been published for two weeks successively in not more than two newspapers published in said city.
- Location of buildings.**
- Proviso.**
- Proviso.**
- When ordinance to be given in evidence.** Sec. 15. All laws, regulations and ordinances of the common council, may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either,
- First.** *First.* From a record thereof kept by the clerk; or,
- Second.** *Second.* From a copy certified by the clerk under the city seal; or,
- Third.** *Third.* From any volume of ordinances purporting to have

been printed by authority of the common council; and such record, certified copy, or printed volume shall be *prima facie* evidence of such laws, regulations and ordinances, without proof of the enactment, publishing, or any other thing concerning the same www.libtool.com.cn

Sec. 16. The common council shall have power and authority ^{Streets, &c.]} to lay out and establish, open, make, grade and repair such streets, lanes and alleys, squares, market places and public parks in said city as they shall deem necessary, and the same to alter, and to alter those already laid out, and to cause such of the streets and highways as shall have been used for six years or more as public streets and highways, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the clerk of said city, in the book of street records; and the recording of such highways, streets, alleys or public grounds so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public grounds therein described; and if, in the doing thereof, they shall require for such purposes ^{Proceeding on the taking of private property.} the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by publication in some one of the newspapers printed in said city, at least three weeks next preceding the meeting of the common council at which action is to be had in regard to the same; and the said common council are hereby authorized to treat with such persons for such grounds or premises, and if such person shall refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the said common council to apply to any justice of the peace of said city, to issue a precept under his hand, of the ^{Provision for a jury.} nature of a *venire facias*, to command the marshal or any constable of said city to summon and return a jury of twelve dis-

interested freeholders of said city, to appear before said justice at any time therein to be stated, to inquire into and assess the damages and recompense due the owner or owners of, or parties interested in such grounds or premises, which jury, being first duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and make such recompense as they shall deem fit to the owner or owners of, or parties interested in such grounds or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment thereon confirming the same; and all such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, square, market-place or public park, shall be made, opened, established or altered, to the claimant or claimants thereof, if a resident of the city, and if not, to be paid into the treasury of the city, for the use of such claimant or claimants; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for said justice to render judgment against said claimant for the costs, and to issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and used for the purposes aforesaid: *Provided*, That any party claiming damages may have the right to remove such proceedings by appeal to the circuit court for said county of Branch, upon giving notice of his or their intention so to do, to said justice in writing, within ten days, or in case of the absence of the said party from the city, within thirty days after the assessment aforesaid, and the judgment of said justice thereon, first giving bond, with two sufficient sureties, to be approved by the justice, conditioned to pay all costs which may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing or altering

Oath.

Estimate of damages.

Damages to be paid or tendered.

Appeals.

such street, lane, alley, square, market-place or public park, as aforesaid; and upon filing a transcript of the proceedings aforesaid, within forty days after the judgments confirming such assessments, in the said circuit court, duly certified by said justice, the same proceedings shall be had as are prescribed by law in cases of appeals from justices of the peace: *Provided*, That if the final judgment of said circuit court shall not exceed the damages assessed by said jury, and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Costs of appeals.

Sec. 17. The mayor of said city shall be the chief executive officer thereof. It shall be his duty, in addition to the other requirements of this act, to see that all the officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed.

Mayor, his duties.

Sec. 18. The clerk of the said city shall, in addition to the other duties hereby imposed upon him, keep the corporation seal, and all papers filed in or pertaining to his office; shall make and preserve a record of all ordinances and by-laws passed by said common council, in proper books to be provided therefor; and when requested, shall duly certify, under the corporate seal, copies of all the records of said common council, and all papers duly filed in his office; also, perform such duties as are or may be required of township clerks, in all cases in which he is authorized or required by this act to perform the duties of a township clerk, and for such services he shall receive the same fees as they are entitled to receive under the laws of this State; he is also hereby authorized and empowered generally to administer oaths and to take affidavits.

Duties of recorder.

Sec. 19. The street commissioner of the city shall be superintendent of the city cemetery or cemeteries, and shall have care of the city cemetery or cemeteries, and all the grounds and other property belonging thereto, subject to the ordinances and direction of the common council.

Street commissioners.

Marshal. Sec. 20. The marshal of said city shall be chief of the police of said city, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all lawful orders of the mayor or the common council, and shall also attend the meetings of the common council, and may command the aid and assistance of all constables, and all other persons, in discharge of the duties imposed upon him by law; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the by-laws and ordinances of the city, and forthwith take such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances of this act shall provide, and may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance, in the discharge of such duties, of any of the citizens, if deemed by him necessary; and he shall perform all the duties that may be required of him by the by-laws or ordinances passed by said common council; and it shall also be his duty to collect all taxes levied by the common council of said city, within such time, and in such manner, as they shall by ordinance direct, and all moneys collected or received by him shall be paid over to the treasurer of the city.

To collect taxes.

Constructiⁿa of pavements, &c. Sec. 21. The street commissioner shall superintend the grading, construction, pavement, repair and cleaning of side-walks, cross-walks, streets, lanes, alleys, public squares, culverts and bridges within said city, and perform all duties in relation thereto that shall be imposed upon him by the common council, and under their direction.

Collector. Sec. 22. The collector shall perform all such duties in relation to the collection of the State, county and school taxes, in said city, as are now performed by treasurers of townships, and such other duties as are hereinafter specified.

Sec. 23. The constables of said city shall have and receive

the same fees, and have the like powers and authority in mat- ^{Constables,}
 ters of civil and criminal nature, as is conferred by law upon ^{fees and}
 constables in the several towns of this State, and shall give ^{powers of.}
 like security, which security shall be filed with the clerk of said
 city, and approved by him within the time now required by
 law of constables in townships.

Sec. 24. The city constables shall obey the orders of the ^{Duty of}
 mayor and aldermen, or of any person legally exercising the
 criminal jurisdiction of a justice of the peace in said city, in
 enforcing the laws of the State or the ordinances of said
 city; and in case of refusal or neglect so to do, he or they ^{Penalty.}
 shall be subject to a penalty of not less than one nor more than
 twenty-five dollars.

Sec. 25. The treasurer of said city shall have the custody of ^{Treasurer,}
 all the moneys and evidences of value belonging to the city; ^{his duties.}
 he shall receive all moneys belonging to and receivable by the
 corporation, and keep an accurate account of all receipts and
 expenditures thereof; he shall pay no moneys out of the treasury
 except in pursuance of and by authority of law, and upon a
 warrant signed by the clerk and countersigned by the mayor,
 which shall specify the purpose for which the amount is to be
 paid; he shall keep an accurate account of, and be charged
 with moneys received for each fund of the corporation, and
 shall pay every warrant out of the particular fund constituted
 or raised for the purposes for which said warrant was issued,
 and having the name of such fund endorsed thereon by the
 clerk; he shall exhibit to the common council quarter-yearly, ^{Quarterly}
 and as often and for such periods as may be required, a full ^{exhibit of}
 and detailed account of all receipts and expenditures, classifying ^{common}
 them by the fund to which such receipts are credited, and ^{council.}
 out of which such expenditures are made; and shall also, when
 required, exhibit a general statement, showing the financial
 condition of the treasury, which account, report and statement,
 shall be filed in the office of the clerk.

Sec. 26. The supervisors for each ward are hereby authorized ^{Powers and}
 and required to perform the same duties, in their respective ^{duties of su-}
 p^{er}visors.

wards, that the supervisors of townships, under the general laws of this State, are required to perform in relation to the assessing of property, and levying taxes for State, county and school purposes; and they shall also issue their warrant to the collector of said city for the collection of such taxes, in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof, and for such services they shall receive the same fees as supervisors are entitled to; they shall also represent their several wards in the board of supervisors of the county of Branch, and shall be entitled to all the rights, privileges and powers of the members of said board of supervisors. For the purpose of assessing all property equally in the whole city, the said supervisors shall meet jointly at the office of the clerk of said city, at the time required by the statute, for the purpose of reviewing, equalizing and completing their assessments and assessment rolls for each of the several wards. When such assessment rolls shall be completed, they shall be delivered to the said clerk, who shall immediately proceed to make therefrom a full and complete condensed copy of such assessment rolls, for the use of the common council, which, when certified by them, shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving the same, the said clerk shall re-deliver said rolls to the respective supervisors of each ward, to be used for State, county and school purposes.

Levying of taxes.

To be members of the board of supervisors.

Assessment roll.

Powers of justices.

Sec. 27. Any justice of the peace of said city is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said city, against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act; to punish the offenders as by the said laws or ordinances shall be prescribed or directed; to award all processes, and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion

shall lawfully require. In all prosecutions for a violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made upon oath before said justice, setting forth therein the substance of the offence complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of the city of Coldwater, or any constable of the county of Branch (except in the case mentioned in the next succeeding section); and such process may be executed by any of said officers anywhere within the county of Branch, and shall be returnable the same as other similar process issued by justices of the peace; that upon bringing the person so charged before said justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of not guilty for the person so charged; that upon the said complaint and plea a trial shall be had, and upon conviction of said offender, and the imposition of a fine, it shall be the duty of the justice to issue an execution, directed to the marshal of said city, or any constable of said county, commanding him to collect, of the goods and chattels of the person so offending, the amount of such fines, with interest and costs; and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of said county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect, and it shall be lawful to use the common jail of said county for the

Prosecu-
tions, how
conducted.

Body liable
for want of
goods and
chattels.

Use of com-
mon jail
granted.

imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed by any justice for the violation thereof, shall be in the custody of the sheriff of said county, who shall safely keep the persons committed until lawfully discharged, as in other cases:

Proviso. *Provided*, That the common council may remit any such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same: *Provided further*, That all costs and expenses incurred under the provisions of this section, shall be provided for and paid out of the city treasury.

Escapes from county

Sec. 28. Whenever any person charged with having violated any of the ordinances of the common council, by which the offender is liable to imprisonment, shall have escaped from the county, or shall reside or be without the limits thereof, any justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant in the name of the people of the State, directed to the sheriff of any county in this State, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff to whom said warrant shall be delivered for service is hereby required to execute the same, under the penalties which are incurred by law by sheriffs and other officers for neglecting or refusing to execute criminal process.

Right of trial by jury

Sec. 29. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any violation of any by-law or ordinance of the common council, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in similar cases before justices of the peace; and in all cases the right of appeal and certiorari from the justices court to the circuit court for said county of Branch, shall be allowed to the parties, and the same recognizances shall be given as is or may be required by law in appeals from justices courts in similar cases.

Sec. 30. All fines recovered for a violation of any by-law or ordinance of said common council shall be paid to the treasurer of said city, by the officer receiving the same, immediately after the receipt thereof; and any person who shall refuse or neglect to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than three months, nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Fines to be paid into treasury.

Penalty for neglect.

Sec. 31. In all suits or proceedings in which the corporation of the city of Coldwater shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city

Citizens not incompetent as witness.

Proviso.

Sec. 32. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Branch, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justice's court, whenever the plaintiffs or defendants, or one of the plaintiffs or defendants, reside in the county of Branch.

Justices, oath of.

Powers.

Proviso.

Sec. 33. The common council shall have power to assess and collect from every white male inhabitant of said city, over the age of twenty-one years, (except paupers, idiots and lunatics,) a list of whom shall be made by the supervisors at the time of making their annual assessments, an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same: *Provided*, That such poll tax shall not be levied upon any person who is assessed for one hundred dollars of real or personal estate.

Poll tax.

Proviso

Sec. 34. The common council shall also have power and au-

Assessment
and collec-
tion of tax's.

thority to levy and collect taxes on all real and personal property within the limits of said city, by them deemed necessary to defray the expenses thereof, or to carry into effect the powers herein conferred upon them, but not to exceed six-tenths of one per cent. on the valuation thereof, unless authorized by a vote of the tax payers, in the manner following: Whenever the common council shall deem it necessary to raise a greater sum, in any one year, they shall call a public meeting of the tax payers, other than those paying a poll tax, of said city, by giving at least two weeks notice thereof, such notice to be published in the newspapers printed in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended; and when such meeting shall be assembled, in pursuance of such notice, such tax payers, by a viva voce vote, shall determine the amount of money which shall be raised for each object specified in the notice: *Provided*, That the entire amount of tax levied in any one year shall not exceed one per cent. upon the valuation of the real and personal estate taxable within the limits of said city, exclusive of the poll tax; and said common council shall also have power and authority to make and establish all necessary by-laws and ordinances for the collection of such taxes; and every assessment of tax lawfully imposed by the said common council, on any lands, tenements and hereditaments, or premises whatsoever, in said city, shall be and remain a lien on such lands, tenements and hereditaments, from the time of imposing such tax until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable, on demand, to pay every such tax to be levied as aforesaid: *Provided*, That all parcels of land of ten acres or more, used exclusively for farming purposes, and not laid out into city lots, shall be assessed as farm lands, at their cash value.

Taxes a lien.

Provi o.

Duty of
clerk.

Sec. 35. It shall be the duty of the clerk, under the direction of the common council, whenever the city assessment roll shall have been completed, in each and every year, to assess the

taxes that have been levied by the common council for the year, adding thereto, and to all other taxes required by law to be assessed by him, not more than five per cent. for collecting expenses, upon the taxable property in the city, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year. He shall thereupon deliver to the city marshal a copy of said assessment roll, with the taxes for the year annexed to each valuation, and carried out in a column thereof, and carry out the total amount of taxes in the last column of said roll, and shall annex thereto a warrant, under the hands of the clerk and mayor, and the seal of said city, commanding the marshal to collect from the several persons named in said roll the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant; and it shall authorize the marshal, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The marshal, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the city, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner, as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The said marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said roll into the office of the city treasurer; and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and

Collecting
expenses
limited.

Assessment
roll.

Warrant.

Marshal to
collect.

Notice and
sale.

perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Sale of lands
for unpaid
taxes.

Sec. 36. The city treasurer shall, immediately after receiving said statement, transcribe the same into a book, to be provided and kept for that purpose; and shall, under the directions of the common council, and in pursuance of the ordinances or resolution of said council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of the taxes thereon, as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in a newspaper published in said city once in each week for four successive weeks preceding such sale; and the said city treasurer, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for the same; and in case a less amount than the whole of any such description shall be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That if any parcel of land cannot be sold to any person for the taxes and charges, the city treasurer shall bid the same off to the common council of said city, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any purchaser thereof.

Notice of
sale.

Certificate
of purchase.

Proviso.

When re-
deemable.

Conditions.

Sec. 37. Any person claiming any of the lands sold as aforesaid, or any interest therein, may, at any time, within one year succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of the said city the amount for which said parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per

annum, fifteen per cent. of which shall be paid to the purchaser; but in no case shall the interest be computed for a less time than three months from the day of sale, whereupon the city treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof.

Certificate
of redemp-
tion.

Sec 38. Upon the presentation of any such certificate of sale to the city treasurer, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the State may have thereon; and the said conveyance shall be *prima facie* evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the supervisors to the date of the deed, inclusive, and of the title of the grantee therein named; and every such conveyance, duly made and acknowledged, may be given in evidence in all the courts of this State, in the same manner, and with the like effect of any other conveyance of real estate, or any interest therein; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, that the same has been returned for non-payment by mistake or otherwise, improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed as aforesaid, and thereupon the clerk shall draw an order upon the treasurer, countersigned by the mayor, for the amount of the purchase money, and no deed shall be given upon such certificate of sale.

Deed to pur-
chaser.

Effect of
deed.

Cancellation
of sale.

Sec. 39. Whenever the marshal shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed, or for any other cause, the clerk may, if directed by the common council, issue a new warrant to the marshal for such tax; and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the marshal

City or per-
sonal tax,
how collect-
ed

shall charge interest on all such taxes at ten per cent. per annum from the time of returning the tax roll until the day of collection; it shall be also lawful for the marshal, in the name of the city, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax, may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer, with such execution, shall be the same, in all respects, as is now or shall be hereafter directed by law. The production of any assessment roll on the trial of any action brought for the recovery of any tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed, of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same; and the court before whom the case may be pending, shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed on any such judgment.

Executions,
how levied.

Assessment
roll admit-
ted as evi-
dence.

Stay, not al-
lowed.

Grand and
petit jurors.

Sec. 40. The mayor and clerk shall select and return lists of grand and petit jurors, in the same manner and within the same time that the same duty is required of township officers in this State.

Compensa-
tion of offi-
cers.

Sec. 41. The clerk, marshal, street commissioner, and all other officers of said city, shall receive such compensation for their services as the common council may provide, unless the same is fixed by the provisions of this act, but the mayor and aldermen shall receive no compensation for their services.

Annual ac-
count of
common
council.

Sec. 42. The common council shall, within five days after the annual charter election in each and every year, cause to be

published a just and true account of all the moneys received and expended by them in their corporate capacity, during the year, previous to which they shall audit and settle the accounts of the city treasurer, and the accounts of all other officers or persons having claims against the city, or accounts with it, and shall make out, in detail, a statement of all receipts and expenditures, and the object and purpose for which the same were made, and the amount of taxes raised, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

Statement
of receipts
and expend-
itures.

Sec. 43. The present president, clerk, trustees, and other officers of the village of Coldwater, shall respectively continue to discharge the duties of their several offices until they are superseded by the election of city officers, under the provisions of this act; and no election for village officers shall be held in said village of Coldwater on the first Tuesday of March, eighteen hundred and sixty-one, as now provided by law.

Village off-
cers to be of-
ficers of city
temporarily.

Sec. 44. The present clerk of the village of Coldwater shall hold and discharge the duties of the office of clerk of the city of Coldwater until the annual charter election, in the year eighteen hundred and sixty-two, and until his successor is elected and qualified.

Village clerk
to continue
in office.

Sec. 45. When any assessment for public improvements, or for any local improvements upon any ward, district, street, lane, alley, public sewer, or other improvement, shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the marshal for collection, the same shall be a lien upon the premises upon which the same was assessed; and the marshal, collecting such tax, shall levy and collect the same of any personal property found on the premises so assessed, or in possession of that person chargeable with such tax; and in case sufficient personal property shall not be found to levy and collect the same, the marshal shall make return to the clerk of the sums so remaining uncollected by him, with a description of the lots or parcels upon which such tax was assessed, and which remains unpaid, as aforesaid, and

Taxes for lo-
cal or public
improva-
ments.

How assessed and collected. thereupon the clerk shall assess the same upon the city assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return and sale of premises, for non-payment of the ordinary city taxes.

Property, &c., of village vested in city.

Sec. 46. All the personal and real estate, whether held in trust or otherwise, rights, credits and effects whatsoever, and all and every right or interest therein belonging to the village of Coldwater, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created by this act, saving, nevertheless, to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall be possessed thereof shall deliver the same to the mayor and aldermen of the city of Coldwater, with all moneys, deeds, evidences of debt, property, books and papers touching or concerning the same, when legally required thereto; and the said city may sue, in its corporate name, to recover any demand or debt due or to grow due to said village, and the corporation hereby created shall be liable for, and pay all just debts due from, or claims or demands against the village of Coldwater, or the common council thereof; and all contracts made, or agreements entered into by the corporate authorities of the village of Coldwater, shall be and the same are hereby made binding and obligatory upon the corporation hereby created.

Personal rights excepted.

Deeds, &c., of village to be delivered to city.

Members of common council ineligible to office.

Sec. 47. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid by any ordinance of the common council.

Sec. 48. No bond, note or other obligation or evidence of indebtedness of said city, except orders drawn by the city clerk and countersigned by the mayor, as hereinbefore provided, shall ever be given or issued by said corporation, or by any officer thereof; and no such order as aforesaid shall be drawn upon the treasury of said city, unless there shall be funds in the treasury, or moneys levied to pay the same. Nothing in this act contained shall be so construed as to authorize the city to borrow money or make loans.

Issue of
bonds for-
bidden.

Sec. 49. No money shall be appropriated by the common council, drawn or paid from the treasury, to pay for the celebrating of the fourth of July, or any other day, or for any similar purpose.

Fourth of
July.

Sec. 50. No exclusive privileges, grants or permits, shall be made by the common council to any person or persons for lighting the city or furnishing the inhabitants thereof with gas, or for any other purpose.

Exclusive
privileges
forbidden.

Sec. 51. The common council shall have power, by ordinance, to change, alter and determine the boundaries of any ward.

Ward
boundaries
changed.

Sec. 52. The passage of this act shall not invalidate any act already done, right accrued or acquired, proceeding had or commenced, or tax sale made under and by virtue of any law of this State in relation to the village of Coldwater, or under the provisions of an act entitled "an act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven, or under and by virtue of any ordinance or by-laws ordained and passed by the common council of the village of Coldwater; but the same shall be and remain as valid, for all purposes, as if this act had not been passed, and such by-laws and ordinances shall remain in full force and effect until repealed, modified or amended, by the common council of the city of Coldwater.

This act not
to invalidate
any right.

Sec. 53. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by

Criminal ex-
penses, how
paid.

the supervisors of the county of Branch, in the same manner as if such expenses had been incurred in any town of the said county.

Justices to keep offices in the city, &c.

Sec. 54. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them; and they shall receive for their services, when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Proceedings of common council to be published.

Sec. 55. All proceedings of the common council shall be published in some newspaper published in said city; all ordinances shall take effect in fourteen days after their passage, unless some other time is provided for therein.

Ballot boxes

Sec. 56. Two suitable ballot boxes, with locks and keys, shall be provided and kept by the city clerk, at the expense of the city, for each ward; and it shall be the duty of the city clerk to deposit such boxes, or one of them only when no more than one is required, with the keys or key, in the hands of the inspectors of each ward, prior to the opening of the polls.

Polls, when opened.

Sec. 57. The polls of election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer.

Electors, qualifications of.

Sec. 58. The qualifications of electors under this act shall be those described in the first section of the seventh article of the constitution of this State; and any person who shall falsely swear in his vote at any election held in said city, shall be deemed guilty of perjury, and punished therefor as provided by the laws of the State. The residence of an elector shall be in the ward where he boards, or takes his regular meals.

Residence.

Special elections, how conducted.

Sec. 59. Special elections shall be conducted, as near as may be, in the same manner as general elections; but in such cases, the return of the inspectors shall be opened and canvassed, and the result declared by the common council at its first meeting after the making of said returns.

Sec. 60. If any person be voted for at any election to fill a

vacancy or residue of a term, the ballots of the electors shall designate such vacancy or residue.

Sec. 61. The mode of conducting all State, district and county elections, in said city, shall be in the manner herein provided for the election of city officers, except that the returns shall be made to the county clerk, and the same proceedings had, as near as may be, as are now or may hereafter be provided by law for the return of votes by township inspectors of elections.

Sec. 62. The city of Coldwater shall be considered and is hereby declared to be a school district, and shall be known in law as the Coldwater city school district, and shall take the place of so much of school district number eleven, in the township of Coldwater, aforesaid, as lies within said city limits; and the board of trustees, and the school district officers of said district, shall be deemed and are hereby declared to be the trustees and district officers of the district hereby established, and the real and personal estate belonging to said school district number eleven shall be deemed the real and personal estate of the district hereby established; and the said school district hereby established shall take the place of said district number eleven, which is hereby abolished, in relation to all contracts and agreements existing at the time this act shall take effect, between the said school district number eleven and any person or persons whomsoever, and shall be bound by and may enforce all such contracts and agreements, the same, to all intents and purposes, as if they had been made originally by or with the district hereby established.

Sec. 63. And the said board of trustees, in addition to the duties now required to be performed by them as trustees and officers of a school district, organized under the provisions of an act entitled "an act to establish graded and high schools," approved February fourteenth, eighteen hundred and fifty-nine, and by the laws of the State in relation to primary schools, and shall also perform the duties now required by law to be performed by school inspectors of townships, in relation to the

examination and qualifications of candidates for teachers in said district and city.

Apportionment of district tax.

Sec. 64. It shall be the duty of the said board of trustees to certify the full amount of taxes to be levied upon the taxable property in said district, to the supervisor of each ward; and each of said supervisors shall certify to each other supervisor the amount of taxable property in that part of the district lying in his ward; and such supervisors shall respectively ascertain the proportion of such taxes to be placed on their respective assessment rolls, according to the amount of taxable property in each of said wards.

Duty of collector.

Sec. 65. It shall be the duty of the collector of said city to perform and discharge the same duties, in relation to the collection and return of taxes, which may be assessed or levied in the several wards of said city for State, county and school purposes, that are now or may be required to be performed by township treasurers in this State; and he shall enter into a bond to the county treasurer of Branch county aforesaid, for the purposes and in the manner now required of such township treasurers, and shall also enter into a bond, with sufficient sureties, to the treasurer of said city, who is hereby authorized to take and approve the same, conditioned that he will pay over to said city treasurer all moneys for school purposes in the school district established by this act, which may come into his hands by virtue of his office.

To give bond to county.

To city.

City treasurer to be treasurer of school district.

Sec. 66. The treasurer of said city shall be the treasurer of said school district, and shall have the custody of all funds and moneys belonging to the same, and is authorized to receive from the county treasurer aforesaid, all moneys coming into his hands for school purposes to which said district may be entitled; and for this purpose, the said district is to be considered, by said county treasurer, the same as a township under the laws of the State in relation to the distribution of school moneys; and the said city treasurer is hereby required to enter into a bond to the board of education aforesaid, in such sum and with such sureties as the said board may direct, conditioned that he will

Bond.

pay over, on the order of said board, all moneys that may come into his hands for school purposes in said school district.

Sec. 67. The school district hereby established shall be subject to the general laws of this State in relation to primary schools, high schools, and graded schools, except as otherwise herein provided.

General school law applicable to said district.

Sec. 68. This act shall be deemed a public act, and be favorably construed in all courts of law and equity in the State.

Deemed a public act.

Sec. 69. The first election under this act shall be held on the first Monday of April, eighteen hundred and sixty-one, at such places in each of the several wards as the president and trustees of the village of Coldwater shall designate, notice of which, and of the several city and ward officers to be voted for at such election, and of the boundaries of the several wards, shall be given by the clerk of said village, at least eight days before the election, by publishing the same in two of the newspapers printed in said village, and by posting the same in at least five public places in each ward; and said president and trustees shall, at least eight days before the election, appoint from among the electors of each ward three persons who shall act as inspectors of said first election, and such inspectors so appointed shall take the oath required by law to be taken by inspectors of election, and shall have the same powers, perform the same duties, and make the same returns as are required of inspectors of election under this act and by the laws of this State.

First charter election, when held.

Notice.

Inspectors of said election.

Oath.

Sec. 70. The township clerk of the township of Coldwater shall, at least fifteen days prior to the election, furnish the clerk of said village of Coldwater, with a list duly certified by him of all the voters registered in said township, residing within the limits of the city; and said village clerk shall thereupon make and deliver to the inspectors of each ward a copy of such list, and said inspectors shall, from such list so furnished, and from actual canvass, make a list of the qualified electors in each ward, and enter their names and residence in a book to be furnished for that purpose by the board of trustees of said village; and such book shall be the register of electors for such ward,

Township clerk to furnish list of registration.

Delivered to inspectors.

Where deposited. and immediately after the election shall be deposited with the clerk of the city.

Board of registration. Sec. 71. The chairman of the board of inspectors of each ward shall, on Saturday preceding the election, meet at the office of the township clerk of said township of Coldwater, for the purpose of completing the lists of qualified voters for each ward, at which session it shall be the right of any person who will be an elector at such election, and whose name is not already registered, to have his name entered in the register for the ward in which he resides.

Clerk to furnish ballot boxes. Sec. 72. The clerk of said village shall, prior to the opening of the polls, furnish the inspectors of each ward with two suitable ballot boxes, in one of which shall be deposited, by said inspectors, all ballots that may be offered at such elections for a judge of the supreme court, and in the other all votes cast for city and ward officers; and such inspectors shall canvass the votes cast for judge of the supreme court, and make return thereof to the clerk of the county of Branch, in the same manner as is required by the laws of this State of township inspectors of election.

Return, how made.

Coldwater township.

Sec. 73. All of township number six south of range six west, not included in the limits of the city of Coldwater, is hereby organized into a separate township, by the name of the township of Coldwater; and the people of said township may hold all annual and special township elections, and general elections, within the city of Coldwater, at such place as the township board may appoint; and the township clerk of said town may keep his office in said city, and a resident of said city may be appointed deputy township clerk.

Election, where held.

Election, 1861.

Sec. 74. The election for said township, in the year eighteen hundred and sixty-one, shall be held at the court house, in the city of Coldwater, and Harvey Haynes, E. W. Phetteplace, Peres Lincoln, and the township clerk of said township, are hereby constituted the board of election thereof, and shall appoint a chairman, take the necessary oath, and perform all the duties, have the same powers, and make the same returns, as

inspectors of election in townships are by law required to do and perform; and in case any of the persons named in this section shall refuse to serve, the vacancies shall be filled in the manner now provided by law.

Sec. 75. At said township election, in eighteen hundred and sixty-one, there shall be elected one supervisor, one township clerk, one township treasurer; one justice of the peace, for the full term of four years, commencing on the fourth day of July next after his election; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and sixty-four; one justice of the peace, whose term shall expire on the third day of July, eighteen hundred and sixty-three; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and sixty-two; the terms of office of the justices of the peace elected for other than the full term, shall commence immediately on filing of their bonds and taking the oath of office, and the term for which each is elected shall be expressed on the ballot; there shall also be elected one commissioner of highways for the full term, two school inspectors, one for one year and one for the full term of two years, and four constables.

Sec. 76. The township clerk of said township of Coldwater shall continue to perform the duties of clerk of said township until his successor is elected and qualified; and when his successor shall have been duly qualified, he shall deliver to him all of the books, papers and furniture of his office, except chattels, mortgages upon property within the limits of said city; such mortgages, with a book containing the entry of the same, shall be delivered to the city clerk, with whom all personal mortgages upon property in said city shall be hereafter filed.

Sec. 77. This act shall take effect on the first day of April next, except sections forty-four, seventy, seventy-one, seventy-two, and seventy-three, which sections so excepted, were ordered to take immediate effect.

Approved February 28, 1861.

[No. 85.]

AN ACT to provide for the preservation of bridges, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That the* commissioners of highways of the several townships in this State, may and they are hereby authorized to erect any piers or booms, or drive any piles, or do any other act, not incompatible with the general laws of this State, in such cases made and provided, when necessary for the preservation or protection of bridges over any streams in this State, against the running of logs, or running or rafting of timber or lumber, or against freshets or any other cause: *Provided,* That nothing in this act shall be so construed as to authorize the commissioners of highways, in the protection or preservation of bridges, in any way materially to hinder or obstruct the navigation of the streams of this State.

Commissioners to erect piers, &c., to protect bridges.

Proviso.

Compensation therefor.

Sec. 2. The commissioners of highways shall receive the same compensation as is by law allowed in other cases, and all expenses incident to the protection and preservation of bridges, as above provided, shall be allowed and paid as other expenses for building or repairing bridges and highways.

Sec. 3. This act shall take effect immediately.

Approved March 1, 1861.

[No. 86.]

AN ACT to amend an act entitled an act to re-organize the township of Garden Island, and to change the name of said township.

Organization.

SECTION 1. *The People of the State of Michigan enact, That* all that portion of Beaver Island lying north of a parallel with the quarter line running east and west through sections twenty-seven, twenty-eight and twenty-nine, township thirty-nine north, of range ten west, and High Island, Trout Island, Whiskey Island, Squaw Island, Garden Island, Hog Island and Hat Island, and all of the bars and shoals contiguous to said islands,

shall be organized into a township by the name of Chandler; and the first township meeting shall be held at the schoolhouse <sup>First elec-
tion.</sup> in school district number two, in the village of St. James; and that James T. Bailey, ~~Flavius J. Smith and Edward O'Brien~~, <sup>Inspectors
of election.</sup> are hereby authorized to act as inspectors of election at said township meeting.

Sec. 2. This act shall take immediate effect.

Approved March 1, 1861.

[No. 87.]

AN ACT to attach certain unorganized territory to the county of Iosco.

SECTION 1. *The People of the State of Michigan enact*, That the unorganized county of Ogemaw be and the same is hereby attached to the county of Iosco, and that for municipal and taxable purposes, it is hereby attached to the township of Tawas, in said county of Iosco.

Sec. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 1, 1861.

[No. 88.]

AN ACT to provide for holding inquests on the view of dead bodies within the cities of this State, by the coroners of the counties in which they are situate.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be competent for justices of the peace, within the incorporated cities of this State in which a county coroner <sup>When justi-
ces to act as
coroners.</sup> resides, to held inquests on the view of dead bodies, unless both of the coroners of the county in which they are situate shall be absent, or incapacitated to act, from sickness, or otherwise; but such inquests, within said city, shall be held by one <sup>Inquest
wher</sup> of the coroners elected for the county in which such cities are

Jury. severally situate, whenever, in the judgment of such coroner, an inquest shall be necessary, and that the coroners' juries shall consist of six persons only.

Application of former acts.

Sec. 2. That all provisions of law relating to holding such inquests by justices of the peace, are hereby made applicable to inquests held, or to be held, under this act; and that all powers, by the general laws of the State conferred upon justices of the peace, relative to such inquests, are hereby conferred upon the coroners of the several counties aforesaid.

Powers of coroners.

Coroners may summon surgeons and chemists.

Sec. 3. That any coroner holding such inquest, shall have power to summon the attendance of a competent surgeon, whenever he shall deem such attendance necessary; and a chemist may be employed in cases affording reasonable ground of suspicion that death has been produced by poison. Any chemist or surgeon so employed shall, upon the certificate of the coroner acting in the case, receive such compensation for his or their services as shall be allowed by the county auditors of Wayne county, or the supervisors of other counties, as is otherwise provided by law.

Compensation.

Approved March 1, 1861.

[No. 89.]

AN ACT to change the name of the township of Little Sauble, in the county of Mason.

Name changed.

SECTION 1. *The People of the State of Michigan enact, That the township of Little Sauble, in the county of Mason, shall be hereafter known and designated by the name of Lincoln.*

Approved March 1, 1861.

[No. 90.]

AN ACT authorizing the transfer, by the board of control, of a grant of land made to this State by an act of Congress, passed June third, eighteen hundred and fifty-six, to aid in the construction of a railroad from Marquette, on Lake Superior, to the Wisconsin State line, and the re-location of the same.

Whereas, The Marquette and State line railroad company Preamble. have heretofore consolidated with the Chicago, St. Paul and Fond du Lac railroad company, of Wisconsin, and said company having become insolvent, and all its property in Wisconsin transferred to another company: *And whereas*, The most practicable route for a railroad connecting Lake Superior with the system of railroads in Wisconsin, should be located on a different route from the one heretofore partially selected, namely: from Marquette to the mouth of the Menominee River; therefore,

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of placing the aforesaid lands, franchises, rights, Part of act repealed. powers and privileges, which are or may be granted in pursuance of said act of Congress, approved June third, eighteen hundred and fifty-six, to aid in the construction of a railroad from Marquette to the Wisconsin State line, near the mouth of the Menominee river, in a position to encourage the early construction of said road, do hereby repeal so much of section two of "an act to repeal section twenty of an act disposing of certain lands for railroad purposes, approved February fourteenth, eighteen hundred and fifty-seven," approved February fifteenth, eighteen hundred and fifty-nine, as relates to the extension of the time to complete the first section of twenty miles of the Marquette and State line railroad, or any other act amendatory thereto, and do hereby place the same in charge of the board of Board of control, power and duty of. control, who shall have power, and is hereby made their duty, to confer said lands, franchises, rights, powers and privileges upon some other competent party or company under the general regulation and restrictions of an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by

an act of Congress, approved June third, eighteen hundred and fifty-six, and approved February fourteenth, eighteen hundred and fifty-seven, and all acts amendatory thereto.

The board
to divide
the line of
railroad.

Sec. 2. The board of control are hereby authorized to divide the line of railroad aforesaid, into two equal parts, and to confer said lands, franchises, rights, powers and privileges to two different parties or companies, and to require each of them to construct, within one year from the passage of this act, at least ten miles consecutively of said line of railroad, and ten miles each succeeding year until the same is completed, or said transfer by the board of control shall be void, in which case the board of control shall have the right to confer the aforesaid lands, franchises, rights, powers and privileges to some other competent party.

Repeal.

Sec. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved March 4, 1861.

[No. 91.]

AN ACT to change the name of John Gregg to Charles Welcome Hill.

Name
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of John Gregg, adopted child of Welcome Hill, of the township of Leoni, in the county of Jackson, in this State, be and the same is hereby changed to Charles Welcome Hill: *Provided*, That this act shall not take effect until the said Welcome Hill shall execute, acknowledge and file in the office of the judge of probate of the county of Jackson, an instrument in writing, under his hand and seal, adopting the said John Gregg as his lawful heir: *And provided further*, That in such case, the said Welcome Hill shall thereupon stand in the place of a parent to said child-in-law, and be liable to all the duties, and entitled to all the rights of a parent thereto, and the said John

Proviso.

Gregg shall thereupon become his heir-at-law, the same as if his real child.

Sec. 2. This act shall take immediate effect.

Approved March 4, 1861

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[No. 92.]

AN ACT to amend section three thousand four hundred and eighty-three, chapter one hundred and fifteen, compiled laws, regulating the recording and authentication of notice of lis pendens.

SECTION 1. *The People of the State of Michigan enact*, That section number twenty-nine be amended so as to read as follows:

Sec. 29. To render the filing of a bill constructive notice to a *Lis pendens*. purchaser of any real estate, it shall be the duty of the complainant to file for record, with the register of deeds of the county in which the lands to be effected by such constructive notice are situated, a notice of the pendency of such suit in chancery, setting forth the title of the cause, and the general *Contents* object thereof, together with a description of the lands to be effected thereby; and it shall thereupon become the duty of the register to record such notice, in a book kept for that purpose, *To be recorded* upon the payment of the same fees as is provided by law for recording deeds. A copy of such record, authenticated by the *Authenticated copy evidence of notice* register, shall be evidence of such notice, and the filing of the same, in all courts and places.

Approved March 4, 1861.

[No. 93.]

AN ACT to amend section two of an act entitled "an act to revise the charter of the city of Grand Rapids," approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "an act to revise the charter of *Section amended* the city of Grand Rapids," approved February fourteenth,

eighteen hundred and fifty-seven, be amended so as to read as follows:

City limits.

Sec. 2. The district of country, in the county of Kent, and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city, by the name of Grand Rapids, and subject to the municipal government of said corporation, said district of country being bounded as follows, viz.: Commencing at the north-east corner of the south-east quarter of section eighteen, in town seven north of range eleven west, running south to the south-east corner of section thirty-one of said township; thence west on the south line of said township to the south-west corner of the same; thence extended on the south line of township seven north of range twelve west, to the middle of Grand river, on section thirty-four, in said last named township; thence north-eastwardly, along the middle of Grand river, to the point which intersects the north and south quarter-line of section thirty-five, in said township seven north of range twelve west; thence north along a line drawn through the center of sections thirty-five, twenty-six and twenty-three, to the center of section fourteen, in said township seven north of range twelve west, and thence east, to the place of beginning: *Provided*, That all unpaid taxes assessed on the property by this act set out of the corporate limits of the city of Grand Rapids, shall, when collected, be paid to the treasurer of said city.

Preamble.

Sec. 2. This act shall take immediate effect.

Approved March 4, 1861.

[No. 94.]

AN ACT to authorize the Detroit and Milwaukee railroad company to issue stock in place of the original stock of the Detroit and Milwaukee railway company.

Preamble.

SECTION 1. *The People of the State of Michigan enact: Whereas*, The act approved February tenth, eighteen hundred and fifty-nine, under which the Detroit and Milwaukee railroad company

is organized, prohibits the issuing of new stock in said corporation to a greater amount than sufficient, at par, to represent the fair value of all the property and rights now owned by said corporation, unless additional stock shall be in good faith subscribed by persons fully able to pay the same;

Be it enacted, That said Detroit and Milwaukee railroad company, be and they are hereby authorized to issue to the former stockholders in the Detroit and Milwaukee railway company, in place of their former stock in said company, such an amount of stock in said Detroit and Milwaukee railroad company, as shall be mutually agreed upon between said stockholders and the directors of the Detroit and Milwaukee railroad company: *Provided*, Said amount of new stock so issued shall not be less than twenty per cent. of the par value of the former stock in said Detroit and Milwaukee railway company: *Provided further*, That neither the foreclosure of the mortgage upon the road and franchises of said company, nor anything in the act in relation to mortgages against preferred stock in and delivery of goods by railway companies, approved February tenth, eighteen hundred and fifty-nine, or in this act, shall be construed in any way to affect or change the rule of taxation, as provided in the charter of said company, and which shall continue to be one per cent. upon the capital stock originally paid in, and upon such stock as may hereafter be paid into said company.

Authorized to issue stock to former stockholders.

Provided.

Provided.

Sec. 2. This act shall take immediate effect.

Approved March 4, 1861.

[No. 95.]

AN ACT to amend an act entitled an act in relation to the free schools of the city of Detroit, approved February seventh, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled an act in relation to free schools

Section amended.

in the city of Detroit, be and the same is hereby amended so as to read as follows:

Common council authorized to levy a tax for purchasing lots and erecting buildings.

Tax paid to treasurer of board of education.

SECTION 1. *The People of the State of Michigan enact, That* in lieu of the (\$1,500) fifteen hundred dollars mentioned in the (1) first section of an act approved March (12, 1847) twelfth, eighteen hundred and forty-seven, and in addition to all other taxes authorized by law to be assessed and levied for school purposes in the city of Detroit, the common council of said city is hereby authorized and empowered to levy and collect a tax, not exceeding (\$20,000) twenty thousand dollars in any one year, to be expended in the purchase of lots, and in paying for lots already purchased in said city for the use of the public schools thereof, and in the erection and building of schoolhouses, with the necessary outbuilding and fixtures, on any lots now owned by the board of education in said city, or which said board may hereafter require. Said tax, when so levied and collected, shall be paid to the treasurer of said board, and shall vest in said board for the sole purposes hereinbefore stated, unless the said board shall, by resolution, direct the same to be applied in whole or in part for the maintenance and support of the schools of said board, in which case said tax may be so applied; said tax shall be collected in the same manner, and with the same rights, duties, powers and obligations, as the general school taxes in said city.

Sec. 2. This act shall take effect immediately.

Approved March 7, 1861.

[No. 96.]

AN ACT to discontinue a portion of the Allegan and Lansing State road.

Discontinued.

SECTION 1. *The People of the State of Michigan enact, That* that portion of the highway known as the Allegan and Lansing State road, which passes through sections twenty-one and twenty-two, in the township of Watson, in the county of Allegan, be and the same is hereby discontinued.

Approved March 7, 1861.

[No. 97.]

AN ACT to provide for the incorporation of associations for the publication of periodicals, newspapers, books, tracts, documents, and other publications.

SECTION 1. *The People of the State of Michigan enact*, That any three or more persons may associate themselves together as a body corporate, for the purpose of publishing periodicals, newspapers, books, tracts, documents, and other publications of a religious, historical, literary, agricultural, scientific, or educational character; which corporation shall, so far as the same shall be applicable, be subject to the provisions of chapter seventy-three of the compiled laws of eighteen hundred and fifty-seven.

Sec. 2. Such persons shall, under their hands and seal, make a certificate which shall specify the name and location of such corporation, the names and places of residence of the shareholders, the number of shares held by each of them respectively, and the amount of all other property, real or personal, that may be held by such corporation, which certificate shall be recorded in the office of the Secretary of State, and in the office of the clerk of the county in which such corporation is located.

Sec. 3. Upon compliance with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real estate purchased by it, or that may be given, granted or devised to it as a corporation, in accordance with the provisions of law at the time such grant or devise shall take effect, as may be necessary for its use and occupation for purposes of business, and personal property not exceeding twenty-five thousand dollars: *Provided*, That all property of such association shall be subject to taxation, and shall be used for no other purpose than in the legitimate business of the association, and to secure the object of its incorporation.

Approved March 7, 1861.

[No. 98.]

AN ACT to extend the time for the collection of taxes in the township of Lyons, in the county of Ionia, for the year eighteen hundred and sixty, and to authorize the collection of the same.

Time extended.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Lyons, in the county of Ionia, is hereby extended to the first Monday in April next, and the proper officer, whose duty it is to collect said taxes, is hereby authorized to proceed and collect said taxes, and make return thereof, as fully as he might have done within the lifetime of his warrant, and make his said return by the first Monday in April next: *Provided*, He shall first renew his official bond, to the satisfaction of the treasurer of the said county of Ionia.

Bond to be renewed.

Unpaid taxes.

Sec. 2. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of law, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty, duly returned to the Auditor General for non-payment.

Interest thereon.

Sec. 3. This act shall take effect immediately.

Approved March 7, 1861.

[No. 99.]

AN ACT to amend an act entitled an act to incorporate the village of Hastings, approved February thirteenth, eighteen hundred and fifty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act to incorporate the village of Hastings, approved February thirteenth, eighteen hundred and fifty-five, be and the same is hereby amended so that said section shall read as follows:

SECTION 1. *The People of the State of Michigan enact, That*

all that tract of country situated in the township of Hastings, in the county of Barry, and State of Michigan, known and described as follows, to wit: the west one-half of section seventeen, the south one-half of the south-west one-quarter of section eight, the north-east one-quarter of section eighteen, and the east one-half of the south-east one-quarter of section eighteen, be and is hereby constituted a town corporate by the name of the village of Hastings.

Sec. 2. This act shall take effect immediately.

Approved March 7, 1861.

[No. 100.]

AN ACT to authorize the trustees of the Second Society of the Methodist Episcopal Church, of Detroit, to mortgage real estate.

SECTION 1. *The People of the State of Michigan enact, That* the trustees of the Second Society of the Methodist Episcopal Church, of Detroit, in the county of Wayne, and the State of Michigan, be and are hereby authorized to mortgage their church edifice, and the land on which the same is erected, on the corner of Congress and Randolph streets, in the said city of Detroit, to secure the payment of such sum or sums of money as they may have become indebted for, in the extension, enlargement and improvement of said church edifice; and such mortgage, duly and properly executed by them, for the payment of such sum of money, shall be good and valid, according to the true intent and meaning thereof, like common mortgages on real estate.

Sec. 2. This act shall take immediate effect.

Approved March 7, 1861.

[No. 101.]

AN ACT to legalize a mortgage executed by the trustees of the First Congregational Society of Newark to Rufus Dunning.

Declared
valid

SECTION 1. *The People of the State of Michigan enact, That* a mortgage executed by the trustees of the First Congregational Society of Newark, in Allegan county, in the year one thousand eight hundred and sixty, to Rufus Dunning, of the same place, is hereby declared to be valid and of binding effect.

Sec. 2. This act shall take effect immediately.

Approved March 7, 1861.

[No. 102.]

AN ACT to authorize any township in the county of Allegan to levy a special tax for the improvement of the Kalamazoo river and harbor.

Tax author-
ized.

SECTION 1. *The People of the State of Michigan enact, That* the tax payers of any township in the county of Allegan, are hereby authorized and empowered to vote, annually, for ten years, at the annual township meeting for the election of township officers, for a special tax not exceeding one per cent. on the taxable property of each township, to be expended in the improvement of the Kalamazoo river and harbor, or either of them.

How ex-
pended.

Commis'sion-
ers.

Sec. 2. William B. Williams and Elisha B. Bassett, of Allegan, Elisha Mix, of Manlius, and Stephen A. Morrison and Francis B. Stockbridge, of Newark, be and the same are hereby appointed commissioners, who shall receive orders drawn on the treasurer of the townships voting such tax, for all moneys raised by said tax and hold and expend them as trustees of the townships, for the improvement of the said river or harbor, and make all necessary contracts in relation thereto.

Powers.

Superinten-
dent.

Sec. 3. The said commissioners, or any three of them, shall have power to appoint a superintendent of said work, who shall be controlled by the said commissioners.

Sec. 4. The said commissioners shall, before entering upon

the duties of their office, execute bonds in double the amount of the taxes so levied, payable to the treasurer of Allegan county, for the use of the townships so taxed, conditioned for the faithful performance of said trust, and shall annually, ten days before the annual township meeting, submit to the supervisor of each township taxed, a full and complete statement, in writing, of the receipts and disbursements of all moneys received by them.

Commissioners to give bonds.

To make annual state-ment.

Sec. 5. The judge of the ninth judicial circuit of the State of Michigan shall have power to appoint substitutes in said board of commissioners whenever vacancies shall occur by death or otherwise, and remove from office any of said commissioners, on petition of the citizens of Allegan county, for good cause shown.

Vacancies.

Removals.

Sec. 6. Said tax shall be voted, assessed and collected in like manner as other taxes for township expenses.

Tax, how voted, &c.

Sec. 7. The township board shall, at any time after such tax shall be authorized, upon the order of said commissioners, issue orders on the township treasurer for the amount voted to be raised, said orders to be drawn in such denominations as said commissioners shall direct, and shall specify definitely the tax upon which they are drawn.

Money raised, how drawn.

Sec. 8. The township clerk of any township voting tax as above authorized, shall, within ten days after the meeting at which said tax shall be authorized, notify William B. Williams, one of said commissioners, of the raising of said tax, and the amount of the same.

Duty of township clerk.

Sec. 9. This act shall take effect immediately.

Approved March 7, 1861.

[No. 103.]

AN ACT authorizing the trustees of the Methodist Episcopal Church, of Muskegon, in the county of Muskegon, to mortgage their church edifice and lands.

Mortgage authorized.
Declared valid.
Mortgages heretofore executed confirmed.
Proviso.

SECTION 1. *The People of the State of Michigan enact*, That the trustees, or a majority of them, of the Methodist Episcopal Church, of the village of Muskegon, in the county of Muskegon, are hereby authorized and empowered to mortgage their church edifice and lands, in the village of Muskegon, to secure any debt or debts heretofore contracted by said church, or which may be a legal or equitable lien on the property of the same, and any mortgage so executed thereon shall be valid and effectual in law.

Sec. 2. All mortgages heretofore executed on said church property, are hereby confirmed as valid and effectual in law as if the same had been executed under a legal power for that purpose: *Provided*, That whenever any existing mortgage shall be canceled by the execution of a new one, such new mortgage shall not be made payable and become due at an earlier day than the mortgage so canceled.

Sec. 3. This act shall take immediate effect.

Approved March 7, 1861.

[No. 104.]

AN ACT to amend chapter seventy-nine of the revised statutes of eighteen hundred and forty-six, (compiled laws, chapter one hundred and three,) by adding three new sections, to be numbered sections fifty-four, fifty-five and fifty-six, in relation to redemptions against sales on executions.

Sections added.

SECTION 1. *The People of the State of Michigan enact*, That chapter seventy-nine of the revised statutes of eighteen hundred and forty-six, the same being chapter one hundred and three of the compiled laws, be amended by adding thereto the following sections:

Sec. 54. Any creditor having a mortgage of any lands sold

on execution, his representatives or assigns, where the mortgage was executed subsequent to the levy in pursuance of which the mortgaged premises were sold, shall have the right to acquire the interest vested in the purchaser at the sale, on the terms provided in section nineteen of this act, for creditors having a decree in chancery, or judgment at law.

Mortgagee of lands sold on execution shall have the right to acquire the title of the purchaser.

Sec. 55. The interest of the original purchaser acquired by such mortgagee, his representatives or assigns, shall be subject to be defeated in the same manner as the same right acquired by other creditors, except that unless an execution has been issued on his judgment or decree, and a levy made by virtue thereof on the mortgaged premises, previous to the execution of the mortgage, any creditor acquiring the right of the original purchaser from such mortgagee, his representatives or assigns, shall pay to such mortgagee, his representatives or assigns, the amount due on the mortgage, and be thereby subrogated to the rights of the owners thereof; such creditor shall also reimburse, with interest at ten per cent. per annum, the amount paid by such mortgagee, his representatives or assigns, to acquire the rights of the original purchaser.

Interest of purchaser, how defeated.

Exceptions.

Creditor to reimburse with interest.

Sec. 56. Creditors shall be allowed to acquire the right of the original purchaser in the order of their liens.

Rights of original purchaser, how acquired.

Approved March 7, 1861.

[No. 105.]

AN ACT changing the name of the township of Newark, in the county of Allegan, to that of Saugatuck.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Newark, in Allegan county, be and is hereby changed to that of Saugatuck.*

Name changed.

Approved March 7, 1861.

[No. 106.]

AN ACT in relation the collection of recognizances in criminal cases

Judgment entered on forfeited recognizance. SECTION 1. *The People of the State of Michigan enact, That* when any person or persons, under recognizance in any criminal prosecution in a court of record, either to appear and answer, or to prosecute an appeal, or to testify in any court, shall fail to perform the condition of such recognizance, and said recognizance shall become forfeited by reason of a breach of the condition thereof, and such forfeiture shall be entered on record by order of the court, it shall be lawful for the court, after two days thereafter, unless good cause to the contrary be shown, to enter a judgment thereon in debt, and to order an execution to issue thereon, in favor of the people of this State, and against the persons entering into or executing such recognizance, who shall survive, for the full amount or sum specified in the said recognizance, which execution shall be executed in the same manner as executions awarded and executed in judgments in personal actions, and with the like effect in all respects; but the court may at any time, upon good cause shown, set aside the execution and remit the whole or any part of any such recognizance, upon such terms and conditions as to the court may seem just and proper: *Provided*, That no execution shall issue on such judgment within thirty days after the rendition thereof, unless upon special motion for such execution the court shall be satisfied that delay will be injurious to the public interests.

Execution issued.

Effect of.

Proviso.

Not to prevent collection by action.

Sec. 2. This act shall not be construed to prevent the prosecution or enforcement of collection of recognizances in criminal prosecutions, by action or otherwise, in the manner now provided by law, whenever the collection of such recognizance may not have been ordered and enforced under the provisions of this act.

Approved March 7, 1861.

[No. 107.]

AN ACT to amend an act entitled an act to provide for the draining and reclamation of swamp lands by means of State roads and ditches, being act number one hundred and seventeen, of session laws of eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section two of an act entitled "an act to provide for the draining and reclamation of swamp lands by means of State roads and ditches," be and the same is hereby amended so as to read as follows:

Sec. 2 For the purpose of laying out and establishing said roads, and procuring the right of way for the same, the commissioner appointed in pursuance of this act shall have power to survey, or cause to be surveyed, any route for a road to be constructed under the provisions of this act, which will not be less than four nor more than six rods wide, across any of the public lands, the lands of this State, or any private person, and for the location, laying out and opening of such roads, to enter upon and take for the use thereof any such lands lying within the boundaries of the road, and not in any incorporated city or village; *Provided*, That when it shall be necessary, in constructing such roads, to take the land of any private person or owner, the commissioner shall proceed as follows: He shall proceed to view the lands so to be taken, and may give to the owner or occupant such notice as he may deem reasonable, to be present at the view, and make such showing as he may desire touching title, and the amount of damages to be sustained by such taking; and having taken such view, the commissioner shall thereupon estimate the amount of such damages, if any, and make and sign a certificate of his finding, describing the lands in question, and cause the same to be filed in the office of the State Treasurer; and in case the same shall be approved by the board mentioned in the third section of this act, such damages shall be paid out of any moneys in the State treasury that shall at any time, after the passage of this act, accrue from the sales of the swamp lands: *Provided*, That for all roads other than

Section amended.

Commissioner authorized to survey

What lands may be taken.

Proceedings when private property is taken.

View of premises and notice.

Estimate of damages.

Filing thereof; approval of estimate.

Damages, how paid.

those mentioned in the first section of this act, the said certificate shall be filed with the county treasurer of the county in which such land is located, and the amount, on being allowed by the board of supervisors of said county, shall be paid by said treasurer out of any funds of said county not otherwise appropriated; and upon such payment or tender, or of the Auditor's warrant on the State Treasurer, or the order of the board of supervisors on the treasurer of the county, as the case may be, for the amount of such damages to the owner, his agent, or to the occupant, the land may be taken, entered upon and used for the purposes of such road; but in case said board, or either of them, shall disapprove of such estimate or finding, the commissioners shall re-estimate the damages, in the manner and to the effect aforesaid.

When filed with county treasurer. How allowed. How paid.

Upon tender of payment the land may be taken.

Re estimate of damages.

Sec. 2. That section three of said act be amended so as to read as follows:

Commissioners

Terms of office.

Removal.

Board of control

Their powers.

Sec. 3. There shall be appointed, in the manner hereinbefore provided, for the aforesaid roads, or for any other road that shall hereinafter be constructed under the provisions of this act, one commissioner for each of said roads, whose term of office shall be for three years, unless such road shall be sooner completed, and until his successor shall be appointed and qualified, unless sooner removed, in which case another shall be appointed in his stead; and the Governor shall have unconditional power of removal, and all vacancies shall be filled by appointment by the Governor. The Governor, Secretary of State, Auditor General, State Treasurer, Attorney General and Commissioner of the State Land Office, shall constitute a board of control, and shall have power, and it shall be their duty, whenever, in their judgment, the public interest shall require it, to suspend the surveys or operations on any of said roads, or those of any roads to be hereafter constructed under the provisions of this act, and to direct re-surveys, with a view to the selection of more fit and convenient localities for the road, and to direct, from time to time, what work shall be commenced, suspended or discontinued, and to extend the time for completing the work

of any contract, and to correct all errors in contracts, whether of description or otherwise, and to allow interest on the unpaid amount of any existing contract for the payment of money, from and after the completion and acceptance of the work stipulated to be done in said contract; and this provision shall be embodied in every contract under this act.

Sec. 3. That section four of said act be amended so as to read as follows:

Sec. 4. Immediately after being notified of his appointment, it shall be the duty of said commissioner to take and subscribe the oath of office prescribed by the constitution and laws of this State, which oath of office, together with an official bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by said board, and conditioned for the faithful performance of his duties, shall be filed in the office of Sec-Where filed. retary of State, whereupon said commissioner may enter upon his duties, as prescribed by this act. (*Upon the acceptance, approval and cancelment of any portion of such contract, less than the whole, certificates shall be issued only to meet the proportionate expense of constructing the same, not exceeding the contract price, as certified by the commissioners of said road.)

Commissioner's oath and bond.

Proportion'l certificates only to issue upon part completion.

Sec. 4. That section five of said act be amended so as to read as follows:

Sec. 5. To secure the construction of roads under this act, there shall be and is hereby appropriated, of the money hereafter to accrue upon the sale of the swamp lands, an average amount per mile on each of said roads, not exceeding the value of six hundred and forty acres of said lands, at the minimum price fixed by the laws of this State: *Provided*, That no more than four hundred thousand acres of said swamp lands shall be applied for the construction of all the roads heretofore authorized to be constructed under this act, to be distributed to them under the direction of said board; and the Auditor General

Appropriation.

Limitation.

Proviso.

*The portion of this section enclosed in parenthesis properly belongs in section four of this act, as indicated by the note, but was, it is supposed, incorrectly enrolled.

Separate account of ex- shall note in his warrants to which of said roads it relates, and
 cept. shall as shall also the State Treasurer, keep a separate account
 with each road, in such manner as to show the amount expended
 upon each: *And provided further*, That any contractor for the
 construction of any of said roads, or any part thereof, may elect
 to take lands in lieu of money in liquidation of such contract,
 or any portion thereof, equal to the contract price for the con-
 struction of two miles, or in payment of existing cash contracts,
 accepted and approved at the passage of this act, and that no
 more than an average of six hundred and forty acres of said
 land shall be stipulated to be paid per mile for any of said roads:
Provided, That there may be more than that amount, and not
 exceeding two sections to the mile, applied to roads in the
 Upper Peninsula; and the lands stipulated to be paid for the
 construction of roads, under the provisions of this act, may be
 selected by contractors on the approval of their bonds and con-
 tracts by the Governor. Lands selected by contractors to apply
 on said contracts shall, on the filing with the Commissioner of
 the Land Office a list thereof, be withheld from market during
 the full time specified in said contract for the completion thereof:
Provided, That in all those contracts where the party has con-
 tracted to take lands, such lands shall be selected in those
 counties in which such work is performed, according to con-
 tract. Upon a full completion of all the work provided for in
 any such contract, or any two consecutive miles thereof, and
 on its due acceptance, approval and cancelment, or on the due
 acceptance, approval and cancelment of any such two consecu-
 tive miles, the Commissioner of the State Land Office shall issue
 to such contractor, his heirs or assigns, certificates of lands so
 selected; such certificate shall entitle the contractor, his heirs
 or assigns, to patents for the said land.* The Auditor General,
 on the presentation of the certificate of the Commissioner of the
 Land Office, is hereby required to issue his warrant for the
 amount of land mentioned in said certificate; and the value of

*As will be seen from the note on the preceding page, the portion of section three included in parenthesis is supposed to be a part of this section, and properly belonging here.

the lands so taken shall be charged, at the minimum price fixed by law, against the proper road, in the account of the State Treasurer and Auditor General.

Sec. 5. That section eight of said act be amended so as to read as follows:

Sec. 8. Every such contract shall contain a description of the land covered by the same, the distance said road is to be constructed over dry, wet, or swamp lands and marshes, the number, dimensions and construction of sluices and bridges, and width of road bed, of clearing and grubbing, and provisions requiring ditches on each side of said road sufficient to carry off the surface water, and ample side drains wherever the same are necessary, and that over all low or wet lands and marshes, the grading shall be of sufficient height to form a dry road bed; and the commissioner shall cause a true survey of the route of any such road, through any county, to be filed and recorded in the office of the register of deeds thereof; and it shall be the duty of the commissioner on all roads laid out or constructed under the provisions of this act, to make out and forward to the Governor a full report of all his doings on any road under his charge, during the month of October in each year, and he shall also report at such other times as the Governor shall direct.

Specification
of contracts

Survey of
route.

Where filed.

Commissioner's
report.

Sec. 6. That section nine of said act shall be and is hereby amended so as to read as follows:

Sec. 9. Upon completion of all the work by any contract required to be done on any of said roads, or any two consecutive miles thereof, it shall be the duty of the commissioner for said road officially to certify to such completion; which certificate shall state that the terms of said contract have been fully and faithfully complied with, and shall be verified by the oath of the commissioner, and upon the presentation of such certificate, and the release of his or their contract, or the portion thereof so certified to be performed, if payable in money, it shall be the duty of the State Treasurer to pay the same, or the amount due thereon, from any money applicable to the construction of said road, and pay to each contractor all money apportioned to his

Completion
of work, how
verified.

Payment,
how made.

contracts and apply the same on any one certified to be completed; and in case there is not sufficient money in the treasury applicable to any contract to pay the same, the contractor shall be entitled to, and it shall be the duty of the Auditor General to draw his warrant on the treasurer, payable to order, with interest as provided in section two of this act, for the whole or any balance of said contract, which shall be paid by the treasurer from any money in the treasury applicable to said road fund; and if payable in land, it shall be the duty of the Commissioner of the State Land Office, upon like presentation and release, to cause to be issued from the proper department, certificate for the lands selected and applied to said contract by the provisions of this act: *Provided*, That before any such payment shall be made it shall be competent for the Governor, and he may at his discretion, appoint also a special commissioner to examine and certify, on oath, to the completion of any contract, or the progress made towards such completion on any of said roads; and in case such special commissioner shall be appointed, no payment shall be made except upon his additional certificate of completion, as aforesaid.

Sec. 7. That section ten of said act be so amended as to read as follows:

Sec. 10. The compensation of said commissioner, or special commissioner, shall be three dollars a day for the time actually employed in the discharge of his duty under this act, an account of which shall be rendered in detail, and all accounts for such services shall be verified by the oath of the commissioner, or special commissioner, claiming the pay for such services; and when so sworn to and allowed by the board of State Auditors, it shall be the duty of the State Treasurer to pay the same upon the warrant by the Auditor General, out of any money applicable to the same. It shall be the duty of the State Treasurer to pay accounts for the necessary surveys of said roads, said account to be certified and allowed as hereinbefore provided in case of services rendered by the commissioner.

Warrants
unpaid to
draw interest.

Certificates
issued.

Special commissioner.

Compensation of commissioner.

Accounts of.

Accounts for survey.

Sec. 8. That section eleven of said act shall be amended so as to read as follows:

Sec. 11. No money shall be applied in the survey of such routes, the acquisition of the right of way, the payment of any services or expenses, or in the construction and opening of such roads, or any of them, out of any other State fund except that derived from the sales of said swamp lands: *Provided*, That all expenses of surveys and for services of the commissioner, as well as for construction, except on the roads provided for in section one of the act of which this is amendatory, shall be paid in lands only where paid by the State: *Provided further*, That it shall be lawful, and it shall be the duty of the board of supervisors of any county through which any such road or any part thereof shall be located, to pay the expenses of surveying, locating, and for surveys of the commissioner in such county; and this provision shall be embodied in all such contracts, it being the determination of the legislature never to charge any part of the costs of said roads upon the ordinary revenues of the State.

Money expended, from what fund drawn.

Proviso.

What surveys chargeable to the counties.

Sec. 9. That section twelve of said act be so amended as to read as follows:

Sec. 12. There is hereby appropriated, two hundred thousand acres of swamp lands of this State, to be expended in draining and reclaiming said lands by means of levees and ditches, which land is hereby placed under the direction of said board of control, and may, under their direction, be appropriated at the minimum price fixed by law for said lands, from time to time, for that purpose, in such localities and under such rule and regulations as they may prescribe: *Provided*, That said board shall apportion said lands, as near as may be, to the organized counties of the Lower Peninsula, according to the number of acres lying in said counties at the time of the grant of said lands by Congress.

Placed at the disposal of the board of control.

Proviso

Sec. 10. There shall be added to this act hereby amended, to stand as section thirteen, the following words:

Sec. 13. In all cases in which there shall be one thousand

Lands, when
sold at p. b.
No auction
Sale adver-
tised.

acres or more in one body of such swamp lands in any survey-
ed township, the Commissioner of the Land Office, with the
approval of the board of control, may sell at public auction to
the highest bidder, all the swamp lands of such township, in
whole or in parcels, as such board of control shall determine
and direct, subject to such system of thorough drainage as said
board of control shall prescribe, and such lands shall not be
conveyed to the purchasers thereof until such drainage shall
be fully completed. Before making such sale the commissioner
shall advertise the time and place of such sales for twelve suc-
cessive weeks, in a newspaper printed in the county in which
such lands lie, if there be one; if no newspaper be published
in the county, then in a newspaper printed at Lansing, and in
such other manner as the commissioner may deem proper; and
the moneys arising from such sales shall be paid into the treas-
ury of the State to the credit of the swamp land fund, and be
applied to the discharge of any indebtedness arising under "an
act to provide for the drainage and reclamation of swamp lands
by means of State roads and ditches," approved February
twelfth, eighteen hundred and fifty-nine: *Provided*, That in all
cases such sales shall be made in the counties in which such
lands lie, at such place therein as such commissioner shall
appoint.

Proceeds,
how applied

Proviso.

Provisions
to apply to
former con-
tracts.

Sec. 11. The provisions of this act shall apply to all contracts
heretofore made under the act hereby amended, and not can-
celed and remaining unfulfilled, so far as applicable thereto;
and all such contracts shall be paid in the manner provided in
this act, irrespective of other provisions, except that by the vol-
untary consent of the contractors, the contract may be paid in
land.

Sec. 12. This act shall take effect immediately.

Approved March 7, 1851.

[No. 103.]

AN ACT to amend an act entitled "an act to provide for the settlement and drainage of the swamp lands by actual settlers," being act number two hundred and twenty-nine of session laws of eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact,* That section one of an act to amend an act entitled "an act to provide for the settlement and drainage of the swamp lands by actual settlers," approved February fifteenth, eighteen hundred and fifty-nine, be so amended as to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the Land Office is hereby required to issue a certificate of purchase to every settler or occupant of the swamp lands belonging to this State, in the proper legal subdivision, for eighty acres of said land, whenever it shall be made to appear to said commissioner that such settler or occupant has actually resided upon such eighty acres of land for the period of five continuous years, and that he has also drained the same so as to comply with the provisions of the act of Congress, approved September twenty-eighth, eighteen hundred and fifty, by which said lands were conveyed to this State. When commissioner to issue certificate.

Sec. 2. That section four of said act be so amended as to read as follows:

Sec. 4. And it is further provided that the license for settlement granted under this act, shall contain a clause which shall expressly provide that the settler or occupant shall, within three months after the date of said license, file with the Commissioner of the Land Office a certificate from the supervisor of the township in which the land is located, together with the affidavit of such settler, that he is in the actual possession and occupancy of such land; and said license shall also contain a clause providing that the settler or occupant shall not be authorized to cut, take and carry away any pine, oak or other valuable timber, unless it be to clear the land for cultivation, and then only as much as may be necessary to improve the same; and for a violation of the aforesaid conditions, he or License of settlement.

Penalty for violating its conditions.

they shall be liable to all the forfeitures, penalties and liabilities of a trespasser upon State lands, as now is or may hereafter be provided by law; and it is further provided, that if such settler shall not file his certificate and oath of settlement and occupancy, as above provided, or if evidence of two witnesses, under oath, is furnished to the Commissioner of the State Land Office, that the clause above mentioned, to prevent waste of said land, has been violated, then his claim shall be deemed as void, and the Commissioner of the State Land Office shall, from and after said time, sell said lands the same as other swamp lands, and this provision shall be inserted in the license for said lands.

Sec. 3. That two sections be added to said act numbered section five and section six, to read as follows:

Occupant may purchase.

Sec. 5. Any occupant, under such license, may at any time pay for said land the minimum price fixed by law for the swamp lands, and receive from the commissioner a certificate entitling him, or his legal representatives, to a patent for the same from the State, in the same manner as though the said land had not been licensed.

Occupant may purchase excess of fri subdivi-

Sec. 6. Such settler or occupant may take any fractional legal subdivision of land, not exceeding one hundred and twenty acres, by paying for all over eighty acres, the minimum price for swamp lands fixed by law for such excess. He may also take an additional adjoining legal subdivision of eighty acres or less, by paying one-quarter of the purchase money down, according to the provisions of an act entitled "an act to provide for the sale of swamp lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon, approved February fourth, eighteen hundred and fifty-eight, and the acts amendatory thereto," approved February eleventh, eighteen hundred and fifty-nine, for the sale of swamp lands, and reclamation thereof.

Approved March 7, 1861.

[No. 109.]

AN ACT to organize the township of Cedar Creek, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact*, That all of townships number eleven and twelve north, of range fifteen west, and now forming a portion of the townships of Dalton and Oceana, in the county of Muskegon, be and the same is hereby set off from the residue of said last named townships, and organized into a separate township by the name of Cedar Creek; and the first township meeting thereof shall be held at the house of William Merchant, in said township, on the first Monday of April next.

Township organized.

First business meeting.

Sec. 2. William Merchant, Richard Ryerson and Norman Cunningham, are hereby made and constituted a board of inspectors for said township election.

Board of inspectors.

Sec. 3. If, for any reason, the township election should not be held at the time herein named, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days notice of the time and place of such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Special election, notice thereof.

Sec. 58. This act shall take effect immediately.

Approved March 7, 1861.

[No. 110.]

AN ACT to reduce the capital stock of the president, directors and company of the Peninsular bank, and to amend an act to incorporate the president, directors, and company of the Peninsular bank, approved March twenty-eighth, eighteen hundred and forty-nine.

SECTION 1. *The People of the State of Michigan enact*, That with the consent in writing of a majority in amount of the stockholders of said corporation, the board of directors thereof be and they are hereby authorized and empowered to reduce

Reduction of capital stock authorized.

the capital stock thereof to a sum of not less than one hundred and six thousand six hundred dollars, and to issue therefor certificates of the reduced stock in proportion to the share of each stockholder in the former capital stock; on the acceptance of which certificates by the stockholders, or any of them, their heirs, executors, administrators or assigns, or on the tender thereof to the proper owner or holder of any former certificate of capital stock, such former certificate shall be held and treated as canceled and annulled, and the certificate so accepted or tendered, be held and treated as a substitute therefor, and the said capital stock shall thereupon be proportionally reduced: *Provided*, That nothing in this act shall affect the right of said corporation to increase its capital stock, as provided in the third section of its original act of incorporation, which right is hereby preserved to it.

Certificates
of reduced
stock.

Former cer-
tificates
cancelled.

Proviso.

Report of
board of di-
rectors.

How verified

Specific tax
suspended.

Sec. 2. It shall be the duty of the board of directors of said bank, within thirty days after this act shall go into effect, to make a report in writing to the State Treasurer, setting forth whether said corporation has or has not exercised the powers and privileges granted by this act; and if it has, said report shall set forth the amount of capital stock fixed upon, and contain, moreover, a true copy of all the proceedings of the board of directors in effecting the reduction of capital stock contemplated by this act; such report shall be verified by the oath of two or more of the directors, and be under the seal of said corporation, and the State Treasurer shall receive and preserve the same in his office. The payment of the specific tax due from said bank on the second Monday of January, eighteen hundred and sixty-one, is hereby suspended till the expiration of the said thirty days; and in case said bank shall then have reduced its capital stock as aforesaid, the amount of specific tax demandable shall be one per cent. upon the capital stock so fixed for such unpaid specific tax.

Sec. 3. The fourth section of said original act of incorporation, act number one hundred and thirty-five, session laws of

eighteen hundred and forty-nine, is hereby so altered and amended as to read as follows, viz.:

Sec. 4. Said corporation shall not, directly or indirectly, deal or trade in anything except gold or silver, bills of exchange, or promissory notes, or except in the sale of such goods and chattels, rights in action, or other personalties as may be really and truly pledged or hypothecated to the bank in security for money loaned, and which shall not be legally redeemed in due time; and said corporation shall not take or receive more in advance upon its loans and discounts, than is or shall be permitted to banking associations under the act entitled "an act to authorize the business of banking," approved February sixteenth, eighteen hundred and fifty-seven, or any amendment of said act.

The corporation restricted in trade.

Sec. 4. Whenever any stock of the bank, which may be pledged or hypothecated to the bank, as security for money loaned, shall be taken in payment of such loan, or any of its stock shall be received by the bank in payment of debts due to the bank, it shall be the duty of the directors to charge the amount of the shares, so received, to capital stock, and such certificate shall be canceled, and cease to be a part of the capital stock: *Provided*, That nothing in this act shall affect the right of the State to demand and receive from said corporation a specific tax upon not less than one hundred and sixty thousand six hundred dollars, or upon any other sum to which the capital stock may be increased: *And provided further*, That this section shall not apply to any increase of capital stock beyond the present amount thereof, or beyond the amount to which it may be reduced, as herein provided.

Stock purchased by the bank to be canceled.

Proviso.

Proviso.

Sec. 5. This act shall take effect immediately.

Approved March 7, 1861.

[No. 111.]

AN ACT relating to deposit accounts, and to interest, exchange and commissions, received or paid by the State Treasurer.

SECTION 1. *The People of the State of Michigan enact, That*

State treasurer to keep an account of deposits.

it shall be the duty of the State Treasurer to keep the accounts of the treasurer with all banks or depositories, where any moneys of the State may be kept or deposited, upon the regular books of his office, so that each item of all such accounts shall appear therein.

Interest due, acct. of, how kept.

Sec. 2. All items of interest, which may become due the State from banks or otherwise, shall be entered on the books of the treasurer when received, in such manner that it shall appear upon what account, and for what time such interest accrued.

Treasurer to furnish vouchers.

Sec. 3. It shall be the duty of the treasurer to furnish vouchers for any items paid by him, from parties to whom the same were paid, whether for interest, exchange, commissions, or otherwise, before the Auditor General shall issue a warrant therefor.

Approved March 8, 1861.

[No. 112.]

AN ACT to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section seven of "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

When company may sell lands.

Sec. 7. Each of said companies, after the completion of twenty continuous miles of its railroad, and after the Governor shall

LAWS OF MICHIGAN.

have certified to the Secretary of the Interior that such continuous twenty miles of its road has been completed, then, and in such case, and not before, said company may sell one hundred and twenty sections of the land included within any twenty continuous miles of its line of road; and after the said twenty miles of its railroad shall have been so completed and certified to by the Governor, each of said companies may sell another quantity of land, not exceeding one hundred and twenty sections, and included in a continuous length of twenty continuous miles of its road; and when the Governor of said State shall certify to the Secretary of the Interior that any further twenty continuous miles of any of said roads is completed, then another quantity of said land, not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of such road may be sold; and so, from time to time, until the whole of its road is completed: *Provided, That* the Amboy, Lansing and Traverse Bay railroad company shall not be entitled to the second one hundred and twenty sections of land until it shall have constructed its road and opened it for use from Owosso to Michigan Avenue, in the city of Lansing: *And provided, That* neither the Flint and Pere Marquette railway company, or the Grand Rapids and Indiana railroad company, shall be entitled to the said second one hundred and twenty sections of land until they shall have respectively constructed and opened for traffic at least thirty-two miles of their road on the line to which the grant of land shall respectively attach; and when the Governor of the State shall certify that either of said companies has complied with the above provisions, such companies shall be entitled thereafter to said lands, as above specified.

Amount.

Further quantities.

Proviso.

Proviso.

Approved March 11, 1861.

[No. 113.]

AN ACT to organize a school district of the Wayne county farm, and appropriate the public moneys for school purposes for the education of poor children.

SECTION 1. *The People of the State of Michigan enact,* That the farm and premises of Wayne county, for the support and benefit of the poor, be organized into a school district, to be numbered by the school inspectors of the township of Nankin, and that the superintendent of the poor, and the county auditors of Wayne county, shall be authorized and empowered to act as the officers of said school district, and draw the public money for school purposes to which the children of the poor as are at the Wayne county poor-house, and within said district, are entitled, and appropriate said moneys to the education of said children.

Sec. 2. This act shall take effect immediately.

Approved March 11, 1861.

[No. 114.]

AN ACT to repeal an act entitled "an act to amend an act entitled an act to re-organize the county of Emmett," approved February third, one thousand eight hundred and fifty-eight.

SECTION 1. *The People of the State of Michigan enact,* That act number ten of the session laws of eighteen hundred and fifty-eight, entitled "an act to amend an act entitled an act to re-organize the county of Emmett," approved February third, eighteen hundred and fifty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved March 11, 1861.

[No. 115.]

AN ACT to amend chapter twenty-three of the compiled laws, relative to obstructions and encroachments of highways.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two and three, of said chapter, be amended so that the same shall read as follows: Section amended.

Sec. 1. Whoever shall wilfully obstruct any highway or navigable river, or fill up, or place any obstructions in any ditch constructed for draining the water from any highway, shall forfeit, for every such offense, a sum not exceeding twenty-five dollars, to be recovered in an action of trespass before any justice of the peace of the county, or the collection of such penalty may be made in accordance with any other law for that purpose, in case the said action of trespass shall not have been commenced: Obstruction of highway, &c.
Forfeiture.
How recovered.
Provided, That this section shall not be so construed as to forbid the running or rafting of logs or lumber in the navigable streams of this State. Proviso.

Sec. 2. In every case where a highway shall have been laid out and opened, and the same has been or shall be encroached upon by any fence, building, or other encroachments, the commissioners of highways may make an order under their hands, requiring the occupant of the land through or by which such highway runs, and of which such fence, buildings, or other encroachments form a part of the enclosure, to remove such encroachments beyond the limits of such highway within thirty days; and they shall cause a copy of such order to be served upon such occupant, and every such order shall specify the width of the road, the extent of the encroachment, and the place or places in which the same shall be, with reasonable certainty. Commissioners to order encroachments on highways removed.
Notice of order.

Sec. 3. If such encroachment shall not be removed within thirty days after the service of a copy of such order, such occupant shall forfeit the sum of fifty cents for every day after the expiration of that time, during which such encroachment shall continue unremoved, to be recovered in an action of trespass Penalty for non compliance.
How recovered.

before any justice of the peace of the county, or the collection of such penalty may be made in accordance with any other laws for that purpose, in case the said action of trespass shall not have been commenced.

Approved March 11, 1861.

[No. 116.]

AN ACT to apportion anew the representatives among the several counties and districts of this State.

Apportionment.

SECTION 1. *The People of the State of Michigan enact*, That the House of Representatives shall hereafter be composed of members elected agreeable to a ratio of one representative for every eight thousand three hundred and fifty white persons, and civilized persons of Indian descent, not members of any tribe, in each organized county, and one representative for a fraction equal to a moiety of said ratio and not included therein, that is to say: within the county of Wayne, nine; within the counties of Lenawee and Oakland, five each; within the counties of Calhoun, Washtenaw and Kent, four each; within the counties of Monroe, Hillsdale, Branch, St. Joseph, Berrien, Kalamazoo, Jackson, Macomb, Genesee and St. Clair, three each; within the counties of Cass, Van Buren, Livingston, Ingham, Eaton, Barry, Allegan, Ottawa, Ionia, Clinton, Shiawassee, Lapeer and Saginaw, two each; within the counties of Sanilac, Huron, Tuscola, Ontonagon and Houghton, one each; the counties of Muskegon and Oceana shall compose a representative district, and be entitled to one representative, the election returns of which said district shall be made to the county seat of Muskegon; the counties of Montcalm, Isabella and Clare, shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Montcalm; the counties of Newaygo, Mecosta, Lake, Osceola and Mason, shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat

of Newaygo; the counties of Manistee, Grand Traverse, Leelanaw, Emmett, Antrim, Otsego, Crawford, Kalkaska, Missaukee and Wexford, shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Grand Traverse; the counties of Gratiot, Midland, Gladwin and Roscommon, shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Midland; the counties of Bay, Ogemaw, Iosco, Alcona, Oscoda, Montmorenci, Alpena, Presque Isle and Cheboygan, shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Bay; the counties of Marquette, Chippewa, Schoolcraft and Delta, shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Marquette; the counties of Mackinac and Manitou shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Mackinac.

Approved March 11, 1861.

[No. 117.]

AN ACT to relieve observers of the seventh day of the week from the necessity of defending suits in violation of their consciences.

SECTION 1. *The People of the State of Michigan enact,* That no person who conscientiously believes the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be compelled to defend any civil suit in the justices' courts of this State on that day.

Sec. 2. Whenever any person, as aforesaid, shall be served with any process returnable on the seventh day of the week, such person may make affidavit before any person authorized to ad-

Observers of the seventh day not compelled to defend suits thereon.

Proceedings when process is returnable on the seventh day.

minister oaths, setting forth the fact that a summons has been issued, naming the day when the same was issued, when returnable, by whom issued, and in whose favor, and against whom the same was issued; and also that said affiant conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and that the said affiant actually refrains from secular business and labor on said day, and may at any time after service of such process, and before the return day thereof, file such affidavit with the justice before whom said cause shall be pending.

Justice to
adjourn the
suit.

Sec 3. It shall be the duty of any justice of the peace before whom any cause shall be pending, in which such affidavit shall be filed regularly, to call such cause on the return day thereof, as in other cases, and upon his own motion to adjourn the same without pleadings, to such time as he shall see fit: *Provided*, The same shall not be adjourned to the seventh or the first day of the week: *And provided also*, That the said cause shall not be so adjourned more than ten days, for the cause aforesaid.

Proviso.

th.

Approved March 11, 1861.

[No. 118.]

AN ACT to establish and organize the county of Keweenaw.

Keweenaw
county or-
ganized.

SECTION 1. *The People of the State of Michigan enact*, That all that portion of Houghton county lying north of township fifty-five north of range thirty-one east, and north of township fifty-six, in ranges thirty-two and thirty-three west, including Manitou Islands of Lake Superior, and Isle Royal, be and the same is hereby organized into a new county, to be known as the county of Keweenaw.

County seat.

Sec. 2. The county seat shall be and is hereby located in the village of Eagle River, and said county is hereby called Keweenaw, and declared a body corporate and politic, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

Sec. 3. The electors of this county, at the annual township

election in April next, shall elect the proper county officers, County officers. Term expires. whose term of office shall expire on the first day of January, eighteen hundred and sixty-three, and when their successors are elected and qualified; said officers so elected, on or before the first day of June next, shall take and subscribe the oath Oaths of office. of office prescribed to be taken by officers of this State, and shall have and possess all the powers, and discharge all the Powers. duties conferred upon or required of county officers in this State, and shall enter upon the discharge of such duties on the first day of June next.

Sec. 4. The supervisors now in office in the several organ- County canvassers. ized townships within the limits of the territory hereby organized into the county of Keweenaw, are hereby constituted a board of canvassers for said county for the first election of county officers, and required to meet at the village of Eagle River, on the second Tuesday of April next, to canvass the votes for county officers, to which the proper township officers are required to make returns of such votes on or before the day of meeting of said board, as provided in this section, and said Bonds of County officers. board is also authorized, and it is hereby made their duty, to approve the proper bonds of the county officers.

Sec. 5. The district judge shall fix the time for holding the District court. district court in the said county of Keweenaw.

Sec. 6. All acts or parts of acts contravening this act are Acts declared inoperative. hereby declared inoperative within the said county of Keweenaw.

Sec. 7. This act shall take effect immediately.

Approved March 11, 1861.

[No. 119.]

AN ACT to amend sections three to eleven, inclusive, of chapter one hundred, of the revised statutes of one thousand eight hundred and forty-six, sections four thousand one hundred and eighty-eight to four thousand one hundred and ninety-six, inclusive, of the compiled laws, relative to referees.

SECTION 1. *The People of the State of Michigan enact, That* sections three, four, five, six, seven, eight, nine, ten and eleven, Sections amended.

of chapter one hundred, of the revised statutes of one thousand eight hundred and forty-six, be and the same are hereby amended so as to read as follows:

Referees appointed upon consent of parties

Sec. 3. Issues joined in any civil action at law, whether of fact or of law, may, upon the written consent of the parties, filed with the clerk, or upon their oral consent in open court, be referred to such person or such three persons as may be agreed upon by the parties, or appointed by the court in case the parties fail to agree.

When parties do not consent the court to appoint.

Sec. 4. When the parties do not consent, the court may, upon the motion of either, or upon its own motion, direct a like reference in either of the following cases:

First.

First When the trial of an issue of fact shall require the examination of mutual accounts, or of a long account on one side only, or where the taking of an account shall be necessary for the information of the court before judgment; but no such case shall be referred if either party shall, within ten days after the joining issue, file with the clerk a written demand for a trial by jury.

Second.

Second. When a question of fact other than upon the pleadings shall arise, upon motion or otherwise, either before or after the judgment; and the circuit judge, in vacation, may, by an order under his hand, direct such a reference on the written application of either party, which application, with notice of the time and place, within the county where the cause is pending, when and where the same will be presented, shall be served on the opposite party or his attorney, for such length of time before presentation as shall be required by the rules of the circuit courts for notices of special motions.

Trial by referees, how conducted.

Sec. 5. The trial by such referees shall be conducted in the same manner as a trial by the court; they shall have the same power to administer oaths, to issue process to compel the attendance of witnesses, to grant continuances, to preserve order, and to punish all violations thereof, and if any witness shall fail to attend before such referee or referees, after being duly summoned or subpoenaed, according to the practice of the

Powers of referees.

court, or being present, shall refuse to be sworn or to testify, such referee, or referees, if in term time, may certify the facts to the court, or if in vacation, to any judge of the circuit court at chambers, and such court or judge may thereupon, if the facts certified shall appear to warrant it, punish such witness as for a contempt of court, in the same manner as the court could do if the witness had committed such contempt before such court. When more than one is appointed, they must all meet to hear proofs, arguments, and to deliberate; but a decision of the majority shall be regarded as their decision. The circuit judge may, by an order under his hand, filed with the clerk, discharge any referee on cause shown by affidavit, and may, in like manner, fill any vacancy that may occur in their number, or may direct the reference to proceed and be concluded without filling any such vacancy. He shall, in like manner, have power, on cause shown, to make an order for expediting the proceedings before referees, and to compel a report or the signing of a bill of exceptions.

Contempt of court, how punished.

Referees all to meet, decision of.

Discharge of referees Vacancy.

Judge may compel a report.

Sec. 6. The referees shall report to the court in writing, showing therein the facts found, and the conclusions of law separately; and such report may be filed in term time or in vacation, and shall stand as the finding of the court in term time, unless excepted to, and judgment may be entered thereon in the same manner as if the action had been tried by the court.

Report, when filed.

Judgment entered thereon.

Sec. 7. When the referees shall file their report, the clerk shall, without delay, give notice thereof, in writing, to the respective parties, or their attorneys, in the manner provided for the service of notices in the circuit court, and immediately endorse on said report, under his hand, his certificate of the giving of such notice, and the time when the same was given, which certificate shall have the same effect as evidence as the return of service of an original writ by a sheriff; and either party, within ten days after receiving such notice, may file with the clerk exceptions in writing to any conclusion of law in such report, and shall serve a copy of such exceptions on the opposite party, and exceptions being filed and served as aforesaid,

On filing the report, the clerk to notify the parties.

Certificate of notice.

Effect of.

Exceptions filed, copy served

Notice for
argument

the case may be noticed for argument before the court, on such exceptions, on any day in term, on same notice as shall be requisite for special motions; but it shall not be necessary for the parties to file exceptions to the report, in order to obtain a review of any ruling of the referees embodied in a bill of exceptions, settled as provided by the next section.

When ex-
ceptions
need not be
taken.

Exceptions
to ruling of
referees

Sec. 8. Either party, on the hearing before the referees, shall be entitled to take exceptions to any ruling of the referees, in the same manner as on trial in open court; and in case exceptions are so taken, the parties respectively shall be notified by the referees of the time and place when and where they will meet to complete their report, at which time they shall be informed of the conclusions of the referees; and the party so excepting, may then, or previous to such time as the referees shall then adjourn to, prepare a bill of exceptions, which shall be settled by the referees on such adjourned day, and shall then be annexed to and filed with their report, and a review thereof may be had in the same manner as of exceptions to the report.

Bill of excep-
tions

How review
ed.

Report may
be confirm'd
or set aside.

Sec. 9. On the hearing of such bills of exceptions, or upon exceptions to the report, or both, the circuit court may confirm or set aside such report, in whole or in part, and in its discretion refer the case back to the referees, or enter judgment thereon; and in case that judgment shall be entered thereon, error may be brought on such judgment as in other cases, in which case the bill of exceptions, if any, the report and the exceptions to the report, shall be considered as forming a part of the record in the case, and the finding of facts by the referees shall be treated as a special verdict.

Error may
be brought.

Parties may
be witnesses

Sec. 10. The referees shall be entitled to call the parties as witnesses in the case on which the court might call them, if the hearing were in open court; and in all cases where motions are referred, the referees shall be entitled, at their option, to call and examine the parties and their witnesses personally, instead of hearing the motion on affidavits; and commissions may be obtained for the taking of testimony to be used on hearings before referees, in the same manner as on trials in open court.

Commis-
ions for tak-
ing testimo-
ny.

Sec. 11. The referees shall be allowed such compensation for their services as the court may deem just, which shall be taxed as a part of the costs in the cause, or the parties and the referees, by stipulations to be annexed to the report, may agree on the rate of compensation to be made to the referees; and in every case each referee shall append to, and return with the report, a certificate under his hand, setting forth the time actually expended by him in the business of such reference: *Provided*, That six hours shall be considered as one day, and three hours one-half day, for the purpose of fixing the time employed by any referee upon such reference; and whenever a referee shall fail to report, certify, and return, as aforesaid, the time employed by him in any reference, he shall be deemed to have waived all compensation for his services as such referee: *And provided further*, That whenever a stipulation in writing, as aforesaid, shall be made between the parties and the referees, fixing the compensation, such stipulation shall be attached to, and returned with the report, and the court shall allow the compensation so fixed, and no other.

Compensation of referees.

Certificate of time expended.

Proviso.

Effect of failure to report time expended.

Stipulation or compensation.

Approved March 11, 1861.

[No. 120.]

AN ACT to amend an act entitled "an act to organize the Michigan Asylum for the Insane, and more effectually to provide for the care, maintenance and recovery of the insane.

SECTION 1. *The People of the State of Michigan enact*, That sections four and twenty-four of an act entitled "an act to organize the Michigan Asylum for the Insane, and more effectually to provide for the care, maintenance and recovery of the insane," approved February fourteenth, eighteen hundred and fifty-nine, being act one hundred and sixty-four of session laws of eighteen hundred and fifty-nine, be and the same are hereby so amended as to read as follows:

Sections amended.

Sec. 4. The trustees shall appoint a medical superintendent, who shall be a well educated physician, experienced in the

Trustees to appoint officer.

Bonds.

treatment of the insane, and a treasurer, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the Auditor General of the State shall approve. They shall also appoint, upon the nomination of the medical superintendent, a steward and chaplain, and also, in the same manner, an assistant physician and a matron, both of whom, and the medical superintendent himself, shall constantly reside in the asylum.

Indigent insane, proceeding in case of.

Sec. 24. When a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to the probate judge of the county where he resides, and said probate judge shall call two respectable physicians and other credible witnesses, and also immediately notify the prosecuting attorney of his county of the time and place of meeting, whose duty it shall be to attend the examination and act in behalf of said county; and said probate judge shall fully investigate the facts in the case, and either with or without the verdict of a jury, at his discretion, as to the question of insanity, shall decide the case as to his indigence; and if the probate judge certifies that satisfactory proof has been adduced showing him insane, and his estate is insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on his certificate, authenticated by the county clerk and seal of the circuit or district court, he shall be admitted into the asylum, and supported there at the expense of said county until he shall be restored to soundness of mind, if effected in two years, and until removed by order of the board of supervisors. The probate judge in such case shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the clerk of the county, and report the fact to the supervisors, whose duty it shall be, at the next annual meeting, to raise the money requisite to meet the expenses of support accordingly.

Sec. 2. This act shall take effect immediately.

Approved March 11, 1861.

[No. 121.]

AN ACT to amend sections eleven and one hundred and twenty-seven, of chapter one hundred and seventeen of the compiled laws, relative to security of costs in justices courts.

SECTION 1. *The People of the State of Michigan enact*, 'That sections eleven and one hundred and twenty-seven, of chapter one hundred and seventeen, of the compiled laws, be and the same are hereby amended so that they shall read as follows:

Sec. 11. Any justice of the peace may, either before or after the issuing of any process, in his discretion, require security of the plaintiff for any costs which may be adjudged against him in any action, and the person becoming such security shall sign an undertaking in writing to that effect, which the said justice shall preserve and shall enter the same in his docket at full length; and in all cases plaintiffs who are not residents of the county in which the suit is brought shall give such security before process shall issue; and if any plaintiff, after commencing an action in the county in which he resides, shall remove from said county, the justice shall require such plaintiff to give security for all costs which have accrued and may accrue in the action, and if a judgment be rendered against the plaintiff in such case for costs, an execution may issue against said plaintiff and said security for said costs; and in case the defendant recover against said plaintiff any sum beside costs, a separate execution may issue for the collection of the same.

Section amended.

Justice may require security for costs of plaintiff.

Non-resident plaintiffs to give security before issue of process.

Also, plaintiffs removing from the county.

Execution may issue against plaintiff and security. Separate execution for costs.

Approved March 11, 1861.

[No. 122]

AN ACT to provide means for the redemption of the bonds of the State maturing January first, eighteen hundred and sixty-three

SECTION 1. *The People of the State of Michigan enact*, That the Governor and State Treasurer be and they are hereby authorized and directed, in the name and behalf of the people of the State, to negotiate and contract for a loan of two millions

Loan authorized.

of dollars, or such portion of the same as may be deemed necessary, at a rate of interest not to exceed six per cent. per annum, payable semi-annually, on the first days of July and January, in the city of New York, except two hundred and fifty thousand dollars thereof, which shall bear seven per cent. interest, payable at the time and place above stated; and the proceeds of said loan shall be applied solely to the payment of the indebtedness of the State, falling due January first, eighteen hundred and sixty-three.

Interest on,
when payable.

Bonds to be
issued.

How executed.

Sec. 2. For the purpose of effecting the loan or loans aforesaid, the Governor and State Treasurer shall be and they are hereby authorized and directed to cause to be made and issue certificates of stocks and bonds in the name of and in behalf of the people of the State, in sums of not less than one thousand dollars each, and to be signed by the Governor and payable to the order of the Auditor General, and to become negotiable when endorsed by him and countersigned by the Secretary of State, with the great seal of State impressed thereon, and with coupons for the interest attached, to be signed by the State Treasurer, and both principal and interest payable in the city of New York, as provided in the preceding section; and the faith of the State shall be and is hereby solemnly pledged for the punctual payment of the principal and interest of the loan or loans hereby authorized to be made, according to the terms of the said bonds and coupons.

When bonds
to be re-
deemable.

Sec. 3. Seven hundred and fifty thousand dollars of such certificates of stock or bonds, bearing interest at the rate of six per cent., shall be redeemable at the pleasure of the State after twenty years from the first day of January, eighteen hundred and sixty-three; five hundred thousand dollars, bearing like interest, shall be redeemable at the pleasure of the State, after fifteen years from the first day of January, eighteen hundred and sixty-three; five hundred thousand dollars, bearing like interest, shall be redeemable at the pleasure of the State, after ten years from the same time; and two hundred and fifty thousand dollars, bearing interest at the rate of seven per cent.,

shall be redeemable at the pleasure of the State, after five years from the same period.

Sec. 4. There shall be assessed and levied upon the taxable property of this State, real and personal, in each year, commencing with the year eighteen hundred and sixty-two, a tax of one-eighth of one mill upon the dollar of all such property, in addition to all the other taxes of this State; and the proceeds thereof, whether included in the general estimates and levied with the general taxes, or otherwise, shall be by the State Treasurer set apart as a sinking fund, and credited to said fund, to be called the "two million loan sinking fund."

Sec. 5. The amount of money so received and set apart shall be placed to the credit of said fund, on or before the first day of July in each year; and between the said day and the first day of January next thereafter, it shall be the duty of the State Treasurer to use the whole amount thereof, together with such other funds as are appropriated for that purpose in this act, in purchasing, at market rates, the bonds hereby authorized to be issued: *Provided*, That the said moneys shall not be used in the purchase of any of said bonds, except those which may be first maturing, after any of said fund, or any part thereof, shall come into the treasury; and if said bonds then next maturing cannot be purchased, the said fund shall be used, so far as necessary, in redeeming the temporary loan of fifty thousand dollars, issued in the year eighteen hundred and fifty-eight.

Sec. 6. All moneys which may be paid into the treasury after January, eighteen hundred and sixty-three, to the credit of the primary school, normal school, and the university funds, shall in like manner be set apart, and in like manner applied to the purchase of bonds issued under this act; and in case the said amounts, both of the sinking fund and other funds herein mentioned, cannot be used in the purchase of said bonds as herein provided, then it shall be the duty of the treasurer to deposit them in safe institutions, upon satisfactory surety, upon interest, to await the maturing of the bonds falling due.

Bids for
bonds.

Sec. 7. It shall be competent and lawful for the Governor and State Treasurer, if in their judgment it shall be deemed expedient, to invite sealed proposals or bids for the purchase of such bonds, payable in cash or in the bonds of this State, to be redeemed by the loan provided for herein, in the city of New York, at such place as they may designate, on or before the first day of December, eighteen hundred and sixty-two, at which place, also, the new bonds; for which said bids shall be made, shall be deliverable on such payment, which said invitation shall be by notices published in one or more of the principal papers in the city of New York, and at their discretion elsewhere: *Provided*, That no proposal or bid for the purchase of said bonds at less than par value shall be accepted.

Notice of

Proviso.

Bonds to be
numbered
and registered.

Sec. 8. The bonds authorized to be issued under this act, shall be numbered and registered in a book provided for that purpose by the Auditor General, and kept in his office. The Auditor General shall also keep a full record of all the bonds taken up under the provisions of this act, and said record shall be filed in the office of the Treasurer and Secretary of State, and all said bonds shall be immediately canceled.

Record of
bonds taken
up.

Exchange of
bonds au-
thorized.

Sec. 9. If at any time before the final sale of said bonds, it shall become practicable, in their judgment, the Governor and treasurer shall be and they are hereby authorized to make and enter into arrangements or agreements with any party or parties holding any of the bonds of the State, maturing in eighteen hundred and sixty-three, to exchange the said outstanding bonds for those herein provided for, upon such terms as they may deem best; and in that case they shall have the power, and they are hereby authorized, to the extent of such exchange, to prepare and cause to be executed, in the manner herein provided, the bonds of the State, and deliver them in exchange for such outstanding bonds as parties may desire to exchange therefor; and in that case the said bonds may bear date at the time when issued, but with interest payable at the times herein stated, and the principal sums to fall due at the several periods above stated.

Sec. 10. There shall be and is hereby appropriated out of ^{Appropriation for ex-} the general fund, such an amount as may be necessary to pay ^{penditures.} the expenses of preparing such bonds and of the said negotiations.

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Approved March 11, 1861.

[No. 123.]

AN ACT to provide for selecting and locating the unselected deficiency existing in the quantity of lands due to the State of Michigan under the act of Congress, approved May twentieth, eighteen hundred and twenty-six, and for any other land grant made by act of Congress to this State.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office be and he is hereby authorized and directed to cause lands, sufficient to supply the existing deficiency in the quantity accruing to this State, by virtue of the act of Congress, approved May twentieth, eighteen hundred and twenty-six, the ordinance of admission, July twenty-fifth, eighteen hundred and thirty-six, and any other land grant since made to this State by act of Congress, to be selected and located in parcels in conformity with the provisions of the several acts making the same.

Commissioner of State Land Office authorized to select lands.

Sec. 2. This act shall take immediate effect.

Approved March 11, 1861.

[No. 124.]

AN ACT to amend an act entitled "an act for the benefit of fractional school district number one, of Vassar, and number two, of Tuscola."

SECTION 1. *The People of the State of Michigan enact*, That act number forty four of the session laws of eighteen hundred and fifty-nine, entitled "an act for the benefit of fractional school district number one, of Vassar, and number two, of Tuscola," be and the same is hereby amended by adding, to stand as section ten of said act, the following:

Act amended.

Tax author-
ized.

Sec. 10. Fractional school district number one, of Vassar, and number two, of Tuscola, is hereby authorized to levy and collect, as other school taxes are levied and collected upon the taxable property within the same, such sum or sums of money, to defray the expenses of tuition of the resident scholars of said district, as shall at any regular meeting of the electors of said district be authorized by a majority vote of the legal voters of said district assembled at such meeting.

Approved March 11, 1861.

[No 125.]

Amended
4-18-89
K 149

AN ACT to amend sections four thousand three hundred and thirty-nine, four thousand three hundred and forty, four thousand three hundred and forty-one, and four thousand three hundred and forty-two of the compiled laws, in relation to the competency of witnesses and examination of parties in certain cases.

Amended.

SECTION 1. *The People of the State of Michigan enact, That* section four thousand three hundred and thirty-nine, of the compiled laws of the State of Michigan, be amended so that said section shall read as follows:

Certain persons not excluded from giving evidence.

Sec. 4339. No person shall be excluded from giving evidence in any matter, civil or criminal, by reason of crime, or for any interest of such person in the matter, suit, or proceeding in question, or in the event of such matter, suit, or proceeding, in which such testimony may be offered, or by reason of marital or other relationship to any party thereto; but such interest, relationship, or conviction of crime, may be shown for the purpose of drawing in question the credibility of such witness, except as is hereinafter provided.

Sec. 2. That section four thousand three hundred and forty, of said compiled laws, be amended so that said section shall read as follows:

When parties, &c., may be witnesses.

Sec. 4340. On the trial of any issue joined, or any matter, suit or proceeding, in any court, or on any inquiry arising in any suit or proceeding in any court, or before any officer

or person having, by law, or by consent of parties, authority to hear, receive and examine evidence, the parties to any such suit or proceeding named in the record, and persons for whose benefit such suit or proceeding is prosecuted or defended, may be witnesses therein in their own behalf or otherwise, in the same manner as other witnesses, except as hereinafter otherwise provided; and the deposition of any such party or person may be taken and used in evidence under the rules and statutes governing depositions, and any such party or person may be proceeded against, and compelled to attend and testify, as is provided by law for other witnesses. Nothing in this act shall be construed as giving the right to compel a defendant in criminal cases to testify, but any such defendant shall be at liberty to make a statement to the court or jury, and may be cross-examined upon any such statement.

Depositions
of, how ta-
ken

Defendants
in criminal
cases may
make state-
ment.

Sec. 3. That section four thousand three hundred and forty-one, of said compiled laws, be amended so that said section shall read as follows:

Sec. 4341. That when a suit or proceeding is prosecuted or defended by the representatives of a deceased person, the opposite party, if examined as a witness on his own behalf, shall not be admitted to testify at all in relation to matters which, if true, must have been equally within the knowledge of such deceased person.

Parties not
to testify
relative to
certain mat-
ters.

Sec. 4. That section four thousand three hundred and forty-two, of said compiled laws, be amended so that said section shall read as follows:

Sec. 4342. A husband shall not be examined as a witness for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor shall either, during the marriage or afterwards, be, without the consent of both, examined as to any communication made by one to the other during the marriage; but in any action or proceedings instituted by the husband or wife in consequence of adultery, the husband and wife shall not be competent to testify.

When hus-
band or wife
cannot tes-
tify.

Sec. 5. So much of all acts or parts of acts on the same sub- Repeal.

ject, as are inconsistent with the provisions of this act, are so hereby repealed.

Sec. 6. This act shall take immediate effect.

Approved March 11, 1861.

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[No. 126.]

AN ACT to amend certain sections of an act to revise the charter of the city of Ypsilanti, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of said charter of Ypsilanti, be amended so as to read as follows:

Officers, when to enter upon discharge of duty. Certificates of election. Where filed.

Sec. 22. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided. The common council for the preceding year shall convene on the Thursday next succeeding each annual election, at two o'clock in the afternoon, at their usual place of meeting, and shall determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Washtenaw.

Sec. 2. That section twenty-nine of said charter be amended so as to read as follows:

List of persons elected.

Sec. 29. At the expiration of twenty days after any election or appointment of any officer or officers in said city, the clerk, of the said city shall deliver to the said common council a list of the persons elected or appointed, and of the offices to which they are chosen, therein specifying such as shall have filed with him the oath of office, or notice of acceptance required.

Sec. 3. That section thirty-five of said charter be amended so as to read as follows:

Sec. 35. Any person elected to any office under this act, shall continue to hold the same until his successor shall be elected or appointed, and qualified; and when a person is elected to fill a vacancy in any elective office, he only shall hold the same during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Sec. 4. That section thirty-nine of said charter be amended so as to read as follows:

Sec. 39. It shall be the duty of the city clerk to communicate to the common council at their next meeting, any paper that may be lodged with him pursuant with the last preceding section.

Sec. 5. That section fifty-one of said charter be amended so as to read as follows:

Sec. 51. A record or entry made by the clerk of said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board, in which it shall be necessary to refer thereto, either,

First. From a copy certified by the clerk of the city, with the seal of the city of Ypsilanti affixed; or,

Second. From the volume of ordinances printed by authority of the common council.

Sec. 6. That section one hundred and twenty-eight of said charter be so amended so as to read as follows:

Sec. 128. If there be a reversal for any errors which it is practicable for the court or said jury to correct, with due regard for the public interest and rights of individuals, the proceeding shall be remanded to said court, with directions that such errors be corrected. Said court, or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said court without any further right of appeal.

ject, as are inconsistent with the provisions of this act, are so hereby repealed.

Sec. 6. This act shall take immediate effect.

Approved March 11, 1861.

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[No. 126.]

AN ACT to amend certain sections of an act to revise the charter of the city of Ypsilanti, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of said charter of Ypsilanti, be amended so as to read as follows:

Officers,
when to en-
ter upon dis-
charge of
duty.

Certificates
of election.

Where filed.

Sec. 22. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided. The common council for the preceding year shall convene on the Thursday next succeeding each annual election, at two o'clock in the afternoon, at their usual place of meeting, and shall determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Wash- tenaw.

Sec. 2. That section twenty-nine of said charter be amended so as to read as follows:

List of per-
sons elected.

Sec. 29. At the expiration of twenty days after any election or appointment of any officer or officers in said city, the clerk, of the said city shall deliver to the said common council a list of the persons elected or appointed, and of the offices to which they are chosen, therein specifying such as shall have filed with him the oath of office, or notice of acceptance required.

Sec. 3. That section thirty-five of said charter be amended so as to read as follows:

Sec. 35. Any person elected to any office under this act, shall ^{Term of of-} continue to hold the same until his successor shall be elected or ^{ice.} appointed, and qualified; and when a person is elected to fill a vacancy in any elective office, he only shall hold the same during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Sec. 4. That section thirty-nine of said charter be amended so as to read as follows:

Sec. 39. It shall be the duty of the city clerk to communicate ^{Duty of} to the common council at their next meeting, any paper that ^{clerk.} may be lodged with him pursuant with the last preceding section.

Sec. 5. That section fifty-one of said charter be amended so as to read as follows:

Sec. 51. A record or entry made by the clerk of said city, ^{Evidence of} or a copy of such record or entry, duly certified by him, shall ^{publication.} be *prima facie* evidence of the time of such first publication; and all laws, regulations, and ordinances of the common council may be read in evidence in all courts of justice, and in all ^{Laws, &c.,} proceedings before any officer, body, or board, in which it shall ^{to be evi-} be necessary to refer thereto, either, ^{dence.}

First. From a copy certified by the clerk of the city, with the seal of the city of Ypsilanti affixed; or,

Second. From the volume of ordinances printed by authority of the common council.

Sec. 6. That section one hundred and twenty-eight of said charter be so amended so as to read as follows:

Sec. 128. If there be a reversal for any errors which it is ^{Errors, to be} practicable for the court or said jury to correct, with due re- ^{corrected by} gard for the public interest and rights of individuals, the proceeding shall be remanded to said court, with directions that such errors be corrected. Said court, or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said court without any further right of appeal.

Sec. 7. That section one hundred and sixty-one be amended so as to read as follows:

Assessment
of highway
taxes.

Sec. 161. In making the estimate and assessment of highway taxes, the common council shall proceed as follows:

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Amount as-
sessed.

First. Every male inhabitant in each ward being above the age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents;

1b.

Second. The residue of the highway taxes shall be assessed, not exceeding thirty cents upon every one hundred dollars of the valuation, ten cents of which thirty cents may be assessed without a vote of the electors. As to any assessment over ten cents on each hundred dollars, it shall be so assessed only when, on the request of either of the aldermen of any ward or highway district, the common council shall, by resolution, provide (and on such request it shall be their duty so to provide) for the voting of the electors by ballot, at the annual city election, upon such additional assessment; and such additional assessment, within the limits as aforesaid, so voted by a majority of all the electors of any ward or highway district, shall be raised and expended in and for such ward or highway district so voting such addition; such assessment, original and additional, shall be apportioned upon the estate, real and personal, of every inhabitant in such ward or highway district in said city, and upon each of the tracts or parcels of land in the respective wards or highway districts, of which the owners are non-residents, as the same shall be designated on the assessment roll;

Amount as-
sessed to as-
sessment

Third. The common council shall affix to the name of each person named in the list furnished by the supervisors, and not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the age of twenty-one and fifty years, liable to such assessment upon the city assessment roll.

Utspel

Sec. 8. That sections two hundred and fourteen and two hun-

dred and fifteen of said charter, be and the same are hereby repealed.

Sec. 9. This act shall take effect immediately.

Approved March 12, 1861.

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[No. 127.]

AN ACT making the actions of trespass, and trespass on the case, transitory in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* in all cases of trespass upon lands, and in all cases of trespass on the case, for direct or consequential damages, on account of injury to personal property, when the defendant is not an actual resident of the county in which such lands are situate, or when such county is unorganized at the time of committing such trespass, the action of trespass, or trespass on the case, may be prosecuted and maintained at law in any county where such defendant may be, as fully and effectually, in all respects, as if commenced and prosecuted in the county where such trespass was committed.

When suit may be prosecuted in counties other than where the trespass was committed.

Sec. 2. This act shall take effect immediately.

Approved March 12, 1861.

[No. 128.]

AN ACT to change the boundaries of the county of Houghton, and establish the county seat thereof.

SECTION 1. *The People of the State of Michigan enact, That* in addition to that portion of the county of Houghton not included in the county of Keweenaw, there shall be attached to said county of Houghton townships forty-nine, fifty, fifty-one, fifty-two, fifty-three, and fractional townships fifty-four and fifty-five north, of range thirty-six west, and townships forty-seven, forty-eight and forty-nine north, in ranges thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, and thirty-seven

Boundaries defined.

west, be and the same are hereby attached to the county of Houghton.

County seat Sec. 2. The county seat of said county of Houghton is hereby established in the town of Portage, in said county, upon such ground as shall be donated for that purpose; and Ransom Sheldon, Charles Echweilor and William Frue, or a majority of them, shall be commissioners to select such location.

District court. Sec. 3. The district judge shall fix the time of holding the district court in said county, as now provided by law.

Sec. 4. This act shall take effect immediately.

Approved March 12, 1861.

[No. 129.]

AN ACT to organize the county of Delta, and define the boundaries of the same.

Delta county organized SECTION 1. *The People of the State of Michigan enact, That* townships number thirty-seven, thirty-eight, thirty-nine, forty and forty-one north, of range twenty-four west; towns thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three north, range twenty-three west; towns thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three north, of range twenty-two west; towns thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three north, of range twenty-one west; townships thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three north, of range twenty west; towns thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three north, of range nineteen west, including all of Summer Island; towns thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three north, of range eighteen west, shall constitute and are hereby organized into the county of Delta.

Commissioners to locate county seat. Sec. 2. The county seat for said county shall be located by David Langly, Jr., Peter Murphy and Thomas J. Streeter, who are appointed commissioners to locate the same.

Election of Co. officers. Sec. 3. At the annual township election, to be held in July next, the proper county officers for said county shall be elected,

whose terms of office shall expire on the first day of January, eighteen hundred and sixty-three, but not until their successors are elected and qualified; said officers so elected shall, on or before the first day of August next, take and subscribe the oath of office prescribed to be taken by county officers by the constitution and laws of this State, and shall also enter into and execute the bonds directed by law to be given by such county officers; and they shall have and possess all the powers, and discharge the duties conferred upon or required of county officers in this State, and shall enter upon the discharge of said duties on the first day of August aforesaid.

Sec. 4 Thomas Ashton, Peter Murphy, George Legare, Franklin B. Lowell and Thomas J. Streeter, shall constitute a board of county canvassers for said county, for the first election of county officers to be held therein; and they are required to meet at the office of Luddington & Company, in said county, the third Monday in July next, to canvass the votes in the townships of said county of Delta, for county officers, to which board the proper township officers are required to make returns of such votes on or before the day of meeting of said board of county canvassers; and said board is also authorized and is hereby required to examine the bonds of said county officers, and if the security is deemed sufficient by a majority, to accept and approve of the same, and file them with the proper officers of said county.

Sec. 5. Said county is hereby created and declared a body corporate and politic, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

Sec. 6. The register of deeds of said county shall, when the board of supervisors of said county direct, make, at the expense and cost of the county, transcripts of all records in other counties necessary to be and appear upon the records of said county of Delta.

Sec. 7. That all that part of the county hereby organized, lying east of the line running between ranges twenty-one and

Section of
township of
Aosca.

twenty-two west, and east of Little Bay de Noquette, (so-called,) shall constitute a township to be known as the township of Nahma, and the first meeting of the citizens of said township, for the purpose of electing township officers for the same, and voting for county officers, shall be held on the first Monday of July next, at the office of John S. Reed, in said township; and should the citizens, from any cause, neglect to elect the proper officers for the township aforesaid, they may elect them at any time thereafter, by giving twenty days notice in writing, posted up in at least three public places, and signed by five or more of the resident freeholders thereof, stating the time when, and the place where, said first meeting shall be held.

Township of
Escanaba.

Office of.

Sec. 8. That all that part of said county of Delta lying westerly of the western boundary of the township of Nahma, as above described, shall be and the same is hereby organized into a township, and shall be known as the township of Escanaba; and the first meeting of the citizens of said township, for the purpose of electing township officers for the same, and voting for county officers, shall be holden on the first Monday of July next, at the office of Luddington & Company, in the village of Flat Rock, in said township, and the citizens thereof shall be subject to all the conditions, and entitled to all the privileges provided in section seven for the organization of the township of Nahma.

Attached to
Mackinaw
for judicial,
tax, purposes.

Sec. 9. All the territory herein described and designated as the county of Delta, shall, until organized according to the provisions of this act, remain attached to the county of Mackinaw, for judicial, taxable, and other purposes, and nothing in this act shall in any way interfere with the authority of the officers of the county of Mackinaw from collecting the taxes assessed within said county of Delta for the year eighteen hundred and sixty

Approved March 12, 1861.

[No. 130.]

AN ACT to amend an act to authorize the conveyance of a certain lot, in the village of Lansing, to the trustees of the Society of the Church of the United Brethren in Christ, in said village, approved February fourth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section one of said act be and is hereby amended so as to read Act amended.
as follows:

SECTION 1. *The People of the State of Michigan enact, That* the Commissioner of the State Land Office be and is hereby authorized and required, upon the payment of five dollars, to endorse payment, in full of principal and interest, upon land certificate number one thousand and eighteen, bearing date February sixth, eighteen hundred and sixty one. When com'r of State land office to endorse full payment on certificates.

Sec. 2. This act shall take effect immediately.

Approved March 12, 1861.

[No. 131.]

AN ACT to authorize the Marshall and Ionia plank road company to discontinue a portion of their road, and for other purposes.

SECTION 1. *The People of the State of Michigan enact, That* the Marshall and Ionia plank road company may, by a majority vote of the stockholders present of said company, at any regular meeting thereof, discontinue any part of their plank road, and remove the planks therefrom, and also gravel any part of their said plank road: *Provided*, That nothing in this section contained shall authorize the vacating of any part of said road between the city of Marshall and the junction, in the town of Convis, in Calhoun county. Company authorized to discontinue and gravel. Provide.

Sec. 2. In case said company shall, under the provisions of this act, discontinue any part of said plank road, the directors of said companies shall, within sixty days after the vote discontinuing the same, cause to be recorded in the office of reg- Description of parts discontinued filed with register of deeds.

ister of deeds, in each county wherein any portion of said road shall be so discontinued, a description of such parts of the said road as shall have been discontinued; but no part of said road which shall be properly graveled shall be deemed to have been discontinued.

Approved March 12, 1861.

[No. 132.]

AN ACT to authorize the Auditor General to execute second tax deeds, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* the Auditor General of this State be and is hereby authorized to execute a second deed upon tax sale certificates, in all cases in which he shall be satisfied, by sufficient proof, that the original deed and the record thereof in the proper county have been destroyed, which said deed shall declare upon its face that it is a second deed, and shall be executed to the same party only as the first, and shall recite the loss or destruction of the former deed, and its date, if possible, and shall only have the same force and effect; and it shall inure for the benefit of the grantee in the first, his heirs or assigns, as the case may be, in the same way as the first would have done if it had not been destroyed, and shall have no other effect whatsoever.

Sec. 2. This act shall take effect immediately.

Approved March 12, 1861.

[No. 133.]

AN ACT to provide for the manner of equalizing the assessment rolls by the board of supervisors of the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of equalizing the assessment rolls for the county of Wayne, the supervisors representing the several wards of the city of Detroit shall, under the authority of the board, have

power to equalize the assessment rolls of the several wards of said city, and the supervisors of the several townships shall, under like authority, have like power to equalize the assessment rolls for the several townships of said county; and when so equalized the said board may determine the relative aggregate valuation which shall be assessed upon the property of the city of Detroit, as well as upon the several townships of said county; but equalization between the several wards of said city, and between the several townships, shall remain as above prescribed.

Sec. 2. This act shall take effect immediately.

Approved March 12, 1861.

[No. 134.]

AN ACT to authorize the Jackson county agricultural society to borrow money, and mortgage certain real estate to secure the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That the Jackson county agricultural society, of the county of Jackson, a corporation organized under and by virtue of a law of this State, be and is hereby authorized, for the purpose of paying its debts heretofore contracted, to borrow any sum or sums of money, not exceeding in all the sum of twelve hundred dollars, and to secure the same, with lawful interest, by a mortgage of the real estate belonging to such corporation, or of any part thereof.

Authorized
to borrow
money and
secure by
mortgage.

Sec. 2. This act shall take effect immediately.

Approved March 12, 1861.

[No. 135.]

AN ACT to amend chapter one hundred and fifty of the revised statutes of one thousand eight hundred and forty-six, it being chapter one hundred and seventy-five of compiled laws, authorizing the judge of probate of the county of Wayne to appoint a register.

Register for probate court. SECTION 1. *The People of the State of Michigan enact, That* two new sections, to stand as sections eight and nine, shall be added to said act, which sections shall read as follows:

Salary. Sec. 8. The judge of probate of the county of Wayne shall have power to appoint a register for said court in said county, who shall receive no fees from suitors in said court, for his services as such register, but in lieu thereof an annual salary of five hundred dollars, payable quarterly from the county treasury of Wayne county, under direction of the board of auditors for said county.

Powers. Sec. 9. Said register shall have power to receive all petitions, and fix the time for all hearings, and to do all other acts required of the judge of probate, except judicial acts.

Sec. 2. This act shall take effect immediately.

Approved March 12, 1861.

[No. 136.]

AN ACT to amend an act entitled "an act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven.

Amended. SECTION 1. *The People of the State of Michigan enact, That* section one, of chapter two, of an act entitled "an act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Officers elected on general ticket. Sec. 1. The following officers of the corporation shall be elected at the annual city election, on a general ticket, by the qualified electors of the whole city, viz.: mayor, recorder, city clerk, attorney, treasurer, city surveyor, and director of the

poor. The following officers of the corporation shall be elected ^{On ward ticket.} at said election, on a ward ticket, in each ward, by the qualified electors thereof, viz.: two aldermen, two school inspectors, a collector, overseer of highways, and constable.

Sec. 2. That section two, of chapter two, of said act, be amended so as to read as follows:

Sec. 2. The following officers shall be appointed by the com- ^{Officers appointed by common council.} mon council, at a meeting to be held on the second Tuesday of January, in each year, viz.: superintendent of alms-house, a sealer of weights and measures, a clerk of the recorder's court, who shall be appointed on the recommendation of the recorder, one or more collectors, one or more physicians, one or more street commissioners, a marshal, one or more assistant marshals, one or more clerks of the markets, and such other officers, deputies, assistant officers, and agents, as may be necessary, and whose appointment shall be authorized by prior resolution of the common council. A controller shall be appointed on the ^{Controller.} second Tuesday of March preceding the expiration of his term of office, and on the nomination of the mayor; a receiver of taxes, whose term of office shall be two years; a superintendent ^{Superintendent house of correction.} of the house of correction, whose term of office shall be three years, and a counsellor, who shall be a practicing attorney, ^{Counsellor.} and whose term of office, duties and compensation shall be prescribed by the common council: *Provided*, That any appoint- ^{Provide.} ment which shall not be made on the day named may be made at any subsequent regular session of the common council: *And provided further*, That any office created by ordinance or ^{Provide.} resolution of the common council, may be filled at any time until the second Tuesday of January following, when, as in case of other officers, the regular term of service shall commence, and the office, if continued, be filled for the ensuing year, unless otherwise provided by the ordinance or resolution creating such office.

Sec. 3. That section thirteen, of chapter two, of said act, be amended so as to read as follows:

Sec. 13. The water commissioners shall hold their respective

Terms of of- fices. for the term of five years; the controller and superintendent of house of correction, for the term of three years; the recorder, for the term of six years; the mayor, aldermen, school inspectors, treasurer, city clerk, attorney, marshal, city surveyor, director of the poor, and receiver of taxes, for the term of two years; and all other officers who are elected or appointed, shall hold for the term of one year: *Provided however,* That all officers, whether elected or appointed, shall hold their offices respectively until their successors shall be duly elected or appointed and qualified, and shall enter upon the discharge of their duties.

Sec. 4. That section twenty, of chapter two, of said act, be and is hereby amended so as to read as follows:

Removals. Sec. 20. Any officer holding office by appointment, unless otherwise provided by law or ordinance, may be removed at any time by the common council, without charges and a trial thereof, by a vote of the majority of the aldermen elect, except the controller, receiver of taxes, and superintendent of house of correction, who may be removed for the same causes and on the same proceedings as a member of the common council.

Sec. 5. That section twenty-seven, of chapter two, of said act, be and is hereby amended so as to read as follows:

Official bond Sec. 27. The controller, treasurer, clerk, attorney, receiver of taxes, and superintendent of house of correction, collectors, marshal, clerk of the markets, street commissioner, and constables, shall respectively, before they enter upon the duties of their respective offices, and such other officers as the common council may direct, file in the clerk's office an official bond, in such sum and with such sureties as the common council shall direct and approve.

Sec. 6. That section twenty-nine, of chapter two, be amended so as to read as follows:

Constables' bond. Sec. 29. Every person elected to the office of constable in said city, before entering on the duties of his office, shall, with two or more sureties, to be approved by the common council, execute and file with the city clerk a bond or instrument in writing, to

the city of Detroit, in the penal sum of two thousand dollars, conditioned well and faithfully in all things to execute and perform the duties of his office, during the continuance therein, and pay to each and every person who may be entitled thereto, all sums of money which said constable may become liable to pay on account of any execution or process for the collection of money which shall be delivered to him, and further conditioned as the common council may prescribe. Condition.

Sec. 7. That chapter two of said act be amended by adding, to stand as section thirty-four, the following words:

Sec. 34. The aldermen of said city shall, by virtue of their office, be vested with and may exercise all the powers of policemen of said city. Powers of aldermen.

Sec. 8. That section two, of chapter three, be amended so as to read as follows:

Sec. 2. Each ward shall be an election district by itself, but it shall be lawful for the common council, in its discretion, at any time before the first day of October next preceding any charter or general election, to divide the several wards of the city, or either of them, into convenient election districts for the holding of general and special elections; and in case any ward or wards shall be so divided, the provisions of the general laws of the State, and of this act, relating to elections other than in towns, shall be applicable to such election districts. The common council shall, at least twenty days prior to any general or special election, appoint two inspectors of election for each ward so divided into election districts, and one of the inspectors so appointed, with one of the aldermen of the ward so divided, shall act as a board of registration in each of said election districts, and with one inspector, to be elected by a viva voce vote of the electors of the district, on the opening of the polls at any election, shall form a board of inspectors for said election. Vacancies in any board of inspectors, may be filled by the electors present, as in other cases of such vacancies. Any election district so made, shall remain an election district by itself until changed by the common council. Every Election districts
Inspectors of election.
Board of registration.
Vacancies.

Residence of electors. elector shall vote in the ward and district in which he resides, as provided by law. The residence of an elector shall be the ward and district in which his family resides, or in which is his regular boarding house.

Sec. 9. That section three, of chapter three, be amended so as to read as follows:

Inspectors of election. Sec. 3. At every election, the inspectors of election for the ward or district in which such election may be held, in case the ward has not been divided into election districts, shall consist of the aldermen of the ward, and a third person to be chosen viva voce by the electors present from their number, at the time of opening the polls; and in case the ward has been divided into election districts, the inspectors of election shall consist of one alderman of the ward, one of the persons appointed by the common council for that purpose, and one elector of the ward and district, chosen by a viva voce vote of the electors present, at the time of opening the polls; and if, from any cause, either or both of the aldermen, or of the inspectors appointed by the common council, shall fail to attend such election, his or their places shall be supplied by the electors present, who shall elect any of their number viva voce. Said inspectors, before entering upon their duties, shall each take the same oath of office prescribed for other officers under this act.

Oath of office.

Sec. 10. That section four, of chapter three, be amended so as to read as follows:

Clerks of election.

Sec. 4. The inspectors of each ward, if not divided into election districts, and in each district, if so divided, shall appoint two competent clerks of the election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer.

Oath of office.

Sec. 11. That section five, of chapter three, be amended so as to read as follows:

Ballot box.

Sec. 5. One suitable ballot-box, with lock and key, shall be provided and kept by the city clerk, at the expense of the city, for each ward or district; and it shall be the duty of the city clerk to deposit such box, with the key, in the hands of the in-

spectors of each ward or district prior to the opening of the polls.

Sec. 12. That section ten, of chapter three, be amended so as to read as follows:

Sec. 10. If any person shall vote in ^{www.libtool.com.cn} more than one ward or district, or more than once in the same ward or district, at any election in said city, he may be prosecuted therefor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor in the State prison for a period not exceeding three years, or both, in the discretion of the court. Punishment for voting more than once

Sec. 13. That section twelve, of chapter three, be amended so as to read as follows:

Sec. 12. On canvassing the votes, the inspectors shall certify ^{Certifying election returns.} a full and true return thereof, under their hands, to the clerk of the city, carefully sealed up, together with the poll lists and ballots, within seventy-two hours after the closing of the polls; and the inspectors of each election district shall thereupon choose one of their number to represent such election district in the board of city canvassers, and the persons so chosen ^{Canvass.} shall form the board of canvassers for the city, and shall, on the Saturday next after the election, at three o'clock in the afternoon, meet at the city clerk's office, or in the common council chamber, and proceed to open and canvass the said returns, and declare the result of the election.

Sec. 14. That section fourteen, of chapter four, be amended so as to read as follows:

Sec. 14. It shall be the duty of the collector of the corporation to collect all special assessments imposed and levied by the common council, except such as shall be paid by ^{Duty of collector.} the person assessed to the receiver of taxes prior to the issue of the warrant for the collection of the same, as is or may be provided by the ordinances of said city.

Sec. 15. That section sixteen, of chapter four, be amended so as to read as follows:

Sec. 16. The street commissioners within their respective

Duties of
street com-
missioners.

districts, under the direction of the common council, shall superintend the construction, repairs and cleaning of pavements, side-walks, cross-walks, culverts and bridges, and direct the working, cleaning and improving the highways, streets, alleys and public places in said city; they shall keep an accurate record of the names of persons, together with the number of horses, carts and wagons employed by them in the several wards, and render, under oath, to the controller, a true account of the time of each, and the expenses thereof.

To report
under oath.

Sec. 16. That section seventeen, of chapter four, be amended so as to read as follows:

Overseers of
highways in
wards.

Sec. 17. The overseer of highways for each ward shall, under the superintendence and control of the street commissioner, and when directed by him, work and improve the highways, streets, alleys and public places of said city, in the ward for which he is elected: *Provided*, That nothing in this act contained shall be construed to prevent the common council, in its discretion, from paving, graveling, macadamizing, or otherwise improving and cleaning the streets, alleys, and public places of said city, by contract; in which case such contract or contracts shall be awarded to the lowest qualified and responsible bidder, after due notice of the time of letting the same, in one or more of the daily newspapers published in said city.

Common
council may
pave, &c.

Sec. 17. That section eighteen, of chapter four, be amended so as to read as follows:

Duty of
ward col-
lectors.

Sec. 18. The collector for each ward shall collect all State and county taxes assessed and imposed upon the real and personal property of such ward, and such city, highway, sewer, and school taxes, as shall be placed in his hands for collection by the receiver of taxes, or other proper officer of said city, and shall account for and pay over the same as required by law, or by ordinance, or resolution of the common council of said city.

Sec. 18. That there shall be added, to stand as sections twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven, of chapter four, the following sections and words:

Sec. 23. The mayor may issue process, and hear, in a summary way, any complaint against any person to whom a license of any description has been granted, in pursuance of this act, or any violation of the laws of the State, or the ordinances of the corporation, and may issue subpoenas, and compel the attendance of witnesses, on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil cases, and on such hearing may annul such license or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personal or by leaving the same at his or her usual place of abode; and from the time of such service, such license shall be annulled or suspended, according to the tenor of such determination.

Mayor may
issue pro-
cess, &c.,
and hear
complaints.

Determina-
tion to be
filed with
city clerk.
Duty of clerk
thereon.

Sec. 24. The chairman of any committee, or special committee, or of any board established by this act, may administer any oath or take any affidavit in respect to any matter pending before them respectively.

Administer-
ing oaths.

Sec. 25. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same, or any part thereof, within such time as they may direct. In case the order be not complied with, they may cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Removal of
unsafe
buildings.

When at ex-
pense of
city.

Occupant,
how notified.

Sec. 26. The common council shall audit and allow all accounts chargeable against the city; but no unliquidated account or claim, or contract, shall be received for audit or allowance, unless it be accompanied with an affidavit of the person

Accounts
against the
city.

Authentic- rendering it, to the effect that he verily believes that the ser-
 tion thereof. vices or property therein charged, have been actually performed
 or delivered for the city, that the sums charged therefor are
 reasonable and just, and that, to the best of his knowledge and
 belief, no set-off exists, nor payment has been made on account
 thereof, except such as are included or referred to in such ac-
 count or claim. It shall be a sufficient bar and answer to any
 action or proceeding in any court for the collection of any de-
 mand or claim against said city, that it has never been pre-
 sented to the council for audit or allowance, or if on contract,
 that it was presented without said affidavit, and rejected for
 that reason, or that the action or proceeding was brought before
 the council had a reasonable time to investigate and pass
 upon it.

Bar against Licenses coun'ersign- ed by clerk. Sec. 27. The city clerk shall countersign all licenses granted
 by the mayor, or any officer thereto authorized, and shall enter,
 in proper books, full minutes of all such licenses, and no license
 shall be valid unless so countersigned.

Sec. 19. That there be added, to stand as section twenty-two,
 of chapter five, the following words:

Powers of common council. To regulate construction of buildings. Perpetuate evidence of title. Sec. 22. The common council shall also have power:

First. To regulate the construction of stone or brick build-
 ings, the thickness of walls, and the size of bricks;

Second. To adopt such measures as may be deemed expedient
 to perpetuate evidence of title of real estate, by the preservation
 of maps, plats, records and papers relating thereto;

Police and watchmen. *Third.* To appoint, on the nomination of police commissioners,
 policemen and watchmen, who shall hold their office during the
 pleasure of the common council, unless sooner removed by said
 board, as aforesaid. The policemen so appointed shall have
 power to serve any summons, subpoena, warrant, order, notice,
 paper or process whatever, issued or directed by any justice of
 the peace, judge, court or officer whatever, in the execution of
 the laws of the State for the prevention of crimes and the pun-
 ishment of criminal offenders, or of the police laws and regula-
 tions of the State or city, in any proceeding collateral to or

connected with the execution of such general laws, and police laws and regulations; they shall have power to serve any process for any violations of the city ordinances, and generally shall have and exercise the powers, as conservators of the peace, which township constables, under the general laws of the State, possess, but such policeman shall have no power to serve any paper or process in any civil action, or any paper or process connected therewith. The mayor, or acting mayor, shall make no nomination of policemen or watchmen, unless thereto requested by the police commissioners.

Sec. 20. That section thirty-five, of chapter seven, be amended so as to read as follows:

Sec. 35. Any plans for laying out into public streets and blocks, now existing in said city, and not acknowledged and recorded according to law, shall be of no validity until they receive the approval of said commissioners, as hereinbefore provided; but the platting and recording of any blocks, lots, squares, lanes, alleys, parks or public places, within said city, shall be a full and irrevocable dedication of the same to the public, for the uses and purposes specified or named upon any such record, plat or plan; any such plats or plans now of record shall be, and be evidence of dedication, as hereintefore provided, unless reclaimed of record within thirty days after this act shall take effect.

Plans for laying out streets, when valid.

Blocks, &c., platted and recorded, fully dedicated to public use.

Plans now recorded.

Sec. 21. There shall be added to chapter eight, to stand as section thirty-six, the following words:

Sec. 36. The expenses of constructing and repairing plank cross-walks in the several wards shall be defrayed from the district road fund, mentioned in subdivision eight, of section one, of this chapter.

Expense of walks, how defrayed.

Sec. 22. That section eight, of chapter eight, be amended so as to read as follows:

Sec. 8. The common council shall have power, from time to time, to levy, assess and collect a tax or assessment on all lots, premises or subdivisions thereof, sufficient to defray the expenses of grading and paving, graveling, macadamizing or planking,

Tax for grading, &c.

any highway, avenue, street, lane, alley or cross-walk in said city, in front of or adjacent to such lots, premises or subdivisions thereof, and of putting curb-stones and culverts therein, the proceeds of which tax or assessment shall be credited to

Limitation.

the street paving fund: *Provided*, That such tax or assessment shall not, in any one year, exceed in the aggregate the sum of fifty thousand dollars, except upon the petition of the holders of a majority of the property upon any alley, street, block or square, which the petitioners may desire paved; such grading, paving, graveling, macadamizing, and putting in of curb-stones and culverts, shall be commenced and completed, and all contracts therefor shall require the same to be commenced and completed, within six months next preceding the first day of December of the year in which such contract shall be made; but it shall be lawful for the common council to extend the time for the completion of any such contract for work which may have been commenced in good faith and not fully completed by the time above mentioned.

When jobs to be completed.

Time extended

Sec. 23. That sections nine and ten, of chapter eight, be amended so as to read as follows:

Loan for public building fund authorized.

Sec. 9. The common council shall also have power to provide money for the public building fund, by loaning, upon the faith and credit of said city, and upon the best terms that can be made, a sum of money not exceeding three hundred thousand

Bonds to issue

dollars, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, but said bonds shall not be

Bonds, how executed, &c.

negotiated at less than their par value. Said bonds shall be denominated "public building stocks of the city of Detroit;" shall be regularly dated and numbered in the order of their issue; shall be for sums not less than five hundred dollars each; shall bear interest not exceeding seven per cent. per annum; shall be payable in not less than twenty years from date; shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebted-

Account whereof kept

edness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid to the treasurer, and be credited to the public building fund, and applied exclusively to the purposes for which said fund is constituted as above.

Proceeds of bonds, how applied.

Sec. 10. No bonds shall be issued, as aforesaid, for the purposes of the public building fund, until a public meeting of the citizens of said city shall have been called and held to consider the subject of constructing a public building for such purpose as the common council may propose, which meeting shall be called and may be held in the manner above prescribed for calling and holding in relation to the levying of taxes. The common council shall cause to be presented to said meeting, by the controller, an estimate of the necessary cost of purchasing the necessary real estate for the erection thereon of any building, and expense of the building proposed to be constructed. If a majority of the citizens present shall consent to the purchase of such real estate, and construction of a building for the purpose proposed, and to the estimate presented, or any part thereof, the common council shall then be authorized to contract for the purchase of such real estate and for the construction of said building, at a cost and expense not exceeding in amount the estimate or part thereof thus consented to, and to expend thereon, borrow money and issue bonds as above provided.

Bonds not to issue without consent of a public meeting.

Sec. 25. That section twenty-two, of chapter eight, be amended so as to read as follows:

Sec. 22. No contract or agreement, written or verbal, to which the corporation shall be a party, or to which any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer, or performance of any public work whatsoever, or contract or agreement requiring the expenditure, receipt or disposition of money or property by the corporation, of any officer or board thereof, or creating any debt or liability, shall be let or entered into, either directly or indirectly, with any member of the common council or other

Officers of the corporation not to be interested in any contract with the city

Proviso.

officer of the corporation, either as principal or surety, and any such contract or agreement thus let or entered into, shall be absolutely void: *Provided however*, That nothing herein contained shall prevent the overseer of highways of any ward from contracting with the corporation for cleaning, repairing or improving the streets in their wards, respectively.

Sec. 26. That section six, of chapter nine, be amended so as to read as follows:

Board of review, term of.

Sec. 6 A board of review shall, on the nomination of the mayor, be appointed by the common council; said board shall consist of three resident property holders of said city, who shall hold their office for the term of three years, except that the three persons first appointed, which shall be immediately after this act shall take effect, shall hold their offices respectively for the term of one, two and three years, as shall be determined by lot on the first meeting of said board, and thereafter one member of said board shall be appointed each year for the term of three years, as hereinbefore provided. The session of the board of review shall be held at the assessor's office in said city, and shall commence on the first Monday in April, in each year, and continue from day to day until all of said assessment-rolls have been fully and carefully reviewed, corrected and approved, which shall be on or before the fifteenth day of May. The

Powers and duties.

board of review shall have power, and it shall be their duty, to equalize, alter, amend and correct any assessment or valuation, and to place upon the assessment roll of the proper ward, any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said rolls any property, real or personal, wrongfully thereon; but no assessment shall be increased or made by said board without notice to the person or persons affected thereby, either verbal and personal, or written or printed, and left at the usual residence of such person, if a resident, and if a non-resident, by a publication in some daily newspaper published in said city. Any person considering himself aggrieved by reason of any assessment, may complain thereof, verbally or in writing, be-

fore the board of review; and on sufficient cause being shown by the affidavit of such person, or by other evidence, to the satisfaction of such board, they shall review the assessment complained of, and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board, or a majority of them, having completed the review and correction of the assessment roll, shall respectively sign and return the same to the common council. The members of said board shall receive such compensation for their services as shall be prescribed by the common council.

Compensation.

Sec. 27. That section eight, of chapter nine, be amended so as to read as follows:

Sec. 8. The city clerk shall cause a notice to the tax payers of said city to be published in the daily newspaper published by the printer for the city, and in one other daily newspaper published in said city, for two weeks prior to the time of any meeting of the said board of review, stating the time and place of meeting of said board, and the object for which it will meet, which notice shall be continued on each publication day of said papers, during the session of said board.

Notice of meeting of board of review.

Sec. 28. That section twelve, of chapter nine, of said act, be amended so as to read as follows:

Sec. 12. After the assessment rolls shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the assessor to cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named, or lots described, upon and according to the aggregate valuation such person or lots shall have been assessed in said assessment rolls or books prepared for that purpose, to be known as the tax rolls for each ward, in separate columns, showing the amount of highway, sewer, school and city taxes, assessed to each per-

Tax roll.

To be delivered to receiver.

Notice of receiver, how published.

Receiver to give a receipt.

Unpaid tax as thereon.

Receiver to make a copy of unpaid taxes.

Notice of its completion.

son or lots in each year; and when said tax rolls shall have been completed, the assessor shall deliver the same to the controller, who shall cause the same to be delivered to the receiver of taxes, and take his receipt therefor, and charge him therewith. Upon the receipt of the tax rolls by the receiver of taxes, as hereinbefore provided, the taxes therein stated shall become due and payable, and the receiver of taxes shall forthwith, upon the reception of said tax rolls, give six days notice by publication in two or more daily papers published in said city, and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls; that the general tax rolls have been deposited with him, and that payment of the taxes therein specified may be made to him, at any time before the thirtieth day of December thereafter; that no addition will be made to taxes paid before the first day of August, but that an addition of one per cent. of every unpaid tax will be made thereto on that day, and a like addition of one per cent. every thirtieth day thereafter, until such additions shall amount to six per cent. of such tax; upon the receipt of any tax the receiver shall mark the same paid upon the proper roll, and give a receipt therefor. On the first day of January next following the time when any tax shall become due and payable, the receiver shall add to every such tax six per cent. of the amount thereof, as stated in the roll; and the amount of the tax, and of such additions as are hereinbefore specified, shall thenceforth be the unpaid tax, and shall bear interest from that day at the rate of twelve per cent. per annum until paid, except as is herein otherwise provided. On or before the fifteenth day of January, the receiver shall make in duplicate a roll of the unpaid taxes of each ward; such roll shall be a substantial transcript of such portions of the original tax rolls as relate to the unpaid taxes, and shall exhibit the original, and in the last column the augmented amount of every such tax. Immediately after completing such roll, he shall cause a notice to be published in five successive numbers of at least two daily newspapers published in said city, stating that

said roll of unpaid taxes has been made, and that it will remain in his office, where such taxes may be paid until the first day of February following, after which the property against which such taxes are assessed, shall be advertised and sold as hereinafter provided. But the receiver of taxes, with the advice and consent of the controller, on or after the first day of August in each year, may cause to be made out copies of any taxes remaining due and unpaid on said tax or assessment rolls for each ward, and which are assessed wholly or partly against any property or value other than real estate, together with such per centage as shall have been fixed by the common council, as compensation for the collection of such taxes or assessments, and to be stated in such rolls; and warrants may be issued and annexed to each such tax or assessment roll, signed by the controller, and under the corporate seal of the corporation, directed to the proper ward collector, or collector of the city, as the case may be, and made returnable upon such day as shall have been designated by the common council, commanding them to collect from the persons named in their respective assessment rolls the assessment or taxes therein specified and set forth as due from such persons, and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant or lessee, refusing or neglecting to pay the same, wherever the same may be found within the limits of said city, and to pay over and account for the taxes or assessments thus collected, according to law. The receiver of taxes shall charge the amount of any such tax or assessment rolls, upon which warrants may be issued, to the collectors of the proper ward, or of the city, as the case may be, and shall take a receipt therefor. Warrants for the collection of taxes and assessments may be renewed and extended from time to time by the common council, but the time for the payment of any general tax shall not be extended beyond the first day of January following the time when such tax shall have become due and payable. It shall be the duty of the assessor to make copies of said rolls as finally confirmed by the common council, upon which he shall ratably

Receiver to
make copies
of unpaid
taxes and
warrants for
collection.

Receiver to
charge such
tax to the
collector.

Warrants
renewed.

Assessor to
assess State
and county
tax.

assess the county and State taxes, as provided by the general laws of the State.

Sec. 29. That section thirteen, of chapter nine, be amended so as to read as follows:

Powers of
collectors.

Sec. 13. By virtue of said warrants, the several collectors to whom they may be respectively directed, shall have power to levy upon the personal property of persons from whom taxes may be due, or the personal property of the occupant or lessee of any land or lot on which the tax may have been assessed, wherever the same may be found within the limits of said city, and shall sell the same in the same manner, and with the same duties and powers of proceeding, as now or hereafter may be provided by the laws of this State, for the collection of State and county taxes by township treasurers or collectors; and all moneys thus collected shall be paid over to the receiver of taxes, and all moneys received by the receiver of taxes shall be paid over to the treasurer of said city, as shall be prescribed by the common council.

Moneys re-
ceived to be
paid over.

Sec. 30. That section fourteen, of chapter nine, of said act, be amended so as to read as follows:

Taxes to be
liens.

Sec. 14. Every assessment or tax lawfully levied or imposed by the authority of the common council, on any lands, tenements, hereditaments or premises whatsoever in said city, shall be and remain a lien on such lands, tenements, hereditaments or premises, from and after the time such taxes shall become due and payable, as aforesaid, and the owner or occupants of, or parties in interest in said real estate, shall be liable to pay every such tax or assessment; and if there be default in paying the same, or any part thereof, or if such person or persons be non-resident of said city, it shall be lawful for said common council to cause a notice to be published in the daily newspaper published by the printer for the city, once a week for four successive weeks, and posted in three or more public places in each ward, requiring the owners or occupants of, or parties in interest in such lands, tenements, hereditaments or premises, to pay such assessment or tax; and that if default be made in

Notice of
sale of lands

making such payment, such real estate will be sold at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the costs or charges in the premises.

Sec. 31. That section eighteen, of chapter nine, be amended so as to read as follows:

Sec. 18. The common council shall have power to charge ^{Interest on redemption.} interest at a rate not exceeding twenty-five per cent. per annum from the time of sale, on the amount of any assessment or tax, for the non-payment of which any lands, tenements or hereditaments may be sold, and upon the amount to be paid upon the redemption of any such real estate and premises so sold.

Sec. 32. That section twenty-one, of chapter nine, be amended so as to read as follows:

Sec. 21. It shall be the duty of the controller to bid in for ^{Controller; to bid in lands for corporation.} the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser shall refuse or neglect to pay the sum or sums bid by him, within the time, and under the regulations prescribed by the common council, such bid shall enure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the controller, and all bids as aforesaid, to the use and benefit of the corporation, conveyances and certificates of sale may be executed by the controller to the corporation, acknowledged and attested by the city clerk, and recorded in the same manner as provided in other cases of sale for assessment or taxes; but in all cases of sales for special assessments, the property so bid in for the corporation may, at the option of the common council, be held in trust for the person or contractor in whose behalf such assessment shall have been made, or his assignee, or upon payment to such person or contractor of the amount for which such property shall have been bid in, the city may, as in case of the general tax, become the owner of the tax title or lease

thus obtained, and may dispose of the same as if obtained under a like sale for any general tax.

Sec. 33. That there shall be added to chapter nine, to stand as section twenty-three, the following words:

Assessment
for con-
struction
sewers, &c.,
how collect-
ed.

Sec. 23. Assessment rolls, to defray the expense of constructing lateral sewers, side and cross-walks, paving, grading, macadamizing, graveling, or otherwise improving streets, lanes or alleys, or for defraying the expense of any local improvements properly payable from the proceeds of special assessment, shall be placed in the hands of the receiver of taxes for payment, as may be provided by ordinance or resolution of the common council, for the space of thirty days; after which warrants for the collection of the same may be issued, and such proceedings for the collection thereof be had as are or shall be prescribed by law, or by any ordinance or resolution of the common council; and sales of any real or personal estate for any unpaid assessments, shall be made in like manner, and with like effect, as in case of sales for non-payment of the general tax.

Sec. 34. That there be added, to stand as sections thirteen, fourteen, fifteen and sixteen, of chapter ten, of said act, the following words:

Fire mar-
shal, powers
and duties.

Sec. 13. The common council may, on the nomination of the mayor, appoint a fire-marshal, whose duty it shall be to investigate the cause and origin of all fires which shall happen within the city, and for that purpose he shall have power to administer oaths, and examine witnesses, touching such investigations. He shall have power to issue subpoenas, requiring the attendance of witnesses; disobedience to such subpoenas shall render the witness liable to the same penalties as for like disobedience in courts of record.

Testimony
reduced to
writing.

Sec. 14. The testimony taken on such investigation shall be reduced to writing, and signed by the witness, when the marshal shall proceed to determine, from the circumstances proved before him, the true cause and origin of the fire, and reduce the

same to writing, under his hand, and report the same, together with the testimony, to the common council.

Sec. 15. If, in the course of such investigation, or at the close thereof, he shall have good reason to believe that any person or persons willfully set, or caused such fire to be set, he shall forthwith make complaint before some magistrate having jurisdiction in such cases, and cause the parties complained of to be apprehended.

When mar-
shal to make
complaint.

Sec. 16. The term of the office of fire-marshal shall be one year from the second Tuesday of January in each year, and until a successor shall be appointed and enter upon the duties of the office; he shall perform such other duties as the common council shall direct; he shall be subject to removal, in the same manner provided for the removal of other officers appointed by the common council. The person first appointed shall hold the office until the second Tuesday in January, eighteen hundred and sixty-two, subject to removal, as aforesaid.

Term of of-
fice.

Removal.

Sec. 35. That the following words and sections be added, to stand as chapter thirteen of said act:

Sec. 1. The mayor, and two other persons, who shall be appointed by the common council, and who shall hold office during the pleasure of the common council, shall constitute a board of police commissioners for the city of Detroit; such board, or a majority of them, shall have full power to try and determine all complaints against the chief of police, or any policeman or watchman of the city, and to remove them, or any of them, summarily, on conviction, for insubordination, neglect of duty, or violation of any of the ordinances or the rules and regulations made, or hereafter to be made, for the government of the police department of the city of Detroit; the city clerk shall be the clerk of said board, and shall keep its records; said commissioners shall receive no compensation.

Board of
police com-
missioners

Powers.

Clerk.

Sec. 2. Such board, when convened for the purposes mentioned in the preceding section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and to

Judicial
powers of
board.

do such other acts as may lawfully be done by any court, for the purpose mentioned in section one of this chapter.

Policemen
suspended
for miscon-
duct

Sec. 3. The mayor, or chief of police, may suspend any policeman from his office on charges of misconduct, until the trial and decision of the board of police commissioners shall be had; notice in writing that charges or accusations are made, or are to be presented before the board of police commissioners, shall be given to such member or members of the police department as are accused of official misconduct, neglect of duty, or other offenses, to be tried by said board, at least twenty-four hours before such trial shall be had; the board may continue the suspension, remove the accused from office, or restore him to duty.

Notice of charges
pre-ferred.

Chief of police.

Sec. 4. The chief of police shall be appointed by the common council, on the nomination of the board of police commissioners, and shall hold his office at the pleasure of the council; he shall, under said board, be the chief executive of the police department; he shall have the same power conferred upon policemen by this act, and shall possess all the powers of the police justice of the city of Detroit to entertain complaints for criminal offenses, and to issue warrants for the arrest of persons charged with such offenses, but such warrants shall be made returnable before the police justice of the city, at his office; he shall also have power to commit persons charged with criminal offenses until examination shall be had before the police justice; he shall obey, and cause the police department to obey, the rules and regulations prescribed by the ordinances of the common council, and the rules and regulations prescribed by the board of police commissioners, and shall perform such other duties as shall, from time to time, be prescribed by the common council.

Powers.

Shall obey
orders of
common
council.

Police station.

Sec. 5. The common council shall provide suitable accommodation for the police, to be designated "the police station."

Watchmen,
powers.

Sec. 7. The board of police commissioners shall have power to appoint watchmen, without compensation, who shall possess the same power as conservators of the peace which township constables possess under the general laws of the State.

Sec. 8. The common council, on the nomination of the board of police commissioners, when, in their opinion, it is necessary for the preservation of the peace and good order of the city, may appoint additional temporary policemen; but such appointment shall not continue beyond forty-eight hours, unless otherwise ordered by the common council.

Sec. 9. The board of police commissioners shall have power, and it shall be their duty, from time to time, to prescribe the duties, and make such rules and regulations for the management and government of the police department as they shall think proper, not inconsistent with the provisions of this chapter, and the ordinances of the common council.

Sec. 10. Whenever any person or persons shall violate any of the ordinances of the city relative to breaches of the peace, any member of the police department may, under general regulations, to be prescribed by the board of police commissioners, and without process, arrest such person or persons and take them before the chief of police and make complaint, who is empowered to hold to bail or commit such person or persons to appear before the police court, or the recorder's court.

Sec. 11. The police justice of the city of Detroit shall have jurisdiction to hear and determine such offences for any violation of the city ordinances, as the common council shall by ordinance prescribe; all fines so imposed and collected by said police justice shall be paid into the city treasury, immediately after their collection.

Sec. 12. It shall be the duty of the police justice to attend the police station-house at such times as shall be prescribed by the common council; he shall summarily examine into the case of every person confined in said station-house, and if he adjudge any person guilty of vagrancy, disorderly conduct, or any violation of the city ordinances, relative to breaches of the peace, he may convict such person or persons thereof, and commit him or her to the Wayne county jail, or house of correction, for not more than six months, and impose a fine not exceeding fifty dollars; and in default of the immediate payment thereof, to

commit such person or persons to the Wayne county jail, or to the house of correction, for a term not exceeding six months, or until such fine be paid. All fines imposed shall be paid into the city treasury. He shall detain for examination all persons charged with offences against the laws of the State, and not punishable under the ordinances of the city, as aforesaid, for examination before the police court: *Provided*, The common council, at any regular meeting thereof, may designate any justice of the peace of the city of Detroit, who shall have the power to perform the duties prescribed by this section; but in case of the death, absence from the city, sickness, or other disability, the police justice shall perform said duties; said police justice, or justice of the peace, shall receive such compensation for performing the duties required by this and the foregoing section, as the common council shall prescribe.

Sec. 13. The common council shall designate, on the second Tuesday of January in each year, or at some regular meeting thereof, one of the justices of the peace elected in said city, to act as police justice in case of the death, sickness, absence, or other disability of the police justice; and the justice so designated shall, during such disability, or the continuance of any vacancy in the office of police justice, have exclusive jurisdiction of all cases properly cognizable in the police court of said city, and shall have and may exercise the same powers as may be exercised by the police justice of said city; and the justice so exercising the duties of police justice, shall be paid such compensation as the common council shall direct, such compensation to be drawn from the fund applicable to the payment of the police justice. Such designation may be revoked by the common council, upon the recommendation of the mayor, and another justice designated. The justice first designated, under the above provision, shall hold his office until the second Tuesday of January, eighteen hundred and sixty-two. The police justice of said city may be removed in the same manner, and for the same causes, as justices of the peace.

Sec. 14. The common council shall have power, by a vote of

two-thirds of all the aldermen elected, to authorize the board of police commissioners to offer a reward for the detection and apprehension of any offender against the city ordinances, or of the perpetrator of any high crime or misdemeanor, committed within the city, to be paid on the conviction of such offender or criminal.

Sec. 15. This act shall take immediate effect.

Approved March 12, 1861

[No. 137.]

AN ACT to provide for the formation of companies to construct canals or harbors, and improve the same.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may be formed into a corporation for the purpose of constructing a canal or harbor, or improving any stream in this State, so as to make the same navigable, by complying with the following requirements: Notice shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened; if there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or if none, then it shall be printed in some newspaper in the city of Detroit; and when stock to the amount of one thousand dollars per mile of such canal or improvement, so intended to be built, shall be subscribed, and five per cent. paid thereon, then the said subscribers, upon due and proper notice, may elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of those elected to hold their offices for the first year, the place from and to which the said canal or improve-

of Reward for
offenders.

Corporation
may be
formed.

Notice of to
be given

Directors,
when elect-
ed.

Articles of
association,
what to set
forth.

ment is to be constructed, and the length thereof, as near as may be.

Stockholders
to subscribe
articles

Sec. 2. Each subscriber to such articles of association, shall subscribe thereto his name and place of residence, and the number of shares of the stock taken by him. The said articles

Articles filed

shall be filed in the office of the Secretary of State; and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in said company,

Body corporate,
powers of.

by assignment or otherwise, shall be a body corporate, by the name specified in such articles, and as such, shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, harbor, or improvement, or any

By laws.

works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and

Privileges
and restrictions.

shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the revised statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of

May issue
bonds.

this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rate of interest as

Provide.

shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same.

Conditions
precedent to
filing articles.

Sec. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent. of the capital subscribed shall have been paid to the directors named in the articles, nor until there is endorsed on said articles, or annexed thereto, an affidavit of three of the directors, that the amount of capital stock required by the first section has been

Stockholders
not to vote
unless dues
paid.

subscribed, and five per cent. paid, and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders, unless all assessments due on stock standing in his name shall have been paid.

Sec. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.

Certified articles to be evidence.

Sec. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws; the election shall be made by such stockholders as shall attend for that purpose, in person or by proxy. Each share shall be entitled to one vote, and the persons receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by the remaining directors until another election. In case the election of directors is not held on the day fixed by the by-laws, it may be held on any day thereafter fixed by the board, on giving the same notice of the time and place as in case of an annual election.

Board of directors.

Notice of election.

Each share entitled to vote.

Vacancies.

Sec. 6. A majority of the directors shall be a board for the transaction of business; at the first meeting after their election, they may elect one of their number president, and appoint such other officers as the articles of association or by-laws require.

President and other officers.

Sec. 7. The president and directors shall have power to make and prescribe such rules and regulations, respecting the transfer of the stock, either before its full payment or thereafter, and for the general management of the affairs of said association as they may deem proper, not inconsistent with the laws of this State, and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of said corporation, and fix the salaries or compensation to be paid to them. It shall be the duty of the said president and directors, to make, under the oath of some one of them, an annual report, on the first day of January in each year, showing:

Transfer of stock.

Clerks, agents, &c.

Annual report.

- First.* The capital stock, and the amount actually paid in;
- Second.* The amount expended, and for what purpose;
- Third.* The amounts received from tolls, and from all other sources;
- Fourth.* The number and amount of dividends, and how paid;
- Fifth.* The number of men employed, and their occupation.

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Exploring and locating routes.

Sec. 8. It shall be lawful for such company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of any such canal, harbor, or the improvement of any such river or stream,

Damages to be paid.

doing thereto no unnecessary damage, and paying any damage which may accrue; but said company shall not locate any such canal through any orchard over one year old, or garden, without the consent of the owner, nor through any building, or fixtures, or any yard or inclosures necessary for the use or enjoyment thereof, without the like consent; and when the said route or improvement shall be established by the said company, it shall be lawful for them, their officers and servants, to enter upon, take possession of, and use such lands, to the width of two hundred feet, as said company may have purchased or obtained from the owners and occupants the right to use, and also to take and use any other lands which may be necessary for the construction of said canal, or the improvement of the navigation of such river, or the erection of any locks, gates, toll-houses or other fixtures, the necessity of such taking, and the damages to be paid therefor being first ascertained, and such damages paid as hereinafter provided: *Provided*, That in the improvement of any harbors, such company shall not destroy, affect, or impair the navigation of any natural stream, landing or water-course, without the consent of the owners thereof; nor shall any change be made of an existing entrance to any harbor, until said company shall execute and file with the Secretary of State, a bond, running to the people of the State of Michigan, with sufficient sureties, to be approved by the Governor, guaranteeing to the public a channel not less than one hundred and fifty feet in width, and a depth of water

Not to locate through orchards &c.

When route located company may enter upon lands.

Damages ascertained.

Proviso.

To give bond for completion of harbor.

therein, at all seasons of the year, of at least eight feet throughout the whole length and breadth of said new entrance, channel and harbor, and to be so completed within eighteen months from the commencement of operations thereon. In case of the failure, on the part of such corporation, to make and complete such specified entrance, channel and harbor, within the time limited, then said company shall immediately and entirely close up such new channel, restore the old, and pay to the person or persons injured by a change of the old or existing channels, all damages they may have sustained thereby; and said corporation shall be fully liable and responsible therefor, and such obligation shall continue and be in force, compelling said corporation to maintain thereafter said improved channel, upon the conditions and liabilities as hereinbefore provided. Any person sustaining damage by reason of such change of an existing entrance to any such harbor, shall be entitled to prosecute an action, in the circuit court of the proper county, upon said bond, to recover his damage, and may bring such suit in his or her name.

If harbor is not so completed, the company shall.

Recovery of damages.

Sec. 9. Said corporation shall not, in their corporate capacity, hold, purchase, or deal in any lands, other than the lands on which their canal shall run, or which may be actually necessary for the construction or maintenance of said canal or improvement, or the fixtures connected therewith.

Corporation not to purchase lands.

Sec. 10. Whenever said company shall desire to enter upon, use or occupy any lands, or condemn any franchise or right to the use of running water, when no agreement can be made with the owner or owners thereof, the like proceedings shall be had and taken as is provided in "an act to provide for the incorporation of railroad companies," and the acts amendatory thereto; and after the payment or tender of such damages as shall be then ascertained, may enter upon and take the lands so appraised, for the purposes of constructing said canal, harbors, or making the improvement in such river, its fixtures and appurtenances: *Provided further*, That it shall be necessary, before condemning any lands under the provisions of said act,

Proceedings to ascertain damages for entering upon lands.

After payment of damages may use lands.

to proceed also to have assessed and to pay all damages consequent upon such improvement, which damages may be assessed by the jury or commissioners authorized by said act, subject always to the proviso contained in the eighth section.

Tolls established by commissioners

Sec. 11. Whenever any company shall have completed their canal or improvements in any river, or any consecutive five miles thereof, the said company shall be authorized to charge, demand, and receive such rates of toll, for the use of said canal, or for the use of any river or stream of this State, improved by said company, or for any dock, wharf, or other improvement, as may be established by a board of three commissioners, to be appointed by the Governor for that purpose; said board, after making a personal examination of such canal or improvement, shall fix and establish the rate of toll or charge for each boat and vessel using the said canal, or passing through said improved river, or any of the works of said company. Said board shall deliver one copy of such rates of tolls or charges to said company, a printed copy of which shall always be posted up at each place where toll is demanded, and the board shall file another copy with the Secretary of State, which shall be duly recorded in his office, and always open for inspection to the public:

Copy of rates of toll filed and recorded.

When toll not to be charged.

Provided however, That no charge whatever shall be made for the use of any river, when such improvement has been made, for any boat, vessel, raft, or craft of any description, which might or could have used said river before said improvement had been made: *Provided further*, That the said board shall, in determining the rates of toll, declare what boats, vessels, rafts, or craft, are entitled to use said improved river free of charge.

Persons injuring improvements liable for damages

Sec. 12. If any person shall willfully obstruct, or in anywise injure any such canal, harbor, or improvement, or any dock, wharf, or other fixture connected therewith, or shall violate any rule or regulation established by said company, such person, boat, vessel, or other craft, as the said company may elect shall be liable for all damages done or committed, and said damages may be recovered in an action against said boat, ves-

sel, or other craft, or against the owner or owners thereof, as said company may elect.

Sec. 13. Whenever any canal shall cross any highway, the said company shall make and keep in good repair such bridges as the board of supervisors of the county in which such canal is located shall direct.

Canal across highway to be bridged.

Sec. 14. The stockholders of said companies, incorporated under this act, shall be jointly and severally liable for all labor performed for such company; but no suit shall be brought against any individual stockholder, for any debt of said company, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied, in whole or in part; and any stockholder who has paid any debt of such company, either voluntarily or otherwise, shall have the right to sue and recover of such company the full amount thereof, with interest, cost and expenses, and in case of failure to recover the amount from said company, may sue the said stockholders, or any one of them, for their due proportion thereof, which such stockholder ought to pay; and if such action for contribution shall be brought against more than one, the judgment shall specify the sum due and to be recovered from each of the defendants named.

Stockholders jointly liable for labor performed. Suit not to be brought against stockholders until after judgment against Co. Stockholders may recover amount paid from Co. if

Sec. 15. Any boat, vessel, raft, or craft, which shall attempt to pass through said canal, or said improvement, without paying the toll required, shall be liable to pay to said company the sum of one hundred dollars, to be collected by proceeding against said boat, or against the owners thereof, by attachment or otherwise.

Penalty for attempt to avoid toll.

Sec. 16. The legislature shall, at all times hereafter, have the the free right to alter, amend or repeal this act.

Legislature the right to amend.

Sec. 17. Every corporation formed under the provisions of this act shall, on or before the first day of July, pay the State Treasurer an annual tax of one per cent. on the capital stock of said company, which tax shall be in lieu of all other taxes upon the property of said company, whether real, personal, or

Specific tax.

mixed, except penalties by this act imposed; the said tax shall be estimated upon the last annual report of said corporation: *Provided*, No vessel, boat, or craft, shall be charged toll for entering any harbor constructed under this act, nor shall such harbor be taxed.

Sec. 18. This act shall take effect immediately.

Approved March 13, 1861.

[No. 138.]

AN ACT to amend an act entitled "an act to incorporate the city of Lansing," approved February fifteenth, eighteen hundred and fifty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled "an act to incorporate the city of Lansing," approved February fifteenth, eighteen hundred and fifty-nine, be and is hereby amended so that said section shall read as follows:

Ward boundaries.
First.

Sec. 3. The said city shall be divided into four wards, as follows: The first ward shall consist of all that part of said city east and north of Grand river and north of the centre line of Shiawassee street, continued from Grand river to the eastern boundary of said city; the second ward shall consist of all that part of said city south of the center line of Shiawassee street, continued east and west to the eastern and western boundaries of said city, and north of the centre line of Washtenaw street, continued east and west to the eastern and western boundaries of said city; the third ward shall consist of all that part of said city south of the second ward; the fourth ward shall consist of all that part of said city west and south of Grand river and north of the center line of Shiawassee street, continued from Grand river west to the western line of said city.

Second.

Third.

Fourth.

Sec. 2. Section four of said act is hereby amended so as to read as follows:

City officers.

Sec. 4. The officers of said city shall be one mayor, one recorder, one treasurer, one clerk, one justice of the peace

in the first and fourth wards, and one justice of the peace in the second and third wards of said city, one constable in each ward of said city, two aldermen in each ward of said city, one of whom, in each ward, shall be the supervisor of such ward, as is hereafter designated and provided, who shall be elected at the annual city election by the qualified electors of the whole city, or of the wards thereof, respectively, by ballot, as hereinafter provided; also, one auditor, one marshal, and watchmen not to exceed one for each ward, of whom one shall be designated as captain of the watch, one health physician, and so many fire-wardens, common criers, pound-masters, inspectors of fire-wood, weigh-masters and auctioneers, as the common council shall from time to time direct, to be appointed by the common council, and such other officers as may be necessary to carry into effect the powers granted by this act, whose powers and duties, other than those defined in this act, shall be such as shall be prescribed by ordinance of the common council.

Sec. 3. Section seventy-three of said act is hereby amended so as to read as follows:

Sec. 73. The city marshal shall be superintendent of the city, ^{City marshal, his duties.} and it shall be his duty to superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs, or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council, shall be required. He may also ^{May serve process.} serve all process that may issue from any court or magistrate of said city, or that may be issued by the recorder or recorder's court of said city, the same as any constable or the sheriff of the county of Ingham, and with the same power and authority.

Sec. 4. Section seventy-four of said act is hereby amended so as to read as follows:

Sec. 74. The recorder shall have the same powers, and perform and discharge the municipal duties of mayor during the ^{Recorder, powers.}

Judicial
powers.

absence, inability, death, resignation, or removal of the mayor, and shall be entitled to a seat within the common council for the purposes of deliberation and of acting on committees, but shall have no vote therein, except when performing the duties of mayor; he shall also have power to hold a recorder's court, and which court shall be a court of record, having common law jurisdiction, and he shall have the power, and may exercise the jurisdiction in all cases arising within the limits of the said city, which is now or may hereafter be conferred upon the judges of the circuit courts of the State, or circuit court commissioners, in cases of proceedings to recover possession of land in certain cases, by chapter one hundred and twenty-three of the revised statutes, and the amendments thereof; and also, in cases of habeas corpus and certiorari, to inquire into causes of detention, by chapter one hundred and thirty-four of said revised statutes, and also of all proceedings under title twenty-seven of the said revised statutes, entitled "of the punishment of fraudulent debtors," and in the exercise of such jurisdictions shall be entitled to demand and receive the same fees for the services so rendered, as are now or may hereafter be allowed to circuit court commissioners for like services; but nothing in this act contained shall be construed to confer any power not specifically mentioned and conferred on such court, except for the punishment of contempts and the naturalization of aliens.

Fees.

Sec. 5. Section ninety-two of said act is hereby amended so as to read as follows:

Salary of
city officers.

Sec. 92. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding two hundred dollars per annum; to the city treasurer, a sum not exceeding one hundred dollars per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day, for every day by him actually spent in the

performance of such duties; to each alderman of said city, as such, a sum not exceeding one dollar per annum; to the city auditor, a sum not exceeding fifty dollars; to the city attorney, a sum not exceeding one hundred dollars per annum; and they may also establish the fee or salary to be paid to all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Sec. 6. Section ninety-four of said act is hereby amended so as to read follows:

Sec. 94. For the purpose of defraying the expenses and all ^{Tax} liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding three-fourths of one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax; and the sum or sums so to be raised shall be apportioned between the several wards of said city, in the manner in this act provided.

Sec. 7. Section one hundred and four of said act is hereby amended so as to read as follows:

Sec. 104. It shall be the duty of the Auditor General, on ^{State lands} receipt by him of the returns of the treasurer of the county of Ingham, of lands in said county delinquent for the non-payment of taxes assessed thereon, to cause to be credited to the said city of Lansing all city taxes remaining unpaid upon so much of the property in said city, so returned, as shall have been assessed as "State lands," as provided in section ninety-nine of this act, and within ten days after such return shall have been made to him, to cause to be made out, certified and delivered to the Commissioner of the State Land Office, a correct list of all such State lands, together with the taxes assessed thereon, so returned to him as aforesaid; and the amount of all such city taxes, so credited to said city as in this section provided, shall

be paid to the treasurer of said city by the State Treasurer whenever required by the city treasurer, and the Auditor General shall draw his warrant on the State Treasurer therefor.

Sec. 8. Section forty-three of said act is hereby amended so as to read as follows:

Quorum.

Two thirds vote required to order a tax.

Sec. 43. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered except by a two-thirds vote of all the members of said common council elect; nor shall any appointment of any officer, under this act, be made, except by a majority vote of all the members of said council elect, by and with the consent of the mayor; and the common council shall prescribe the rules for its proceedings.

Sec. 9. Section one hundred and twelve of said act is hereby amended so as to read as follows:

Highways.

Private property may be taken. Damages.

Sec. 112. The common council of the city of Lansing shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, except public grounds belonging to or donated by the State, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using such property, the just compensation to be made for the same, and the damages accruing to any person from the making of said improvements, shall be ascertained in the same manner, as near as may be, as such necessity, compensation and damages, are or may be hereafter ascertained in the townships of this State, and for all purposes connected with the streets of said city, the common council shall possess the powers of the highway commissioners of townships.

Sec. 10. Section one hundred and forty-three of said act is hereby amended so as to read as follows:

When constables may act as marshal.

Sec. 143. The duties to be performed by the marshal of said city, in case of the inability of such marshal, whether by absence, sickness, or interest in the subject matter of the pro-

ceedings, may be performed by either of the constables of said city.

Sec. 11. Section one hundred and forty-seven of said act is hereby amended so as to read as follows:

Sec. 147 The common council shall have the same power, in relation to laying out and establishing, opening, extending, widening, straightening, altering or discontinuing any street, highway, lane or alley, in said city, which the commissioners of highways in townships have or may hereafter receive in relation to town highways, and they shall adopt the same proceedings to effect such object, as near as may be, as the commissioners of highways in the townships are or may be by law required to adopt, and appeals may be taken to the circuit court for the county of Ingham in like manner, as far as practicable, as appeals are now or may hereafter, by law, be taken for the decisions of highway commissioners in townships; and the said circuit court is hereby authorized and empowered to hear and determine appeals.

Common council may alter or discontinue any street, &c.

Proceedings thereon.

Sec. 12. Section one hundred and ninety-six of said act is hereby amended so as to read as follows:

Sec. 196. The court held by the recorder shall be known in law as and by the name of "the recorder's court of the city of Lansing," and shall have an appropriate seal, which shall be provided by the recorder, and kept by the clerk thereof, who shall keep a record of the proceedings of the said court.

Recorder's court.

Sec. 13. Sections one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred

Sections repealed.

and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-four, two hundred and fifty-two, ninety, and one hundred and ninety-three, of the said act amended, are hereby repealed.

New sections.

Sec. 14. There shall be added to said act hereby amended, four new sections, to stand as sections two hundred and fifty-five, two hundred and fifty-six, two hundred and fifty-seven and two hundred and fifty-eight, to wit:

Bridges.

Sec. 255. All bridges over the Grand, Cedar and Sycamore rivers, within the limits of said city, shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess and collect, in addition to all other taxes, a sufficient amount of tax, annually, for that purpose, which tax shall be known and designated as "bridge tax," and shall be used for no other purpose.

Term of present officers.

Sec. 256. All officers now holding office in said city, shall hold the same for the term for which they were elected.

Board of education.

Sec. 257. The city of Lansing shall constitute one school district from and after the day this act takes effect, and each ward shall, at every annual election on the first Monday in April, elect one member of the board of education, who shall hold his office for three years; but at the election on the first Monday in April, eighteen hundred and sixty-one, there shall be three of said members elected in each ward for one, two and three years, respectively, whose respective terms shall be so designated on the ballots, and they shall not receive any compensation for their services. The said members shall be a body corporate by the name and style of "the board of education of the city of Lansing," and by that name may be sued, and shall be subject to all the laws of this State, relative to corporations that may be applicable thereto. They shall succeed to and be entitled to demand all moneys and other rights belonging to the present school districts in said city, and all real or personal property or other rights of such districts, or in the possession or control of

Body corporate.

any person for such districts, and all moneys or other property shall be held by said board and used and expended solely for the benefit of common school or schools within said city; said board shall, also cause to be paid all the debts and demands that may be existing against the present districts in said city.

A majority of all the members shall constitute a quorum, and

Quorum.

said board shall meet from time to time at such place in said city as they may designate. They may elect from their number a president and clerk. The treasurer of said city shall be ex-officio treasurer of said board; he shall keep the school moneys separate from all other funds, and he shall not pay out or expend any school or library moneys except upon the order of said board, signed by the president and clerk thereof; he shall report to the board the condition of the school fund whenever requested by them. The said board shall keep a record of their proceedings, which shall be signed by the president and clerk; and

Record of proceedings.

any proceedings of said board, certified by their president and clerk, shall be evidence of the facts therein contained. The

recorder's court of said city shall have jurisdiction of all prosecutions for the violation of the by-laws and ordinances passed

Jurisdiction of recorder's court.

by said board. The said board of education shall have full power and authority, and it shall be their duty:

Powers of board of education.

To purchase sites and build school-houses;

To establish a high school in said city;

To appoint from their own number, or some taxable elector and freeholder of said city, a superintendent of the schools in said city, under the charge of said board, with such salary, not exceeding one dollar per day when in actual service, and with such powers and duties as said board may prescribe;

Superintendent.

To establish a school library in said city, and designate the place or places where the same shall be kept, and to appoint a librarian, who shall not be entitled to any compensation for services as such librarian;

Library.

To apply for and receive from the county or city treasurer or other officers, all moneys appropriated or belonging to the pri-

Primary school funds.

mary school funds of said city, or for library purposes, and to expend the same according to law;

Census.

To make by-laws and ordinances for taking the census of the children of said city, for making reports, and all things that may be necessary to draw the proportion of the primary school fund belonging to said city; also for levying and collecting rate bills, for visitation of schools, and the length of time schools shall be taught, which shall not be less than six months in the year, for the employment and examination of teachers and their powers and duties, for the regulation of schools and the books to be used therein, for the appointment of necessary officers, and to prescribe their powers and duties, and for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of common schools.

Library and school tax.

The common council of said city are authorized, on request of said board, to levy a tax, annually, on the real and personal property of said city, of a sum not exceeding one hundred dollars, to support a school library in said city; also, a tax not exceeding one dollar on each child in said city, between the ages of four and twenty years, for the support and maintenance of schools in said city, to be expended under the direction of said board; and the Commissioner of the Land Office is hereby authorized and directed, at any time within one year from the time this act shall take effect, upon application of such school board, to lease to it and its successors, for the term of nine hundred and ninety-nine years, for a school-house site whereon to locate the high school aforesaid, block eighty-one of the public square now belonging to the State, in said city, to be used for school purposes, and no other, at and for the annual rent of one dollar,

School house site.

Proviso

to be paid yearly: *Provided*, That said high school building shall not be built within five years unless by consent of each ward, to be determined by a majority of the votes in each ward, at a regular city election, or a special election called for that purpose. The said board shall determine what sum may be necessary to erect, and, from time to time, keep in repair, the necessary buildings on said block, or other buildings used for school purposes in

Building tax. L. 52.

said city, which sum, or such part thereof as they may deem necessary, the common council shall assess and levy on the real and personal property of said city, for such building purposes, to be collected as other school moneys, and applied by said board for building, as aforesaid. The school districts and their officers shall remain as they now exist in said city, until the said board are elected and qualified. The said board shall organize and commence on the second Monday of April, eighteen hundred and sixty-one, at which time the present school districts and their officers shall discontinue, and all papers, records, property, and rights of whatever kind, of the said school districts, shall pass to said board. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by the common council, of a person from the ward in which such vacancy exists, which appointment shall be till the next annual election, and until his successor is elected and qualified. All the provisions of the general laws of this State, relative to common and union schools, shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education made under this act.

When the board to organize.

Vacancies.

General school laws made applicable.

Sec. 258. The fourth ward of said city shall elect two aldermen at the charter election on the first Monday in April, eighteen hundred and sixty-one, one of whom shall be elected for one year, and the other for two years; and the said aldermen shall commence their term of office in the year eighteen hundred and sixty-one, immediately on being elected; and the common council shall appoint inspectors of election and a board of registration for the said fourth ward, and the place for holding the election for said election in April, eighteen hundred and sixty-one.

Aldermen fourth ward

Sec. 15. This act shall take immediate effect.

Approved March 13, 1861.

[No. 139.]

AN ACT to prevent the adulteration of coal oils.

SECTION 1. *The People of the State of Michigan enact,* That if any person shall fraudulently adulterate, for the purpose of sale, any coal or kerosene oils, used for lights, in such manner as to render them dangerous for use, or any persons offering such adulterated oils for sale, knowing them to be thus adulterated, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1861.

[No. 140.]

AN ACT relative to the interest on contracts between citizens of this State, and other States and countries, payable elsewhere than in this State.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any person or corporation, borrowing money in this State, to make notes, bills, bonds, drafts, acceptances, mortgages, or other securities, for the payment of principal or interest, at the rates authorized by the laws of this State, payable at the place where the parties may agree, although the legal rate of interest in such place may be less than in this State; and such notes, bonds, bills, drafts, or other securities, shall not be regarded or held to be usurious, nor shall any securities taken for the same, or upon such loans, be invalidated in consequence of the rate of interest of the State, kingdom or country, where the paper is made payable, being less than in this State, nor of any usury or penal law therein.

Sec. 2. No plea of usury, nor defense founded upon an allegation of usury, shall be sustained in any court in this State, nor shall any security be held invalid on an allegation of usury, where the rate of interest reserved, discounted or taken, does

not exceed that allowed by the laws of this State, in consequence of such security being payable in a State, kingdom or country, where such rate of interest is not allowed.

Sec. 3. It shall be lawful for all parties loaning money in this State, to take, reserve, or discount interest upon any note, bond, bill, draft, acceptance, or other commercial paper, mortgage, or other security, at any rate authorized by the laws of this State, whether such paper or securities, for principal or interest, be payable in this State, or in any other State, kingdom or country, without regard to the laws of any other State, kingdom or country; and all such notes, bonds, bills, drafts, or acceptances, or other commercial paper, mortgages or other security, shall be held valid in this State, whether the parties to the same reside in this State or elsewhere.

Parties loaning money may take interest authorized by this State without reference to law of place where payable

Sec. 4. When any contract or loan shall be made in this State, or between citizens of this State and any other State or country, bearing interest at any rate which was or shall be lawful according to any law of the State of Michigan, it shall and may be lawful to make the amount of principal and interest of such contract or loan payable in any other State or territory of the United States, or in England; and in all such cases, such contract or loan shall be deemed and considered as governed by the laws of the State of Michigan, and shall not be affected by the laws of the State or country where the same shall be made payable; and no contract or loan, which may have heretofore been made or entered into, in this State, or between citizens of this State and of any other country, bearing interest at a rate which was legal according to the laws of this State at the time when the same was made or entered into, shall be invalidated or in anywise impaired or affected by reason of the same having been made payable in any other State or country.

Interest on loans payable in other States not affected by the laws thereof

Approved March 13, 1861.

[No. 141.]

AN ACT to amend sections six thousand one hundred and thirty-eight and six thousand one hundred and forty, of the compiled laws, being sections ten and twelve, of chapter two hundred and one, ~~and one, providing for~~ the employment of prisoners confined in the county jails.

Amended. SECTION 1. *The People of the State of Michigan enact, That* section six thousand one hundred and thirty-eight of the compiled laws, being section ten, of chapter two hundred and one, be so amended as to read as follows:

Keepers to cause convicts to be employed. Sec. 6138. The keepers of the said prisoners shall respectively have power, with the consent of the supervisors of the county, from time to time, to cause such of the convicts under their charge as are capable of hard labor, to be employed upon any of the public avenues, streets or highways, or other works, in the county where such prisoner is confined, or in any of the adjoining counties, or in other work which said keepers can procure for the employment of such convicts, upon such terms as may be agreed upon between the said keepers and the officers or other persons under whose direction such convicts shall be placed.

Sec. 2. That section six thousand one hundred and forty of the compiled laws, being section twelve, of chapter two hundred and one, be amended so as to read as follows:

Prisoners sentenced to pay fine to be discharged on earning amount. Sec. 6140. Whenever any prisoner shall be sentenced to pay a fine and costs, or either, and to be committed, and shall be employed at hard labor, pursuant to the foregoing provisions, he shall be allowed such sum as the said keepers may be able to obtain for the labor of such convicts, less the expense of their support; and when he shall have earned the amount of such fine and costs he shall be discharged.

Approved March 13, 1861.

[No. 142.]

AN ACT to facilitate trials and proceedings by jury.

SECTION 1. *The People of the State of Michigan enact, That* after the empanelling of a jury for any purpose, if from death, sickness, or any other cause, any of said jurors shall be unable to attend, the court in which said jury is empaneled may enter that fact upon their journal or docket, setting forth the cause of such inability; and said cause or other proceedings shall then proceed in the same manner, and with the same effect, as if the whole panel were present: *Provided*, The number of jurors so absent shall not be greater than three in a jury of twelve, or two in a jury of six, and that this act shall not apply to the trial of criminal cases in courts of record.

Inability of jurors to attend after empanelling to be made by court and trial to proceed as if panel were full.

Provide.

Approved March 13, 1861.

[No. 143.]

AN ACT to exempt sewing machines from levy and sale on execution.

SECTION 1. *The People of the State of Michigan enact, That* all sewing machines owned by individuals and kept for the actual use of themselves or their families, shall be exempt from levy and sale on execution, not exceeding one such machine for each family.

Sewing machines exempt from levy.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1861.

[No. 144.]

AN ACT to amend chapter thirty-two of the compiled laws, entitled "of limited partnerships."

SECTION 1. *The People of the State of Michigan enact, That* section thirteen, of chapter thirty-two, of the compiled laws, entitled of limited partnerships, be amended by inserting after the word "certificate," in the fourth line of said section, the

Section amended.

words "except as hereinafter provided," so that said section, as amended, will read as follows, viz:

Alteration
in condition
of partner-
ship deemed
a dissolution

(1281.) Sec. 13. Every alteration which shall be made in the names of the partners, the nature of the business, in the capital, or in the shares thereof, or in any other matter specified in the original certificate, except as hereinafter provided, shall be deemed a dissolution of such limited partnership; and every such partnership which shall in any way be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last preceding section.

Sections ad-
ded

Sec. 2. Four new sections shall be added to said chapter thirty-two, to stand as sections twenty-one, twenty-two and twenty-three, as follows:

Limited
partn'rships
not deemed
general by
reason of
alteration.

Sec. 21. No limited partnership shall be deemed a general partnership by reasons of any alteration in the names of the partners, as provided in section thirteen of this chapter, occasioned by one or more of the general partners selling his interest therein to the other general partner or partners, or to any other person or persons, nor by reason of one or more of the special partners selling his interest and stock therein to the other special partner or partners, or to any other person or persons:

Provido.

Provided. That no capital stock shall be thereby withdrawn so as to reduce the capital stock below the sum stated in the original certificate mentioned in section four of this chapter: *And*

Certificate
of alteration
in partner-
ships.

provided also, That within thirty days after any such alteration, the remaining or succeeding partners shall make and severally sign a certificate, stating the fact of such alteration, and the name or firm under which the business is to be continued, the names of the remaining or succeeding general and special partners, specifying which are general and which are special partners, and their respective places of residence, and the amount of capital stock which each of the remaining or succeeding partners shall own after such alteration, which certificate shall be acknowledged, as provided in section five of this chapter, and with the certificate of such acknowledgment shall

Acknowl-
edged and
filed.

be filed in the same clerk's office in which such original certificate was filed; and at the time of filing the same, an affidavit of one or more of the remaining general partners shall also be filed in the same office, stating the fact of such alteration, and that the capital stock has not been reduced by such alteration below the sum stated in said original certificate; and if any false statement be made in said certificate or affidavit, provided for in this section, all the persons interested in such partnership shall be liable, as general partners, for all the engagements thereof.

Affidavit of alteration.

Sec. 22. Within the same time above provided, for making and filing such certificate and affidavit, the fact of such alteration and the names of the remaining or succeeding general and special partners, designating which are general and which special, and the amount of capital stock of each special partner, shall be published in the same manner and for the same length of time provided in section ten of this chapter, and affidavits of such publication may be made and filed as provided in section eleven, and with like effect.

Notice of alteration to be published.

Sec. 23. The liability of the persons composing the original partnership shall remain unchanged, except as between each other, until the certificate and affidavit shall be filed and the notice duly published, as hereinbefore provided.

Liabilities of original partnerships

Sec. 24. A special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management; he may also loan money to, and advance and pay money for the partnership, and may take and hold the notes, drafts, acceptances, and bonds of or belonging to the partnership, as security for the repayment of such moneys and interest, and may use and lend his name and credit as security for the partnership, in any business thereof, and shall have the same rights and remedies in these respects as any other creditor might have.

Rights of a special partner.

Sec. 25. This act shall take immediate effect.

● Approved March 13, 1861.

.[No. 145.]

AN ACT to authorize the people of Gratiot, and other new counties, to work out the amount of their indebtedness to this State on the highways in said counties.

SECTION 1. *The People of the State of Michigan enact*, That all

Belief notes
to be deliv-
ered to Co.
treasurers.

notes taken, by virtue of the act of the legislature of eighteen hundred and fifty-nine, for the relief the people of Gratiot and other new counties, and now held by the treasurer of this State, be, and said State Treasurer is hereby directed to deliver up, all such notes to the county treasurers of the counties where such notes were taken and payable, upon the application of such county treasurer, who shall give his receipt for the same.

Treasurer to
make a list
thereof and
deliver to
highway
commission-
ers.

Sec. 2. Each county treasurer shall, within one month after receiving said notes, make a list containing the name of the maker of each note, with the date and amount of the same, and send a copy to the highway commissioners of each town in which any of said debtors reside.

Duty of com-
missioners
on receipt of
list.

Sec. 3. It shall be the duty of said highway commissioners, on the receipt of such list, to immediately notify each individual on the same, living in his town, of the amount due from him, and also designate the time when, (not to exceed one year,) and the place where, in the road district where such debtor lives, he may work out the amount due from him to this State on his said note. Said commissioners shall also determine the way and manner said work shall be done, and shall have full power to let jobs or have the work done by the day, as they shall deem for the best interests of the public, and when any individual has worked out the amount of his note, as above directed, the highway commissioners shall give him a certificate to that effect, and upon the presentation and surrender of which, to the county treasurer, he shall deliver up his note.

Powers of
commission-
ers.

Notes of
persons re-
fusing to
work to be
sold. §

Sec. 4. If any person shall neglect or refuse to work out the amount due this State upon his note, after having been notified by the highway commissioners as hereinbefore specified, it shall then be the duty of the county treasurer to collect or dispose

of said notes and the proceeds, as the board of supervisors of said county shall direct.

Approved March 13, 1861.

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[No. 146.]

AN ACT to amend sections four hundred and four and four hundred and five of the compiled laws, being sections sixty-three and sixty-four, of chapter ten, enabling county clerks to appoint deputies,

SECTION 1. *The People of the State of Michigan enact*, That section four hundred and four of the compiled laws, being section sixty-three, of chapter ten, be amended so as to read as follows: Section amended.

Each county clerk shall appoint one or more deputies, to be approved by the circuit court, one of whom shall be designated in the appointment as the successor of such clerk in case of vacancy from any cause, and may revoke such appointment at his pleasure, which appointment and revocation shall be in writing, under his hand, and filed in the office of the county treasurer, and the deputy or deputies may perform the duties of such clerk: *Provided*, That no practicing attorney shall be made such deputy. Co. clerk to appoint deputies.

Sec. 2. That the county clerk and his sureties shall be responsible for the acts of his deputy or deputies; and in case of the death, resignation or removal of the clerk, or in any case of a vacancy by any other means in the said office of clerk, the deputy or deputies shall severally perform all the duties of such clerk until such vacancy shall be filled. Clerk responsible for acts of.

Approved March 13, 1861.

[No. 147.]

AN ACT to amend sections two thousand and fourteen and two thousand and seventeen of the compiled laws, in reference to religious societies, so as to authorize the recording of articles of association, and to give trustees, wardens and vestrymen, authority to execute securities upon church property, in certain cases.

Amended. SECTION 1. *The People of the State of Michigan enact,* That section two thousand and fourteen of the compiled laws, be and the same is hereby amended so that said section shall read as follows:

Certificate to be acknowledged. (2014.) Sec. 6. Such certificate shall be acknowledged by the person making the same, or proved by a subscribing witness thereto, before some officer authorized to take acknowledgment of deeds; and said certificate, with the certificate of acknowledgment or proof thereof, and the articles of association, shall be recorded by the clerk of the county within which the church or place of worship of such congregation shall be situated, in a book to be by him provided for that purpose, who shall be entitled to ten cents for each folio for recording the same; and thereafter such trustees, and their successors, shall be a body corporate, by the name expressed in such certificate.

Recorded by Co. clerk.

Body corporate.

Amended.

Sec. 2. That section two thousand and seventeen of the compiled laws, be and the same is hereby amended so that said section shall read as follows:

Trustees may erect churches, &c., but not for secular purposes.

(2017.) Sec. 9. The said trustees, or wardens and vestrymen, shall also have authority, under the direction of the society or congregation, to erect churches and meeting-houses, dwellings for their ministers or their priests, or other buildings for the direct and legitimate use of their church, congregation or society, to alter and repair the same, but for no secular purpose; and also, under the direction of the society or congregation, to give, execute and acknowledge, in their official capacity, any obligations and securities upon the property of such church, congregation or society, for the payment of just liabilities which

May give security on church property for liabilities

have been or may hereafter be created in the erection or repair of such church, meeting-house, or other buildings.

Approved March 13, 1861.

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[No. 148.]

AN ACT to provide for the signing of decrees, records and journals of courts of record.

SECTION 1. *The People of the State of Michigan enact, That* when any judge shall have failed or omitted to sign any decree by him passed, or any record or journal of a court held by him, his successor, or any other judge holding the same court, may sign such decree, record or journal, and with like force and effect as if the same had been signed by the judge who passed the decree, or held the court to which said record or journal belongs.

On failure of judge to sign decree, &c., his successor may sign the same.

Sec. 2. Any decree of the former court of chancery, or of the circuit court in chancery, that may have been duly passed and signed, and not reversed, vacated or annulled, and which may have failed to be recorded or enrolled, may be directed by the court having the legal custody of the files in the case in which such decree was pronounced, in its discretion, to be recorded and enrolled by the register of the court, *nunc pro tunc*; and when so recorded and enrolled the same shall be as effectual as if recorded and enrolled at the end of thirty days after its allowance.

Decrees of former courts may be ordered recorded.

Approved March 13, 1861.

[No. 149.]

AN ACT to provide a tax for the expenses of the State government.

SECTION 1. *The People of the State of Michigan enact, That* two mills on the dollar of the aggregate of the real and personal estate, as may be equalized by the State board of equalization for the year eighteen hundred and sixty-one, be levie

Tax authorized.

and collected upon the taxable property of the State, for each of the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, and the same is hereby appropriated for the payment of the expenses of the State government, the interest upon the State debt not otherwise provided for, and the State debt falling due within said years, not otherwise provided for.

Aud. General to apportion and transmit to counties.

Sec. 2. The Auditor General shall apportion each year the sums herein directed to be raised, among the several counties, in proportion to the taxable property therein, as may be determined by the State board of equalization; and he shall, on or before the fifteenth day of September in each year, make out and transmit to the clerk of the several boards of supervisors the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Approved March 13, 1861.

[No. 150.]

AN ACT making appropriation of certain swamp land for the relief of James Macroft.

SECTION 1. *The People of the State of Michigan enact*, That forty acres of swamp land, be and the same is hereby granted to James Macroft, for certain draining of swamp lands in the township of Dewitt, in the county of Clinton, made by said Macroft.

Land granted.

Grantee authorized to locate the same.

Sec. 2. Said Macroft is hereby authorized to locate and select said land from any State swamp land in the county of Clinton, at any time within sixty days after this act becomes a law.

Commissioner State land office to execute deed.

Sec. 3. On making said selection, the Commissioner of the State Land Office is hereby authorized and directed to execute to said James Macroft a deed of said land.

Approved March 13, 1861.

[No. 151.]

AN ACT to amend an act entitled an act relative to convicts sentenced to solitary confinement in the State prison for life, approved April second, eighteen hundred and forty-nine, being section six thousand two hundred and thirty of compiled laws.

SECTION 1. *The People of the State of Michigan enact*, That section six thousand two hundred and thirty of compiled laws, Section amended. be and the same is hereby amended so as to read as follows:

Sec. 6230. The convicts which have been or may be sentenced to solitary confinement in the State prison at hard labor for life, may be released from solitary confinement and employed as other convicts are, whenever and for such times as the inspectors may by resolution direct. Convicts sentenced to solitary confinement may be released therefrom.

Sec. 2 This act shall take immediate effect.

Approved March 13, 1861.

[No. 152.]

AN ACT to authorize the First Congregational Church and Society of the village of Hudson, to sell their church lot, or any part thereof.

SECTION 1. *The People of the State of Michigan enact*, That the trustees of the First Congregational Church and Society of the village of Hudson, or their successors in office, be and they are hereby authorized to sell and convey, on such terms as they shall see fit, such part of the church lot belonging to said society as they shall deem best, to wit: lots one and two, block five, Gibbon's plat of the village of Hudson, and apply the money arising from such sale to such purposes, for the use and benefit of said society, as the board of trustees may direct; and a deed duly executed and acknowledged by the board of trustees of said society shall be good and effectual to convey the title to said premises, to all intents and purposes. Trustees authorized to deed.

[This act shall take immediate effect.]

Approved March 13, 1861.

[No. 153.]

AN ACT to incorporate the public schools of the city of Adrian.

School district boundaries.

SECTION 1. *The People of the State of Michigan enact, That* all of the city of Adrian, and so much of the townships of Adrian and Madison as are included in the following descriptions and boundaries, viz.: all those lands situate in township six (6) south, of range three (3) east, known and distinguished as the south-west quarter of section twenty-six (26), the south-east quarter of section twenty-seven (27), the east half of the east half of section thirty-three (33), the west half and the north half of the north-east quarter of section thirty-four (34), the north half of the north-west quarter, and the north half of the north-east quarter of section thirty-five (35), and the north half of the north-west quarter of section thirty-six (36); also all those lands situate in township seven (7) south, of range three (3) east, being the west half of section three (3), the north-east quarter of the north-east quarter of section nine (9), the north half, the south-east quarter, and the east half of the south-west quarter of section ten (10), the north half, the south-west quarter, and the west half of the south east quarter of section eleven (11), shall constitute a single school district, to be known and designated as the public schools of the city of Adrian; and such district shall have all the powers and privileges conferred upon school districts, and union school districts, by general law; and hereafter all schools organized therein, in pursuance of this act, under the direction and regulation of the school board, shall be public and free to all children, actual residents within the limits thereof, between the ages of five and twenty-one years inclusive.

Name.

Powers and privileges.

To be public

District officers, term.

President and secretary, powers of

Sec. 2. The officers of said district shall consist of six trustees, whose term of office shall be three years, two of whom shall be elected at the annual meeting of the district, to be held on the last Monday of September in each year; and within ten days after their election, the trustees thus elected shall meet and elect from their own number a president and secretary, whose

powers and duties shall be severally the same as those conferred upon and required of the moderator and director of school districts in the State, except so far as the same are varied or modified by the provisions of this act, or other acts relating to said district. The trustees and officers of the district heretofore known as Adrian union school district number one, shall be and they are hereby constituted the trustees and officers of the public schools of the city of Adrian; and the moderator shall be the president, and the director the secretary of said public schools, and said trustees so elected shall continue to hold their said offices for the same time and in the same manner as though this act had not been passed. Said board of trustees shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them, until the next annual meeting of the district.

Sec. 3. From and after the passage of this act, said board of trustees shall have all the powers and privileges conferred upon district and union school district boards by general law; and all the powers and duties of the present board of school inspectors of the city of Adrian, shall be transferred to said board of trustees, who shall be *ex-officio* the board of school inspectors of said city of Adrian, and shall make their reports directly to the clerk of the county of Lenawee. Said board of trustees shall, before hiring any teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered as legally qualified, without any further examination or certificate by the school inspectors.

Sec. 4. Said board of trustees shall provide all necessary appendages for the school-houses to keep the same in good condition and repair, and shall keep an accurate account of all expenses incurred by them; and all claims for such expenses shall be audited by the said board of trustees, and paid by the treasurer out of any money provided for that purpose by the district, on the order of the secretary, countersigned by the president of said board. Said board shall present, at each an-

Statement of receipts, &c.; estimate of expenses. nual meeting of the district, a statement of all receipts, expenditures and accounts, audited and allowed by them, together with an estimate of the expenses necessary to be incurred during the ensuing year for such purposes, and to pay the debts of the district and the services of any district officer; and such amount, when voted by such annual meeting, shall be assessed and collected in the same manner as other district taxes; but no tax for these purposes shall be voted at a special meeting unless a notice of the same shall be expressed in the notice of such meeting.

Amount voted, how collected.

Treasurer.

Sec. 5. The treasurer of the city of Adrian, by virtue of his office, shall be treasurer of said district; and within ten days after his election, and before he shall enter upon the duties of his office, he shall give bond to the district in such sum and with such sureties as shall be approved by the district board, for the faithful discharge of the duties of said office, and to account for and pay over over all moneys that shall come into his hands by virtue of such office; and he shall have power, by suit at law, under the direction of the district board, in the name of the public schools of the city of Adrian, to collect all moneys due said district from the several township, ward, or city collectors, or for the tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the sec-

Bond.

Power to collect money

Bond, where filed.

Vacancies, how filled.

retary, and in case of any vacancy in the office of treasurer, or in case said treasurer shall fail to give such bond within the time above limited, the board may appoint a treasurer, who shall hold his office until a new city treasurer shall be elected and qualified; and in case of such appointment, the treasurer so appointed shall give such bond as before mentioned.

Effects and liabilities of Adrian Union school district: No. one to be transferred.

Sec. 6. All the lands, school-houses and sites, together with the furniture, library, property, effects and estate of Adrian union school district number one, both real and personal, and all debts or demand due or owing to said district, are hereby transferred to and declared the property of the public schools of the city of Adrian; and all bonds, debts,

dues, obligations and contracts of the said union school district number one, shall be and they are hereby declared the debts, dues and contracts of the public schools of the city of Adrian, and shall be binding on said public schools, according to the respective terms and conditions thereof.

Sec. 7. The qualified voters of said district shall have power, when lawfully assembled, to designate, by a vote of two-thirds of those present, any number of sites for school-houses, and to change the same by a similar vote, at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for such school-house, a majority of the voters present, at such meeting, shall have the power to instruct the school board to locate said site. The site for the central union school, and the several primary schools, heretofore located and now held by Adrian union school district number one, including the school-house recently erected on the corner of Broad and Hunt streets, in said city, shall be and they are hereby declared and deemed school-house sites for the public schools of the city of Adrian; and no location of a site for a school-house, heretofore made by said Adrian union school district number one, or by the school board of said district, shall be deemed invalid or affected, nor shall any contract or obligation of said district be deemed invalid or affected by reason of said district having located and holding more than five sites, nor by reason of such location being made before the title to such premises was vested in said district, or of any informality in the location of such site.

Sec. 8. Suits may be brought by or against the public schools of the city of Adrian, on all contracts, obligations, debts, bonds or demands due and unpaid from or to said Adrian union school district number one, in like manner as they might have been by or against said Adrian union school district number one, if this act had not been passed.

Sec. 9. This act shall take immediate effect.

Approved March 13, 1861.

[No. 154.]

AN ACT to authorize the board of supervisors of the county of Ontonagon to raise money by tax, or otherwise, for the protection and improvement of the harbor at the mouth of the Ontonagon river.

Tax and issue of bonds authorized.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Ontonagon be and are hereby authorized and empowered to raise the sum of three thousand dollars by a county tax, to be assessed and collected pro rata on the taxable property of the county, or of borrowing that sum on the county bonds of the county, drawing not to exceed ten per cent. annual interest, and payable within ten years, and pledging the property of the county for the payment of the principal and interest; and if the bonds are issued, and the money received, for the purpose aforesaid, it shall be the duty of the board of supervisors to levy and collect, by tax, a sufficient sum, annually, to pay the interest on said bonds, and a pro rata portion of the principal each year, so that the whole amount of bonds issued shall be paid at the expiration of ten years.

To be appropriated to improving harbor.

Sec. 2. The board of supervisors of the county of Ontonagon are hereby authorized and empowered to apply the money raised by tax or loan, as provided in section one of this act, in protecting and improving the harbor at the mouth of the Ontonagon river.

Sec. 3. This act shall take immediate effect.

Approved March 13, 1861.

[No. 155.]

AN ACT to amend section one of an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, being act number one hundred and seventeen of session laws of eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled an act to provide for the draining

and reclamation of swamp lands by means of State roads and ditches, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, by commissioners to be appointed by the Governor, by and with the advice and consent of the Senate, upon the most direct and eligible routes between the places hereinafter designated, the following State roads: State roads to be established

First. A road from or near Ionia, in Ionia county, to Houghton lake, in the county of Roscommon, to be known as the Ionia and Houghton lake State road ; Ionia and Houghton Lake.

Second. A road from the south line of township eight north, of range twelve west, through Newaygo, [in the county of Newaygo,] to Northport, to be known as the Newaygo and Northport State road ; Newaygo and Northport.

Third. A road from Port Huron, in the county of St. Clair, to Bay City, via Vassar; thence westwardly to the meridian township line, between ranges two and three west; thence southerly to Lansing, in Ingham county, to be known as the Port Huron, Bay City and Lansing road ; Port Huron, Bay City and Lansing.

Fourth. A road from East Saginaw, in the county of Saginaw, to Bay City, in Bay county, and thence via Ottawa Bay to the river Sable, to be known as the East Saginaw and Sable State road ; East Saginaw and Sable.

Fifth. A road from Lexington, in Sanilac county, westwardly to the Flint river, in the county of Lapeer ; Lexington and Lapeer.

Sixth. A road from St. Mary's Falls to the straits of Mackinaw, to be known as the St. Mary's river and Mackinaw State road ; St. Mary's river and Mackinaw.

Seventh. A road from the village of Ontonagon southerly to the State line, to be known as the Ontonagon and State line road ; Ontonagon and State line

Eighth. A road from Marquette, on Lake Superior, to Little Bay de Noc, (or Marquette [Nocquette,]) to be known as the Marquette and Bay de Noc State road ; Marquette and Bay de Noc.

Ninth. A road from Houghton village, by way of L'Anse Bay

L'Anse Bay
and State
line.

to the Wisconsin State line, to be known as the L'Anse Bay and State line State road ;

Allegan,
Muskegon
and Traver-
se Bay.

Tenth. A road from Paw Paw, in Van Buren county, by way of Allegan, Holland, Ferrysburgh and Muskegon village, and thence north, (by the most westerly surveyed route made by the commissioners of said road, in township twelve north of range seventeen west,) through the counties of Oceana, Mason, Manistee and Grand Traverse, to the Grand Traverse Bay, to be called the Allegan, Muskegon and Traverse Bay State road.

Sec. 2. This act shall take immediate effect.

Approved March 13, 1861.

[No. 156.]

AN ACT making an appropriation for the support of the Michigan asylum for the deaf, dumb and blind, at Flint, and for completing certain portions of the buildings thereof.

Appropriation for support.

SECTION 1. *The People of the State of Michigan enact,* That the sum of eight thousand dollars, for supporting the asylum for the deaf, dumb and blind, at Flint, during the year eighteen hundred and sixty-one, and the further sum of eight thousand dollars for supporting the asylum for the year eighteen hundred and sixty-two, be and are hereby appropriated out of the general fund, and the same shall be passed to the credit of said asylum fund, on the books of the State Treasurer, for the respective years above mentioned, and drawn upon warrants made by the board of trustees, and countersigned by the Auditor General.

How drawn.

For buildings.

Sec. 2. For the purpose of completing the basement story and wings of said asylum buildings, the sum of ten thousand dollars for the year eighteen hundred and sixty-one, and the further sum of seven thousand five hundred dollars for the year eighteen hundred and sixty-two, are hereby appropriated, which said sums shall be incorporated in the State tax for the respective years herein named, and when collected shall be passed to

the credit of the asylum fund, and may be drawn in the manner above specified.

Approved March 13, 1861.

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[No. 157.]

AN ACT making appropriation for the Michigan asylum for the insane.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-five thousand dollars for the year eighteen hundred and sixty-two, and the sum of twenty-five thousand dollars for the year eighteen hundred and sixty-three, be and the same are hereby appropriated to the Michigan asylum for the insane, for the purpose of erecting the north wing of said asylum, and for completing and finishing the buildings already erected; which said sums the Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, and when collected shall be passed to the credit of the asylum fund, and may be drawn by the treasurer of the asylum for the insane, upon warrants made by the clerk of the board of trustees of said asylum, approved by the medical superintendent thereof, and countersigned by the auditor, and be applied as herein provided.

Appropriation.

How drawn.

Approved March 13, 1861.

[No. 158.]

AN ACT to amend section two thousand and thirty-three of the compiled laws, relative to gifts, bequests and legacies to religious societies.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-five of "an act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of

Section amended.

the revised statutes," approved February thirteenth, eighteen hundred and fifty-five, being section two thousand and thirty-three of the compiled laws, be and the same is hereby amended by striking out all of said section after the word "void," in the sixth line of said section, and substituting in lieu thereof the following words, to wit: "Unless such last will or testament shall be executed at the time it bears date, in the presence of, and attested by three subscribing witnesses; and unless the person executing the same shall also declare to said witnesses, at the time of the execution thereof, that the whole of said will or testament has been read to or by him or her, and that he or she knows and fully understands the contents thereof," so that it shall read as follows:

Certain leg-
acies, &c.,
to be void.

(2033.) Sec. 25. Every gift, bequest, legacy or donation of any money or personal property to the amount of one hundred dollars or more, hereafter made by last will or testament, to or for the use of any or either of the parties, or for any or either of the purposes mentioned in the last preceding section, shall be utterly void unless such last will or testament shall be executed at the time it bears date, in the presence of and attested by three subscribing witnesses; and unless the person executing the same shall also declare to said witnesses, at the time of the execution thereof, that the whole of said will or testament has been read to or by him or her, and that he or she knows and fully understands the contents thereof.

Approved March 13, 1861.

[No. 159.]

AN ACT granting to the Grand River Valley railroad company the right of way over certain lands of this State, and extending the time for the construction of the same.

Right of
way over
State lands
granted.

SECTION 1. *The People of the State of Michigan enact, That* the right of way over any of the unimproved lands belonging to this State is hereby granted to the Grand River Valley railroad company, one hundred feet in width along the line of said road, on any line which has been or shall hereafter be surveyed.

Sec. 2. The time for the completion of the railroad of such company is hereby extended so that it shall only be required thereof to complete twenty miles of their railroad on or before the first day of December, in the year one thousand eight hundred and sixty-five, and twenty additional miles in each and every year thereafter.

Time for
completing
the railroad
extended.

Approved March 15, 1861.

[No. 160.]

AN ACT to amend an act entitled an act to authorize proceedings against garnishees, and for other purposes, approved March twenty-eight, eighteen hundred and forty-nine, being chapter one hundred and forty-one of the compiled laws.

S.L. 1869
p. 146.

SECTION 1. *The People of the State of Michigan enact*, That sections five and seven of an act to authorize proceedings against garnishees, and for other purposes, approved March twenty-eight, eighteen hundred and forty-nine, be and the same is hereby amended so as to read as follows:

Section
amended.

Sec. 5. The personal service of a summons upon such garnishee, shall be deemed the commencement of suit in the name of the plaintiff against such garnishee, which summons may be served in the same or any adjoining county in this State, and require the appearance of such garnishee, before such justice, at his office, in the same or any adjoining county in this State: *Provided*, The lawful fees for travel and attendance shall be paid or tendered to such garnishee at the time of such service, and such suit may be entered on the docket as suits in other cases.

Service of
summons
the commence-
ment of suit.
May be
served in
adjoining
county.

Proviso.

Sec. 7. Upon closing the examination, if the plaintiff shall have received a judgment against the defendant, he may immediately declare against the garnishee in the manner provided in section ten in this act, and the like proceedings shall be had as upon a suit brought against his debtor; but if a suit be pending and undetermined between the plaintiff and defendant,

Declaration
against gar-
nishee.

Continuation
of suit.

the cause shall be continued, but it shall not be necessary to adjourn the same to any day certain, and nothing in this amendment shall be so construed as to in anywise interfere with the provisions of section fourteen of the act of February twenty-eight, eighteen hundred and forty-nine, relative to costs in proceedings against garnishees.

869/2316
 Sec. 2. Sections twenty-five and twenty-six of said act are hereby repealed, and the following substituted in lieu thereof, as section twenty-five:

Corporations subject to garnishee process.
 Sec. 25. Corporations, other than municipal, may be proceeded against as garnishees, in the same manner and with the like effect as individuals, under the provisions of this act; and the rules of law regulating proceedings against corporations, and the summons against the garnishee in such case, may be served on the president, cashier, secretary, treasurer, general agent, superintendent, or other principal officer of such corporation; and it shall be the duty of such officer so sued, or of the proper officer of such corporation having knowledge of the facts, to appear before the justice at the return of such summons, and unless he shall so appear, such corporation shall be held to be indebted to the defendant on the original suit, to the amount of any judgment that may be made against such defendant in said original suit, unless within three days after the return day of such summons, such corporation shall, by such officer, show a sufficient reason, to the satisfaction of the justice, for not appearing to answer such summons, and shall then appear and answer said summons; and the justice shall thereupon, on the third secular day, render judgment against such corporation as against other garnishees, for the amount of such debt, and with like effect; but on such cause shown, such officer may be examined as other garnishees, and with like effect, as against the corporation he represents. Such corporation, or the plaintiff in such suit, may appeal from any such judgment rendered under this section to the circuit or district court of the proper county, in the same manner as appeals may be taken from any other judgment of a justice of the peace.

Summons, how served.

Corporation not appearing held for original judgment.

Exception.

Officer representing corporation may be examined. Appeal.

Sec. 3. Section twenty-seven of said act is hereby repealed, and the following substituted in its place:

Sec. 27. Any process, notice, or writing issued by a justice of the peace against any corporation, may be served in the manner prescribed by law for serving process on the corporation against which the process, notice or writing, is issued.

Process, &c., against corporation, how served.

Approved March 15, 1861.

[No. 161.]

AN ACT to quiet title in the county of Kent.

SECTION 1. *The People of the State of Michigan enact, That* any person or persons having the actual possession, by himself, his agent or tenant, of any piece or pieces of land lying within the county of Kent, and claiming to be the owner or owners thereof by freehold title, in severalty or common, and mortgages, whether in possession or not, may, by conforming to the provisions of this act, have his, her or their interest ascertained, declared and established.

Persons claiming title may have their interest established.

Sec. 2. The person or person having such interest in lands, shall file with the register of deeds, and in the office of the clerk of the county of Kent, an affidavit describing the land in respect to which the claim is made, the title and interest claimed, and when and from whom obtained, and shall further state that the person or persons so filing the same, or some person or persons under whom he or they claimed, were in the actual possession thereof under such claim of title on the twenty-third day of January, eighteen hundred and sixty. Such affidavit shall be subscribed and sworn to before any officer authorized to administer oaths. In case the person claiming such title and interest shall reside out of this State, the affidavit may be made by an agent of the party. If made by an agent, the absence from the State and non-residence of the party shall be made to appear therein, and the fact of the authority to make and file the same, and the agent shall further produce and annex to the affidavit a written appointment as such agent. Executors, ad-

Affidavit describing land, &c., filed with county clerk and register

How subscribed and sworn to.

Declared to
be a com-
mencement
of suit.

ministrators and guardians, duly appointed by law, and trustees, shall be entitled to proceed under the provisions of this act, in behalf of the interest they represent. The said affidavits being so filed in the clerk's office, shall be considered and have the same effect of a declaration, and is hereby declared to be the commencement of a suit by the claimant, against all persons having or claiming any interest in the land therein described; and the claimant shall cause to be entered the common rule, to appear and plead as in the commencement of suit by declaration; and all subsequent proceedings to and including judgment of confirmation, shall be entitled and proceeded in as the suit may be entitled in said rule.

Notice of af-
fidavit to be
published.

Sec. 3. The person filing such affidavit with the register and clerk, shall, within one month from the date of filing the same, cause to be published once in each week for six weeks in succession, in a newspaper printed in the English language, published in the city of Grand Rapids, a notice in substance as follows:

Form 33, 44.

Land claim. Take notice. The undersigned claims to have an interest in and to the following described lands, namely: (describing the interest claimed.) Any person or persons claiming adversely must enter his or their appearance in the county clerk's office of the county of Kent, within six months after the first publication of this notice.

Order refer-
ring claims
to commis-
sioner.

Sec. 4. After the expiration of six months from the first publication of the notice specified in the preceding section, and within one year thereafter, if no appearance has been entered by any person claiming adversely, the party giving such notice, his agent or attorney, may enter in a book to be kept for that purpose by the county clerk, an order referring his claim to the commissioner hereinafter provided, to take proof of the title and possession of the claimant, and report the same to the circuit court of the county of Kent. The order of reference so entered shall state the time when, and the place where the proofs will be taken, at which time or place (unless the same is continued upon cause shown,) the claimant shall appear, produce and file

Contents of
order.

Proceedings
thereon.

with the commissioner a certified copy of the affidavit filed with the register and clerk, together with the proof of the filing of the same, also an affidavit of the publication of the notice in this act required, and a certified copy of the order of reference, upon the production and filing of which the commissioner shall proceed to hear the proofs [of] the claimant; proof of such title and interest, as described in the first section of this act, shall be made by producing and filing with the commissioner the deed or instrument under which the applicant claims title or interest, which, if it appear to be duly executed and acknowledged so as to entitle it to record, and to have been duly recorded, may be taken as evidence of the title and interest claimed.

The applicant, except in the case of mortgagee not in possession, shall also produce before the commissioner a person who shall make an affidavit substantially as follows: Affidavit before commissioner, substance thereof.

duly sworn, says, that on the twenty-third day of January, eighteen hundred and sixty, and prior thereto, he was a resident of the county of Kent; that deponent is now resident of (stating his place of residence;) that deponent, on the twenty-third day of January, eighteen hundred and sixty, was well acquainted with the land following, to wit: (setting forth the land;) that (stating who) was then in possession thereof, and had been, (stating the length of time previous thereto;) in which affidavit the deponent shall fully state his means of knowledge of the facts therein stated, as to the possession of the premises, and further, that he has no direct or indirect interest in said claim, and that he expects no advantage to himself thereby.

Sec. 5. Any person or persons whose title may have accrued since the twenty-third day of January, eighteen hundred and sixty, may obtain the benefits of the provisions of this act, by showing that some of the persons under whom he claims was in actual possession of the premises on said twenty-third day of January, eighteen hundred and sixty, and by producing before said commissioner the deed duly executed, acknowledged and recorded, under and by which such person or persons so in Proceedings when title has accrued since Jan. 23d, 1860.

possession on that day claimed, together with the claim of title from such person or persons down to the claimant; in which case the affidavit provided to be made in section two of this act, shall correspond with the facts.

Evidence where deeds, &c., are lost.

Sec. 6. ~~In case of the loss or~~ involuntary destruction of deeds or mortgages, and the same not now appearing of record in the register's office of the county of Kent, secondary evidence may be resorted to, to establish title in all proceedings under this act.

Commissioner to return papers and opinion thereon to circuit court

Sec. 7. The commissioner shall annex, together with all the papers and proofs produced before him, and shall make return thereof to the then next term of the circuit court for the county of Kent, together with his written opinion as to the validity of the claim as made before him.

Title confirmed by circuit court

Sec. 8. Within one year after the filing of the report of the commissioner, the claimant shall apply to the circuit court for the county of Kent, to confirm the title and interest of the person or persons claiming in and to the lands described; whereupon, if the proofs submitted are such as required by this act, and satisfactory to said court, the court shall render judgment, confirming said report and the title or interest in the party certified thereto, which judgment shall be entered by the clerk of the court in a book to be procured for that purpose, and signed by the judge of said court. The person or persons in whose favor such judgment shall be rendered, shall procure a certified copy thereof, under the seal of said court, and shall cause the same to be recorded in the register's office for said county of Kent, which record, or a duly certified copy thereof, shall be full, sufficient and conclusive evidence, in all courts and places, of the title or interest set forth in the judgment, unless the same is subsequently set aside for some one of the causes hereinafter specified.

Entry thereof by clerk.

Certified copy thereof to be recorded.

When recorded, evidence of title

Sec. 9. If the court should deem no interest proven, the court shall refer the proceeding to the commissioner for other and further proof, or dismiss the application.

When interest in not deemed proven.

Sec. 10. The commissioner, at any time during the pendency

Sec. 10. The commissioner, at any time during the pendency

of the proceedings before him, may require, and in case of lost deeds or mortgages, shall require the claimant or some other person having knowledge of the facts, to be examined under oath as to the title, interest and possession of the claimant, which examination shall be reduced to writing by the commissioner, and signed by the person so examined; and in case the claimant shall, after reasonable notice, fail to appear or refuse to be sworn, or refuse to answer any question put to him touching his title, interest or possession, and no person having knowledge of the facts being produced by or for him, or such person being produced refusing to be sworn or answer such questions, the commissioner shall dismiss the proceeding and certify the same to the said circuit court with his reasons for such dismissal.

Commissioner may examine parties under oath.

On refusal to be sworn case to be dismissed.

Sec. 11. The judgment of confirmation may be set aside by order of the said circuit court at any time within five years after the same shall have been rendered, for any of the following reasons:

Judgment of confirmation may be set aside.

First. That the deed or instrument upon which the judgment confirming title was based, was a false or forged instrument;

Second. That some one of the affidavits filed in the proceedings, prior to the obtaining of said order, was false;

Third. That some of the proof taken before the commissioner, affecting the merits of the claim, was perjurious;

Fourth. When said judgment has been procured, in violation of section fifteen of this act, the party seeking to have such judgment set aside shall first file his verified petition for that purpose in said court, and shall serve a copy thereof, with all affidavits accompanying the same, on the opposite party, at such time and in such manner as said court shall direct; and the said court may order an issue to be joined, which issue shall put in question any of the foregoing grounds for setting aside the judgment specified in said petition, and shall be tried as any issue of fact, according to the law of the State and the rules and practice of the court. In case a judgment confirming title or interest in lands is set aside, pursuant to the provisions of this act, the court shall so declare by order, a certified copy of

First

Second.

Fourth.

Proceedings thereon.

When set aside a cert. and copy of the order filed with register.

Duty of register.

which being produced and filed with the register of deeds of the county of Kent shall authorize that officer, and it shall be his duty, to write across the face of the record of the judgment of confirmation, a notice of the vacation of the order, and which shall be prima facie evidence thereof.

Protection of bona fide purchaser of such lands.

Sec. 12. If any judgment of confirmation be set aside while the land or lands are in the hands of a bona fide purchaser thereof, who became such after the judgment was rendered, he shall be entitled to the same protection in regard to recovering for permanent or valuable improvements, as is now provided by law in cases of recovery in actions of ejectment; and such purchaser may, when ousted from possession, bring an action of assumpsit against the person or persons procuring the vacation of the order of confirmation, or for whose benefit the same was made, to recover the value thereof, in which action the defendant may set off the value of the use of said land while the same was in the possession of the plaintiff. In case the plaintiff recover judgment, the same, together with the costs thereof, shall be and remain a lien upon the land, and the same may be seized and sold by execution to satisfy the judgment so recovered.

Persons owning adverse interest to enter appearance.

Sec. 13. Any person owning an interest adverse to the claim of title or interest made to any lands pursuant to the provisions of this act, may, at any time before the order of reference to the commissioner is entered, enter his appearance in the common rule book of said court, either by himself, agent or attorney, with notice that he claims adversely; a copy of which shall be served on the claimant, or on his agent or attorney personally, if either of them reside in the county of Kent. If neither the claimant, his agent or attorney reside in the county of Kent, then it shall be sufficient to serve the same on the said commissioner, which shall be deemed in such case service on the claimant.

Notice of adverse claims.

On entry of rule proceedings suspended.

Sec. 14. Whenever a rule has been entered and served, pursuant to the provisions of the preceding section, all further proceedings on the part of the claimant before the commissioner

shall be suspended, until he shall obtain final judgment against the person claiming adversely. The claimant shall file a declaration in ejectment against the person named in the rule as claiming adversely, and shall serve a copy thereof, with notice to plead endorsed thereon, upon which issue shall be joined; and the said action shall, from the time of filing such declaration, be governed by the provisions of the then statute and practice relative to suits in ejectment, except so far as the same may be modified by the provisions of this act. If the plaintiff in the action was in the possession of the land described in the declaration on the twenty-third day of January, eighteen hundred and sixty, he shall be deemed to have established a prima facie case, so far as proof of a claim of a title is concerned, by proving his possession of said lands on the day last named, coupled with proof of the deed or instrument under which he then held possession. In case the plaintiff's title shall have accrued subsequent to said twenty-third day of January, he shall be deemed to have made a prima facie case, on making the proof required by section five of this act.

Proceedings thereafter.

Possession Jan 23, 1860
prima facie evidence of title.

Sec. 15. At any time after the report of the commissioner, and before judgment of confirmation, any person or persons claiming adversely, may, upon payment of costs, enter a rule and be entitled to a trial as hereinafter directed; and in any suit in ejectment, accruing under the provisions of this act, if judgment is rendered against the plaintiff therein, and is not set aside, the court shall grant an order staying all further or any other proceedings under the provisions of this act, in respect to establishing title, which order shall prohibit and prevent all further action by said plaintiff, or those deriving title through the plaintiff. If an order of confirmation of title should be obtained by a party, either plaintiff or defendant, against whom final judgment has been recovered in an action of ejectment, such order may be set aside by application to the circuit court for the county of Kent.

Before confirmation, adverse claimants entitled to a trial.

This act not to impair any existing remedy. Sec. 16. This act shall not be deemed to impair the right of any person with respect to any remedy now existing, provided such remedy is resorted to before judgment of confirmation, as aforesaid, is rendered; and the court shall have the right to stay the proceedings, under the provisions of this act, during the pendency of any action at law or proceedings in equity, calling in question the validity of any title or interest sought to be established by virtue of the provisions of this act.

County clerk and register to keep a record of orders and judgments. Sec. 17. The county clerk and register of deeds shall each procure a blank book in which to enter the orders and judgments contemplated by the provisions of this act, and they shall be devoted solely to those objects; a proper index to said books shall be prepared and kept by the county clerk and register of deeds. Said books are hereby declared to be public records.

Penalties for testifying falsely. Sec. 18. Any person who shall depose or testify falsely in any proceeding had under the provisions of this act, shall be liable to the pains and penalties prescribed by the statute for the punishment of perjury.

For corruptly attempting to acquire title. Sec. 19. Any person who shall wilfully and corruptly attempt to acquire a title to, or interest in any real estate under the provisions of this act, having no title to or interest in such real estate, or who shall wilfully use or procure any false testimony to establish his claim of title or of interest, shall be deemed to be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State prison not exceeding ten years.

Id. Sec. 20. Any agent or attorney who shall attempt to establish a title or interest in and to any lands, pursuant to the provisions of this act, upon false testimony, knowingly, shall be liable to the pains and penalties prescribed in the preceding section.

Commis'ioner of land claims. Sec. 21. At the time appointed by law for the election of the ward and township officers, in the county of Kent, in the spring of eighteen hundred and sixty-one, and every two years thereafter, until such office is abolished, as hereinafter provided, the qualified electors of said county shall elect, by ballot, one off-

cer, who shall be known and designated as commissioner of land claims, and when elected, such officer shall possess all the ^{Powers.} powers of a circuit judge at chambers, for the purpose of carrying out the provisions of this act: Said officer shall not enter upon the duties of ~~his office until the first~~ day of July, eighteen hundred and sixty-one, and he shall receive such compensation ^{Compensation.} for his services as the board of supervisors shall from time to time establish, which compensation shall be provided for and paid in the same way as the salary of other county officers who are paid out of the county treasury. The board of supervisors may, ^{Office may be abolished} at any time, by resolution, abolish the office of commissioner of land claims, and the compensation of such commissioner shall terminate at such time. If the office be abolished, then the ^{Duties performed by circuit court commissioner.} duties prescribed by this act may thereafter be performed by any circuit court commissioner of the county of Kent, who shall receive such compensation as shall be fixed by the board of supervisors.

Sec. 22. The following fees shall be allowed the officers in ^{Fees.} the performance of the duties enjoined by this act, and no others: To the county clerk, filing each paper, six cents; entering each order or judgment, eight cents per folio; certified copies of orders, six cents per folio; indexing each cause, five cents. To the register of deeds, for filing papers, six cents each; recording judgment of confirmation of title, six cents per folio, and the same per folio for certified copies of the record thereof; indexing, three cents.

Sec. 23. This act is hereby declared to be a public act.

^{Public act.}

Sec. 24. This act shall take immediate effect.

Approved March 15, 1861.

[No. 162.]

AN ACT for the apportionment of Senators in the State legislature.

SECTION 1. *The People of the State of Michigan enact*, That this ^{Division of State into separate districts.} State shall be and is hereby divided into thirty-two Senate dis-

tricts, and each district be entitled to one Senator, which shall be constituted as follows, to wit:

First District.

The first district shall consist of the second, third, fourth, seventh and tenth wards of the city of Detroit, and the townships of Greenfield, Hamtramck and Grosse Point, in the county of Wayne, and the election returns shall be made to the clerk's office in the county of Wayne.

Second District.

The second district shall consist of the first, fifth, sixth, eighth and ninth wards of the city of Detroit, and the election returns shall be made to the clerk's office in the county of Wayne.

Third District.

The third district shall consist of the townships of Brownstown, Canton, Dearborn, Ecerse, Huron, Livonia, Monguagon, Nankin, Plymouth, Redford, Romulus, Springwells, Sumpter, Taylor and Van Buren, in the county of Wayne, and the election returns shall be made to the clerk's office in the county of Wayne.

Fourth District.

The fourth district shall consist of the county of Macomb.

Fifth District.

The fifth district shall consist of the townships of Oxford, Orion, Pontiac, Bloomfield, Southfield, Royal Oak, Troy, Avon, Oakland, Addison and Farmington, in the county of Oakland, and the election returns shall be made to the clerk's office of said county.

Sixth District.

The sixth district shall consist of the townships of Lyon, Novi, Milford, Commerce, West Bloomfield, Highland, White Lake, Waterford, Rose, Springfield, Independence, Holly, Groveland and Brandon, in the county of Oakland; the election returns shall be made to the clerk's office of said county.

Seventh District.

The seventh district shall consist of the city of Ann Arbor, the townships of Ann Arbor, Superior, Salem, Northfield, Scio, Webster, Lima, Dexter, Sylvan and Lyndon, in the county of Washtenaw; the election returns shall be made to the clerk's office of said county.

Eighth District.

The eighth district shall consist of the city of Ypsilanti, the townships of Ypsilanti, Augusta, Pittsfield, York, Lodi, Saline, Freedom, Bridgewater, Sharon and Manchester, in the county of Washtenaw; the election returns shall be made to the clerk's office of said county.

Ninth District.

The ninth district shall consist of the county of Monroe.

Tenth District.

The tenth district shall consist of the second and third wards of the city of Adrian, the townships of Adrian, Franklin, Cambridge, Rome, Rollin, Woodstock, Hudson, Dover, Medina and Seneca, in the county of Lenawee; the election returns shall be made to the clerk's office of said county

Eleventh District.

The eleventh district shall consist of the first and fourth wards of the city of Adrian, the townships of Madison, Fairfield, Ogden, Riga, Palmyra, Blissfield, Raisin, Ridgeway, Macon and Tecumseh, in the county of Lenawee; the election returns shall be made to the clerk's office of said county.

Twelfth District.

The twelfth district shall consist of the county of Jackson.

Thirteenth District.

The thirteenth district shall consist of the county of Calhoun.

Fourteenth District.

The fourteenth district shall consist of the county of Hillsdale.

LAWS OF MICHIGAN.

Fifteenth District.

The fifteenth district shall consist of the county of Branch.

Sixteenth District.

The sixteenth district shall consist of the county of St. Joseph.

Seventeenth District.

The seventeenth district shall consist of the county of Cass.

Eighteenth District.

The eighteenth district shall consist of the county of Berrien.

Nineteenth District.

The nineteenth district shall consist of the counties of Van Buren and Allegan, and the election returns shall be made to the clerk's office of the county of Van Buren.

Twentieth District.

The twentieth district shall consist of the county of Kalamazoo.

Twenty-first District.

The twenty-first district shall consist of the counties of Barry and Eaton, and the election returns shall be made to the clerk's office of the county of Eaton.

Twenty-second District.

The twenty-second district shall consist of the counties of Ingham and Clinton, and the election returns shall be made to the clerk's office of the county of Ingham.

Twenty-third District.

The twenty-third district shall consist of the counties of Livingston and Shiawassee, and the election returns shall be made to the clerk's office of the county of Livingston.

Twenty-fourth District.

The twenty-fourth district shall consist of the county of Genesee.

Twenty-fifth District.

The twenty-fifth district shall consist of the county of St. Clair.

Twenty-sixth District.

The twenty-sixth district shall consist of the counties of Lapeer, Sanilac and Huron; the election returns shall be made to the clerk's office of the county of Lapeer.

Twenty-seventh District.

The twenty-seventh district shall consist of the counties of Tuscola, Saginaw, Bay, Midland, Isabella, Clare, Gladwin, and the unorganized counties of Iosco, Ogemaw, Roscommon, Crawford, Oscoda, Alcona, Alpena, Montmorency, Presque Isle and Cheboygan, and the election returns shall be made to the clerk's office of the county of Saginaw.

Twenty-eighth District.

The twenty-eighth district shall consist of the counties of Ionia, Montcalm and Gratiot, and the election returns shall be made to the clerk's office of the county of Ionia.

Twenty-ninth District.

The twenty-ninth district shall consist of the county of Kent.

Thirtieth District.

The thirtieth district shall consist of the counties of Ottawa, Muskegon and Oceana, and the election returns shall be made to the clerk's office of the county of Ottawa.

Thirty-first District.

The thirty-first district shall consist of the counties of Newaygo, Mecosta, Mason, Manistee, Leelanaw, Grand Traverse, Antrim, Emmet, Lake, Osceola, Wexford, Missaukee, Kalkaska and Otsego; the election returns shall be made to the clerk's office of the county of Manistee.

Thirty-second District.

The thirty-second district shall consist of the counties of Mackinaw, Chippewa, Marquette, Schoolcraft, Delta, Houghton

and Ontonagon, and the islands and territory attached, the islands of Lake Superior, Lake Michigan, and in Green Bay, and the straits of Mackinaw, and the river Ste Marie; the election returns shall be made to the clerk's office of the county of Chippewa. The election returns of each county forming one district shall be made to the seat of justice of such county.

Approved March 15, 1861.

[No. 163.]

AN ACT relative to laying out, altering and discontinuing highways.

SECTION 1. *The People of the State of Michigan enact, That* whenever any seven or more freeholders of any township shall wish to have a highway in any part of said township, not included within the corporate limits of any city or village, laid out, altered or discontinued, they may, by writing, under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out, alter or discontinue such highway, as hereinafter directed: *Provided,* That no second application shall be made within twelve months for that purpose.

Application made to commissioners

Their duty.

Provided.

Sec. 2. Whenever the commissioners of highways shall be applied to, as mentioned in the preceding section, to lay out, alter or discontinue any highway, they shall, within five days thereafter, issue a written notice, stating the object of such application, and appointing a time and place of meeting of the board of commissioners of highways, which shall be served by said commissioners, or one of them, on the owners or occupants of lands through which it is proposed to lay out, alter or discontinue such road, either personally or by copy left at the residence of said owner or occupant, at least ten days before the time of said meeting, and by posting up the same in three public places in the township ten days before the time of meeting.

Notice to be served on owners.

Sec. 3. The commissioners shall meet at the time and place appointed, as provided in the last preceding section, and pro-

Meeting of commissioners.

ceed to view the premises described in said application and notice, and ascertain and determine the necessity of laying out, altering or discontinuing such highway, and justly and impartially appraise the damage thereon, if any is claimed, and shall, Damages. within five days thereafter, make a return of their doings, in writing, signed by them, which return shall state their action in regard to such application, and their award of damages, if any, and to whom payable, if known; and such return shall be Return filed. filed in the office of the township clerk, with the application for such highway, and copy of notice attached thereto.

Sec. 4. Upon laying out, altering or discontinuing a highway, Proceedings as to road on township line. on the line between adjoining townships, or upon determining what part of such highway shall be made and repaired by each township, the commissioners of such adjoining townships shall act jointly; and application may be made to the commissioners of either township, who shall notify the commissioners of the adjoining township of the time and place of meeting; and said commissioners of adjoining townships shall proceed as before provided, and their return shall be filed in the office of the township clerk of each township, and each township shall have all the rights, and be subject to all the liabilities, in relation to the part of such highway to be made and repaired by such township, as if the same was located wholly in such township.

Sec. 5. Public roads to be laid out according to the provisions of this act, shall not be less than four rods wide, except in cities or villages, where the commissioners, or other proper authorities, may otherwise determine; private roads shall not be less than one rod in width, and upon application of any person or persons wishing the same, the commissioners, or other proper authorities, shall have power to lay out, alter or discontinue such roads, according to the provisions of this act, except section one hereof: *And provided*, That all the expenses and Private roads. damages arising therefrom, shall be paid by the person or persons making application therefor. Width of the public roads. Proviso.

Sec. 6. If any discontinued highway shall be upon a tract of

Things to be considered in the estimate of damages. land through which a new highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owners; and in like manner, the benefits accruing to owners of lands by reason of laying out or altering any highway, shall be taken into consideration.

Existing highways legalized.

Sec. 7. All highways heretofore regularly laid out and established, in pursuance of existing laws, are hereby declared to be legal highways, subject to alteration or discontinuance the same as other highways; and the commissioners shall have power to lay out and establish highways on section lines, through unenclosed lands, according to the provisions of this act, without the application therefor provided in section one of this act.

Survey.

Sec. 8. Whenever a highway shall be laid out or altered, the commissioners shall, if they shall deem the same necessary, cause an accurate survey to be made of the line of said road, and shall file the minutes of such survey in the office of the township clerk of the township in which such road is situated; and the premises belonging to any highway shall be a parcel of land not less than two rods wide on each side of the line of said survey, or each side of any section line on which any highway shall be established.

Line of survey to be the centre of road.

Record to be kept by township clerk.

Sec. 9. It shall be the duty of the township clerk to record, in a book to be kept by him for that purpose, all papers filed in his office relating to laying out, altering or discontinuing roads, as provided in this act.

Gifts for highway purposes; how made.

Sec. 10. Whenever any owner or owners of land shall give the same, or any part thereof, to the township, for highway purposes, such owner or owners shall make a statement in writing, signed by him or them to that effect, and the same shall be filed in the office of the township clerk; and if a road shall be opened and worked thereon, within four years thereafter, the person or persons signing such statement, or those claiming under him or them, shall be precluded from having any action to recover possession of said land or compensation therefor, so long as the same shall be used for highway purposes.

Effect.

Sec. 11. Any person who shall conceive himself aggrieved by any determination of the commissioners as to the necessity of laying out, altering or discontinuing such highways, or in their award of damages, may, within ten days after such determination, appeal therefrom to the township board of said township, or in case of a road on the line of townships, where the determination shall have been made by the commissioners of adjoining townships, to the township boards of such adjoining townships: *Provided*, That any commissioner who may be a member of the township board shall not act on such appeal.

Appeals to township board.

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Proviso.

Sec. 12. Every such appeal shall be in writing, signed by the appellant, and addressed to the township board or boards, as the case may be, and filed with the township clerk, who shall, as soon as may be, after the time limited for taking appeals shall have expired, call a meeting of the township board or boards, ten days notice of which shall be given by said township clerk to the appellant, and one or more of said commissioners from whose determination the appeal was taken; such notice shall be in writing, and shall state the time and place of meeting, and a copy shall be delivered to said appellant and commissioner, or left at their respective places of residence.

Proceedings on appeals.

Sec. 13. The said township board or boards shall proceed, at the time and place specified in the notice, to hear the proofs and allegations of the parties in respect to the said damages, and their decision shall be conclusive and final; such decision shall be reduced to writing, and signed by the board or boards making the same, and filed in the office of the township clerk:

Action of township board.

Provided, That if the decision, appraisal and award of the commissioners from which the appeal is taken, be confirmed or if the award of damages shall be diminished, then, in either case, the appellant shall pay the whole amount of the costs of such appeal, said costs to be ascertained and determined by said board or boards, and deducted from the amount of damages awarded.

When appellant to pay costs.

Sec. 14. In cities and villages application may be made by ten freeholders, as provided in section one of this act, to the

Proceedings in cities and villages.

corporate authorities of such city or village; and such corporate authorities shall have power, upon such application, to lay out and establish, open, alter or discontinue such streets, commons, lanes, alleys, sidewalks, highways, water-courses and bridges, as may be necessary for the public convenience; and such corporate authorities shall be governed by the regulations that are required in this act to be observed by the commissioners of highways and township clerk, except as to appeal; and the city or village clerk, or recorder, shall discharge the like duties as are imposed upon the township clerk by the provisions of this act: *Provided*, That this act shall not be construed to change the manner of opening such roads, streets, alleys, lanes, commons, highways, bridges or water-courses, as now provided for in the charter of any incorporated city or village.

Proviso.

Damages; how assessed and collected.

Sec. 15. The damage or compensation awarded by the commissioners of highways, township board, or city or village authorities, shall be assessed, levied and collected upon the taxable property of such township, city or village, in the same manner as other taxes are levied and collected.

Removal of fences; how effected.

Sec. 16. When the damage or compensation aforesaid shall have been paid or tendered to the persons entitled thereto, or an order on the treasurer of the proper township, city or village, for the amount of such damages, shall have been executed and delivered, or tendered to such person or persons, said commissioners of highways of any township, village or city authorities of any city or village, shall then give notice to the owner or occupant of the land through which any such highway, street, lane, alley or common shall have been laid out, altered or established, and require him, within such time as they shall deem reasonable, not less than sixty days after giving such notice, to remove his fence or fences; and in case such owner or occupant shall neglect or refuse to remove his fence or fences, within the time specified in such notice, the said commissioners, or city or village authorities, shall have full power, and it shall be their duty, to enter with such aid and assistance as shall be necessary, upon the premises, and remove such fence or fences, and open such

highway, street, lane, alley or common without delay, after the time specified in such notice shall have expired : *Provided, That* Proviso. in townships no person shall be required to remove his fence or fences between the first day of April and the first day of November.

Sec. 17. Every public highway already laid out, or hereafter to be laid out, no part of which shall have been opened and worked within four years after the time of its being so laid out, shall cease to be a road for any purpose whatever ; and all public highways now in use and duly recorded, and all roads not-recorded, which have been used ten years or more, or which may hereafter be laid out and not recorded, and which shall have been used ten years or more, shall be deemed public highways, subject to be altered or discontinued, according to the provisions of this act. When highways shall cease to be roads.

Sec. 18. It shall be the duty of the several commissioners of highways of the several townships, to cause a statement to be presented at the annual township meeting of the improvements necessary to be made in the roads and bridges in such townships for the ensuing year, and an estimate of the probable expense thereof, beyond what the labor to be assessed for that year will accomplish ; and such meeting may vote for the raising of a sum not exceeding one-half of one per cent. upon the aggregate valuation of the property in the township, according to the assessment roll of the preceding year ; and the sum so voted shall be levied and collected in the same manner as other township expenses. Estimated expense for roads and bridges presented at township meeting.

Sec. 19. Act No. 13, of the session laws of eighteen hundred and fifty-eight, relative to laying out, altering and discontinuing highways, approved February third, eighteen hundred and fifty-eight, and all acts or parts of acts contravening the provisions of this act, are hereby repealed. Act repealed.

Sec. 20. This act shall take immediate effect.

Approved March 15, 1861.

[No. 164.]

AN ACT to establish the Detroit house of correction and authorize the confinement of convicted persons therein.

Detroit
house of
correction.

SECTION 1. *The People of the State of Michigan enact*, That the building erected for that purpose by the city of Detroit, shall be known and recognized as the "Detroit house of correction," and shall be used for the confinement, punishment and reformation of criminals or persons sentenced thereto, under the provisions of this act, or any law of this State authorizing the confinement of convicted persons in said house of correction.

Board of in-
spectors.

Sec. 2. The management and direction of the said house of correction, subject to periodical inspection by the State authorities, in their discretion, shall be under the control and authority of a board of inspectors, to be appointed for that purpose by the common council of the city of Detroit, but the chairman of the board of inspectors of the State prison, and the mayor of said city, shall, by virtue of their office, be members of said board of inspectors, who, together with three persons to be appointed on the nomination of the mayor, by the common council of said city, shall form said board. The term of office for the appointed members of said board shall be three years, but the members first appointed, shall hold their office respectively as shall be determined by lot at the first meeting of said board, for one, two and three years, and thereafter one member shall be appointed each year for the full term of three years.

Term.

Power of
board to es-
tablish
rules, ap-
point subor-
dinate, &c.

Sec. 3. The said board of inspectors is hereby authorized and empowered to establish and adopt rules for the regulation and discipline of said house of correction, and upon the nomination of the superintendent thereof to appoint the subordinate officers, guards and employees thereof, to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient; but no order, ordinance, resolution or act of said board, fixing the salary or compensation of any officer or employee of said institution, shall be binding and valid until it shall have received the sanc-

Salary of of-
ficers to be
approved by
common
council.

tion of the common council of said city, by a vote of a majority of all the aldermen elect in said city, at some regular meeting subsequent to the meeting on which such proposed salary or compensation shall have been presented to said common council; and no appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of said common council, as provided in the case of salaries and compensation of officers and employees.

Appropriations.

Sec. 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board at the house of correction once in each year, at such time as shall be fixed by said board. One or more of said appointed inspectors shall visit the said house of correction once, at least, in each month. There shall be a meeting of said appointed inspectors at said house of correction once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or questions not within the province of the superintendent; to determine and make such further rules and regulations for the good government of said house of correction, as to them shall seem proper and necessary. All rules, regulations or other orders of said board, shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and with the other books and records of said house of correction, shall be at all times subject to the examination of any member or committee of the common council, the controller, treasurer or attorney of said city, or any officer or person duly authorized by any court of record in this State to make such examination.

Compensation of inspectors. Annual meeting.

Quarterly meeting.

Rules, &c., of said board to be recorded.

Sec. 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating and improving the premises, the number employed in each branch of industry carried on, and the receipts from and expenditures for and on account of each department of business, or for improvement of the premises. A quarterly

Books to exhibit state of prisoners, &c.

Quarterly
report.

statement shall be made out which shall specify minutely all receipts and expenditures, from whom received, and to whom paid, and for what purpose, proper vouchers for each to be audited and certified by the inspectors and submitted to the controller of said city, and by him to the common council for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year, shall be made out and submitted to the common council of said city, a copy of which shall be transmitted to each department of the State government, and to each county in the State having contracts with said city for the confinement and maintenance of convicted persons; and such report shall be published in some newspaper published in the city, or in such other form as shall be directed by the common council.

Annual re-
port.

Common
council may
require ad-
ditional re-
ports and
remove offi-
cers.

Sec. 6. The common council of said city may require such further reports and exhibits of the condition and management of such institution as to them may seem necessary and proper, and may, with the approval of the mayor and inspectors, for misconduct or willful neglect of duty, and upon sufficient evidence thereof, remove any officer or employee, or inspector of said institution, except the superintendent thereof, who shall be removable for the causes and as provided in the charter of said city; but any subordinate officer or employee may be removed by the superintendent at his discretion, or by the board of inspectors, with the approval of the superintendent.

Removal of
subordin-
ates.

Superinten-
dents' pow-
ers.

Sec. 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regula-

Duties.

Responsibil-
ity.

tions adopted for its government; it shall be his duty to obey and carry out all written orders and instructions of the inspectors, not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of

correction, devote his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof, and of each prisoner therein confined daily, or as often as good order or necessity may require. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners.

Sec. 8. The board of supervisors of any organized county of the State shall have full power and authority to enter into an agreement with the common council of the city of Detroit, or with any authorized agent or officer in behalf of said city, to receive and keep in the Detroit house of correction any person or persons who may be sentenced to confinement by any court or magistrate in any of said counties, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the board of supervisors for any county, in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper published within said county, and in case no paper is published in said county then such notice shall be published in some newspaper within the judicial district to which said county is attached, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force.

Sec. 9. In every county having such agreement with the said city of Detroit, it shall be the duty of every court, police justice, justice of the peace or other magistrate by whom any person, for any crime or misdemeanor not punishable by imprisonment in the State prison, may be sentenced for any term not less than sixty days, to sentence such person to the Detroit house of correction, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of the said house of correction; and it shall be the duty of any such

court, police justice, justice of the peace or other magistrate, by a warrant or commitment duly issued by the court, justice or magistrate declaring such sentence, to cause such person so sentenced to be forthwith conveyed by some proper officer to said house of correction.

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Duty of
sheriff, &c.

Sec. 10. It shall be the duty of the sheriff, constable, or other officer in and for any county having such agreement with said city of Detroit, to whom any warrant or commitment for that purpose may be directed, by any court or magistrate in such county, to convey such person so sentenced to the said Detroit house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant or commitment, according to the laws of said house of correction; and the officer thus conveying and so delivering the person or persons so sentenced, shall be allowed such fees or compensation therefor as shall be prescribed or allowed by the board of supervisors for the county in which such person shall have been convicted.

Compensa-
tion of off-
icer.

Sec. 11. The inspectors of the State prison may contract with the said city of Detroit, or any duly authorized agent or officer in behalf of said city, for the confinement and maintenance, in the Detroit house of correction, of persons convicted of any offense punishable by imprisonment in the State prison: *Provided*, That the compensation to be paid for such confinement and maintenance shall not exceed the sum of one dollar per week; and upon the completion and execution of any such contract, the inspectors of the State prison and of the said house of correction shall give public notice thereof in some weekly newspaper, in each county in which a weekly newspaper is published, after which any male person under the age of twenty-one years and above the age of sixteen years, who shall be convicted of any offence, murder and treason excepted, punishable by imprisonment in the State prison, may, in the discretion of the court before whom such conviction shall be had,

Inspectors
of State
prison may
contract for
keeping pris-
oners.

Provide.

Notice of
such con-
tract.

Persons to
be sentenc-
ed to the
house of
correction.

be sentenced to imprisonment in the Detroit house of correction; and every male between the ages of sixteen and twenty-two years, who shall for the first time be so convicted, shall be sentenced to said Detroit house of correction, and every female who shall be so convicted shall be sentenced to said house of correction; and every person so sentenced shall be received into the said house of correction, and shall be kept and employed in the manner prescribed by law, and shall be subject to the rules and discipline of said house of correction.

Sec. 12. It shall be the duty of the sheriff of any county within which any person shall be convicted and sentenced, as in the eleventh section of this act provided, to convey such person to the said house of correction, and deliver him or her to the superintendent thereof, for which such sheriff shall be paid the same fees and compensation allowed for conveying persons to the State prison.

Sherrif to convey prisoners there-to.

Sec. 13. All provisions of law authorizing the commitment and confinement of males under sixteen, and females under fourteen years of age, in the jails, work-houses or houses of correction in the city of Detroit, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to the said Detroit house of correction.

Laws relative to committing minors to jail, &c., in Detroit, made applicable.

Sec. 14. The expenses of maintaining the said house of correction, over and above all receipts for the labor of persons confined therein, and for the support of those whose support shall not be chargeable to the county of Wayne, or be otherwise provided for, shall be audited and paid from time to time by the common council of the city of Detroit, and shall be raised, levied and collected, as part of the ordinary expenses of said city.

Expense of maintaining house of correction.

Sec. 15. Whenever the said house of correction shall, in the opinion of the board of inspectors by this act created and established, or a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be therein confined, they shall make duplicate certificates thereof under their hands and seals, one of which they

On completion inspectors to make certificate thereof.

shall file in the office of the clerk of Wayne county, and the other shall be served upon the sheriff of said county; and the said sheriff shall thereupon transfer all such persons to the said house of correction, and the superintendent thereof shall receive such persons and safely keep them for the term for which they are sentenced, and employ them according to the discipline and rules established for the government of said house of correction.

Copy of certificate to be published.

Sec. 16. Immediately after filing the certificate of completion as aforesaid, the said inspectors shall cause a copy thereof to be published in at least three newspapers published in said county, and thereafter it shall be the duty of every court or magistrate in the said county of Wayne, authorized by law to sentence or commit any person to the county jail of said county as vagrants, common drunkards, disorderly persons, common prostitutes, or for assault and battery, petit larceny, or other offenses punishable by imprisonment in the county jail, or by virtue of any final sentence of conviction, except for contempt, to sentence such person to be confined in the said house of correction, there to be received, kept and employed according to law, under the rules and regulations of said house of correction; and it shall be the duty of all officers having the execution of the final process of any court or magistrate sentencing convicted persons to said house of correction, to cause such convicts to be conveyed forthwith to said house of correction, and such officer or officers shall be paid therefor the fees allowed by law for conveying persons to the county jail; but this section shall not apply to those juvenile offenders, who, by law, may be sent to the reform school at Lansing.

Duty of courts thereafter.

Duty of officers.

Not applicable to juvenile offenders

Persons convicted of vagrancy.

Sec. 17. It shall be lawful for any justice of the peace, police justice or other magistrate having jurisdiction thereof, in the county of Wayne, or in any other county having an agreement with the city of Detroit for the confinement and maintenance of convicted persons in said house of correction, in all cases of complaints for vagrancy, to commit any person except such juvenile offenders as are mentioned in the last preceding sec-

tion, convicted on such complaint before such justice or magistrate, to said house of correction for a term not exceeding six months.

Sec. 18. Every person lawfully committed to said house of correction, who shall escape from or break said house of correction with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner, to escape from said house of correction, whether such escape be effected or not, shall, upon conviction thereof, be punished by confinement in said house of correction for a term not exceeding double the term for which he or she was so sentenced, to commence from and after the expiration of his or her former sentence. Penalty for escaping.

Sec. 19. Upon the completion and execution of a contract for the confinement and maintenance of persons liable to imprisonment in the State prison in the said house of correction, as provided in section eleven of this act, it shall be competent and lawful for the inspectors of the State prison to transfer to said house of correction all females confined in the State prison, and such persons so transferred shall be received into said house of correction, and there confined and employed for the unexpired term of their sentences, respectively. Transfer of females from State prison to house of correction.

Sec. 20. The superintendent of said house of correction shall cause to be kept a record of each and all infractions of the rules and discipline of said house of correction, with the names of the convict or convicts offending, and the date and character of each offense; and every convict sentenced for one or more years, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence for each month they shall continue to obey all the rules of the said house of correction. Superintendent to keep record of offences.

Approved March 15, 1861.

[No. 165.]

AN ACT to authorize and empower judges of probate to license executors, administrators and guardians, to mortgage or otherwise pledge estate for the settlement of debts against the same.

SECTION 1. *The People of the State of Michigan enact, That* the several judges of probate may, by order, license and empower any executor, administrator or guardian, for the purpose of paying the debts against the estate of any deceased person, or supporting or paying the debts of any ward, to borrow money by the way of mortgage on such estate, or any part thereof, or otherwise pledge the same.

Affidavit for order. Sec. 2. Such order shall be obtained by petition to the proper judge of probate, which petition shall contain the like statements as are required in a petition for license to sell real estate by such executor, administrator or guardian, of which application the same notice shall be given, with the same effect as is now required in the case of an order to sell the estate of deceased persons or wards; and such order shall specify the amount to be secured by such mortgage or other security, the rate of interest to be given, and the length of time for which such mortgage or other security shall be given, and also the description of the property to be mortgaged or otherwise pledged; which mortgage, or other security, the said executor, administrator or guardian, shall execute with all the formalities required by law for such securities.

Executor, &c., to give bonds. Sec. 3. That before executing such order, such executor, administrator or guardian, shall give bond in like manner and form, as near as may be, as is now required from them by law in case of the sale of such estate, to faithfully execute the trust, and apply and account for moneys thereby received; and said proceedings of the said executor, administrator or guardian, in mortgaging or otherwise pledging such estate, shall be reported to the judge of probate, and by him be subject to be confirmed or vacated, and new proceedings to be had to the

Confirmation of mortgage.

same extent and in the same manner, as near as may be, as is now provided by law in the case of the sale of real estate.

Approved March 15, 1861.

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[No. 166.]

AN ACT to amend an act entitled "an act relative to State prison, approved February twelfth, eighteen hundred and fifty-seven," being sections six thousand two hundred and thirty-one and six thousand two hundred and thirty-three of compiled laws.

SECTION 1. *The People of the State of Michigan enact*, That section six thousand two hundred and thirty-one and section six thousand two hundred and thirty-three, of compiled laws, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 6231. *The People of the State of Michigan enact*, That the agent of the State prison shall keep a record of each and all infractions of the rules of discipline by convicts, with the names of the convict or convicts offending, and the date and character of each offense, which record shall be placed before the inspectors at each regular meeting of the board; and every convict who shall have been sentenced for any term less than life, whose name does not appear on such record of reports, shall be entitled to a deduction of five days from his sentence for each month he shall continue to obey all the rules of the prison. Record of infractions of rules to be kept.

Sec. 6233. If any convict shall be guilty of a willful violation of the rules of the prison, after he shall have become entitled to a diminution of services to which he has been sentenced, the inspectors shall have power to deprive such convict of a portion or all of the deductions from the term of his sentence, to which he had previously become entitled by virtue of the provisions of this act; and it shall be the duty of the inspectors to direct the discharge of such convict when he shall have served out his sentence, less the time which shall have been deducted therefrom by virtue of the provisions of this act. All Convict may be deprived of deduction for violation of rules

acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861.

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[No. 167.]

AN ACT to authorize the several townships in the counties of Muskegon, Oceana, Mason and Manistee, to levy taxes for the improvement of harbors and rivers within their respective counties.

Tax authorized to be voted. SECTION 1. *The People of the State of Michigan enact, That* any township in the counties of Muskegon, Oceana, Mason or Manistee, shall have power, by a majority vote, by ballot, of all the qualified electors present at any legal township meeting, to levy a tax not exceeding one per cent. in any one year, upon the taxable property of said township, for the improvement of any harbor or river within the county. Said tax shall be

How assessed. assessed and collected at the same time, and in the same manner, as other township taxes, and when so collected shall be paid over by the township treasurer as is hereinafter provided:

Notice *Provided, That* no such tax shall be levied unless thirty days notice shall be given, by publishing the same in a newspaper, if there be one published in either of said counties in this act named, and by posting written or printed notices in at least six of the most public places in said township, which notices shall specify the harbor or river to be improved, and the amount of tax to be voted.

Board of commissioners, their duties.

Sec. 2. The supervisor and town clerk of the township in which such improvement is to be made, shall constitute a board of commissioners, whose duty it shall be to receive all money collected by tax, subscription or otherwise, and appropriate the same, either by contract to the lowest responsible bidder or otherwise, as may be deemed most expedient, and shall annually, on or before the annual township meeting, submit to the

Annual report. supervisor of each township taxed a full and complete state-

ment of the receipts and disbursements of all sums received by them.

Sec. 3. The said commissioners shall execute bonds in double the amount of taxes collected, payable to the county treasurer, for the use of the inhabitants of the townships raising such tax, conditioned for the faithful performance of said trust, and shall have power, after giving bonds as aforesaid, to draw on the several township treasurers for any amounts of money held by them to the credit of said improvement fund.

Bond of
commission-
ers.

Sec. 4. Said commissioners are authorized to appoint a superintendent to prosecute said work, who shall at all times be under their control.

Superinten-
dent.

Sec. 5. This act shall take immediate effect.

Approved March 15, 1861

[No. 168.]

AN ACT granting swamp land to the county of Genesee, to aid in cutting drains through a certain swamp in said county.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of cutting a ditch or drain through a certain swamp in the north part of the township of Gaines, in the county of Genesee, there shall be and is hereby appropriated to said county, to be selected and expended under the authority of the board of supervisors thereof, two thousand acres of swamp land, the patent therefor to be issued to the county, or to the person designated by the chairman and clerk of the said board of supervisors, only on the satisfactory completion of the work, certified to by the county clerk and chairman of said board, under oath: *Provided*, That said ditch or drain shall be made through the entire length of said swamp, and shall not be less than four feet in depth, and eight feet in width at the top and three and-a-half feet at the bottom.

Appropriation for
draining.

Patents to
issue.

Proviso.

Approved March 15, 1861.

[No. 169.]

AN ACT to amend section ninety-three of an act to provide for holding general and special elections, approved June twenty-seventh, eighteen hundred and fifty-one, relating to the fees of county clerks and district canvassers, compiled laws, paragraph one hundred and seventeen.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section ninety-three of an act to provide for holding general and special elections, approved June twenty-seventh, eighteen hundred and fifty-one, compiled laws, paragraph one hundred and seventeen, be amended so as to read as follows :

Compensation of district canvassers, &c.

Sec. 93. Each district canvasser, county clerk, or other person employed in canvassing and returning the result of the elections required by law to be certified by district canvassers to the board of State canvassers, shall receive such compensation therefor as the board of supervisors of their several counties shall deem reasonable, to be paid out of the treasury of such counties.

Approved March 15, 1861.

[No. 170.]

AN ACT to amend section twenty-five hundred and eighty-one of the compiled laws, being section four of an act entitled "an act to provide for the collection of tolls, and for the care, charge and operating of the Saint Mary's Falls ship canal," approved February twelfth, one thousand eight hundred and fifty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-five hundred and eighty-one of the compiled laws, it being section four of an act entitled "an act to provide for the collection of tolls, and for the care, charge and operating of the Saint Mary's Falls ship canal," be amended so as to read as follows:

Board of control to make rules.

Sec. 4. It shall be the duty of said board of control to make, from time to time, such rules and regulations as they may deem necessary for the benefit and usefulness of said canal, and all

such rules and regulations shall be binding on said superintendent; and if at any time the tolls of said canal, paid into the said canal fund as aforesaid, shall not be sufficient for any necessary or extraordinary repairs of said canal, the said State Treasurer is authorized and empowered to pay or advance such sum or sums of money from any money in the treasury of this State, not otherwise appropriated, as shall be ordered by said board of control for said repairs, not exceeding ten thousand dollars in any one year, the said sum or sums of money, so paid or advanced, to be reimbursed to said State Treasurer, with lawful interest on the same, from said canal fund. The members of the said board of control shall each receive, as compensation for necessary services, in going to and from and inspecting said canal, the sum of three dollars per day, and mileage at the rate of five cents per mile, such compensation to be paid by the State Treasurer from the canal fund.

When tolls not sufficient for repairs, State treasurer to advance money.

Compensation of board

Approved March 15, 1861.

[No. 171.]

AN ACT relative to the letting of contracts by State officers, boards of control, inspectors or commissioners.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of each and every State officer, board of State auditors, board of control, inspectors or commissioners of any public improvement, work, building or institution, acting for the State, to require of all and every person bidding for any contract by them or any of them to be let or made, such good and sufficient security as they may require, not less than one-fourth the sum total of the amount of the estimated cost of said contract or the work to be performed under it, conditioned so as to secure the State from loss or damage which may arise by reason of the withdrawal of the bid or bids, by such person or persons made, before the time for entering into or making of the contract by them offered to be made; and in case any person or persons shall make any bid or sealed proposal for the

Bidders for contract to give bonds.

Bids may be withdrawn, altered, &c. before time for opening.

performance of any work, labor, furnishing materials or contract to be made with any such State officer, State auditors, board of control, inspector or commissioner, it shall be lawful for such person or persons to withdraw, cancel, alter or amend the same after it shall have been thus made, deposited and filed with any such State officer or other person duly authorized to receive the same, previous to the time appointed for opening the same; after the opening of said bids and letting such contract, the State officer or other person holding the same, shall continue so to keep the same and the securities filed therewith, and if such bid shall be lowest it shall be considered a lawful bid or proposal, and treated as other bids and proposals are re-

Bidder refusing to enter into contract may be prosecuted.

quired by law to be treated; and if any such person or persons shall fail to enter into any contract, as contemplated by such officer in the advertisement or other invitation therefor, or by the terms of the bid or proposal so received, or shall refuse to execute and fulfill the same, it shall be the duty of such State officer, or board of auditors, member of board of control, inspector or commissioner, to immediately prosecute such person or persons, and the person or persons giving such bond or security, and to recover such damages thereon as may be adjudged by any court of this State; and all money so recovered

Moneys received to be credited to general fund

from such person or persons, or any other person or persons as sureties or bondsmen with said principal or principals, shall be paid into the State treasury, after deducting costs of suit, and be credited to the general fund: *Provided*, When any such forfeiture shall be made to any public institution, building, asylum or public work, the damages or moneys so recovered shall be credited by the State Treasurer to the said institution, building, asylum or public work named in such advertisement, bid or proposal, or for which the same was intended to be made:

Proviso.

Bids may be rejected.

And provided further, That the said person, persons or board of officers, shall have the right to reject any of said bids or

proposals, if, in their judgment, the public interest will be subserved thereby.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861.

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[No. 172.]

AN ACT to preserve the purity of elections.

SECTION 1. *The People of the State of Michigan enact, That any person who shall, either directly or indirectly, bet, wager, or hazard any money, or other property, upon the result of the election of any officer of this State, or of the United States, shall, on conviction thereof, be liable to a fine at least equal in amount to the amount of money or the value of the property so bet, wagered or hazarded: Provided, That in no case shall such fine be less than five, nor more than five hundred dollars.*

Penalty for betting on election.

Approved March 15, 1861.

[No. 173.]

AN ACT to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That section two of the act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, be and is hereby so amended so to read as follows :*

Sec. 2. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, as well as of any articles amendatory thereto, and certified by the Secretary of State, under the seal of the State, to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of said company, as well as of the articles amendatory thereto; and all such articles of association, filed in pursuance of this act, with all subsequent alterations and amend-

Section amended.

Certified articles of association to be presumptive evidence of incorporation.

*Amended
189/2/25/3*

Secretary of State to record such articles.

Powers of company when articles are filed

Company may alter and amend its articles

Amended articles to be filed with Secretary of State.

ments thereof, and also the affidavits annexed thereto, shall be forthwith recorded in a book to be provided by him for that purpose, said record to be made at the expense of the company filing the same; and as soon as the articles of association, as well as any articles amendatory thereto, are filed as above provided, the company filing the same may at once proceed to construct, operate and maintain its railroad, and to exercise the proper powers and privileges; and it shall be competent for any company organized under this act, upon a vote of three-fourths in value of its stockholders, at any meeting thereof, to alter and amend its articles of association so as to extend the length of the line thereof from either of its termini to such further and other point as they may determine; and upon such vote the said company may make articles amendatory of their original articles, for the purpose of extending the line of its road as aforesaid, and which shall be signed by at least three-fourths of the stockholders in value, and when so signed and certified to under the seal of the company, to have been made upon the vote, and signed by two-thirds of the stockholders in value, and filed with the Secretary of State, they shall have the same force and effect as though such amendments or alteration had been included in and made a part of, and embraced in its original articles of organization.

Sec. 2. Section twelve of said act shall be and is hereby so amended as to read as follows:

Stockholders individually liable for labor performed, &c.

Sec. 12. All the stockholders of any such company shall be individually liable for all labor performed, and also for all ties, wood and supplies furnished for such company, but they shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation; and the amount due on such execution shall be the amount recoverable, with costs, against any such stockholder; and every stockholder against whom any such recovery for labor shall have been had, shall have the right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of stock they shall respectively hold.

Sec. 3. Section seventeen of said act shall be and is hereby so amended as to read as follows:

Sec. 17. Every such corporation shall possess the general ^{Liabilities and powers.} powers, and be subject to the liabilities and restrictions following, that is to say: www.libtool.com.cn

First. To cause such examination and surveys for the proposed railroads to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by their officers, agents and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto; ^{To make surveys, &c.}

Second. To receive, hold and take such voluntary grants and donations of real estate and other property, as shall be made to it, to aid in the construction, maintenance and accommodation of such road; but the real estate thus received by voluntary grant shall be held and used for the purposes of such grant only; ^{To receive donations, &c.}

Third. To purchase, and by voluntary grants and donation receive and take, and by its officers, engineers, surveyors and agents, enter upon and take possession of, hold and use, all such lands and real estate, and other property, as may be necessary for the construction and maintenance of its railroad and stations, depots, and other accommodations, but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to the owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given therefor; ^{To purchase and take property necessary for constructing road. Compensation therefor}

Fourth. To lay out its road, not exceeding six rods wide, and to construct the same; and for the purpose of cutting embankments, and procuring stone and gravel, may take as much more lands within the limits of its charter, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road; ^{Width of road, &c.}

Fifth. To construct their road across any stream of water, water-course, private road, highway, plank road, railroad or canal, which the route of its road shall intersect; but the cor- ^{Cross roads, &c.}

poration shall restore the stream or water-course, private road, highway, plank road, railroad or canal, to its former state, as near as may be;

Intersect
with other
roads.

Sixth. To cross, intersect, join and unite its railroad with any other railroad now or hereafter constructed, whether the same be so constructed under this act, or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences, in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon; and every company whose railroad shall be intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners, to be appointed by the court, as is provided hereinafter for the taking of lands and other property, and to purchase or to take lands, franchises or other property, as hereinafter provided, which shall be necessary for the construction of its road, and may change the line of its road whenever a majority of its directors shall so determine; but no such change shall vary the original route of such road to exceed five miles laterally, without the consent of the stockholders;

When com-
pensation
for ascer-
tained by
commission-
ers.

To transport
persons, &c.

Seventh. To take, transport, carry and convey persons and property on their said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor;

To erect de-
pots, &c.

Eighth. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor;

Ninth. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation

to be paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents a mile, except on such railroads in the Upper Peninsula as have in actual operation less than fifty consecutive miles of road, in which cases the rate shall not exceed five cents per mile, until the first day of January, eighteen hundred and seventy, after which time it shall not exceed three cents a mile, unless by special act of the legislature, and shall be subject to alteration as hereinafter provided.

To regulate time and compensation for transportation, &c.

Sec. 4. Section twenty-seven of said act is hereby amended so as to read as follows :

Sec. 27. All companies organized under this act, and all other railroad companies, shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their railroad, or any part thereof, and to issue and dispose of their bonds or obligations for any amount so borrowed, for such sums, and such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises, or any part thereof, to secure the payment of any debt contracted or to defray any expenditure by the company, for the purpose aforesaid ; and the directors of the company may confer on any holder of any such bond or obligation, the right to convert the principal due and owing thereon into the stock of said company, at any time not exceeding twenty years from the date of said bond, under such regulations as the company may see fit to adopt ; and said company may sell their bonds or obligations either within or without this State, at such rates and prices as they may deem proper ; and in case the capital stock of any such company is found to be insufficient for constructing or operating its road, or for building a double track, repairs or other improvement to facilitate the transportation of persons and property, such company may, with the concurrence of a majority in value of its stockholders, by vote, at any annual meeting or special meeting called for that purpose, increase its capital to the requisite amount.

Corporation may borrow money, issue bonds, mortgage property, &c.

Bonds convertible.

When capital stock may be increased.

Sec. 5. Section forty-five of said act is hereby amended so as to read as follows :

Tax to be paid to State Treasurer.

Sec. 45. Every corporation formed under the provisions of this act shall, on or before the first day of July in each year, pay the State Treasurer an annual tax of one per cent. on the capital stock of said company paid in, which tax shall be in lieu of all other taxes upon the property of said company, whether real, personal or mixed, except penalties by this act imposed. The said tax shall be estimated upon the last annual report of said corporation, which report shall be made on oath and filed with the Auditor General in the month of January in each year ; but nothing contained in this section shall apply to any corporation existing at the time of the approval of the act to which this is amendatory, nor to alter, reduce, or in any wise affect the tax of any other corporation : *Provided*, That no such corporation shall be liable to pay any tax on that part of its capital expended on any portion of its road which is not opened and used.

Annual report to be filed with Aud. Gen'l, tax estimated thereon.

Proviso.

Approved March 15, 1861.

[No. 174.]

AN ACT to regulate proceedings in case of recoupment.

Proceedings on claims of damages by way of recoupment.

SECTION 1. *The People of the State of Michigan enact*, That in any action in any court, if the defendant shall claim damages by way of recoupment, by plea or otherwise, in pursuance of the rules and practice of such court, and on the trial of the issue formed, if the court or jury trying the same shall find such defendant entitled to an amount of damages, whether liquidated or not, greater than the amount of the demand of the plaintiff, the court shall give judgment according to the true right thereof for the defendant, for the amount of such excess so found and costs, and issue execution therefor against the

plaintiff, as in cases of judgment and execution on plea or notice of offsets.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861.

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[No. 175.]

AN ACT to grant twenty-five thousand acres of State swamp land to the German-American seminary, of the city of Detroit.

SECTION 1. *The People of the State of Michigan enact,* That twenty-five thousand acres of State swamp land, in parcels of Land granted. not less than three hundred and twenty acres each, be and the same is hereby granted to the German-American seminary, of the city of Detroit, to aid said seminary in erecting buildings for the use and occupancy of said seminary, on the lands granted or leased by the city of Detroit to it for the period of nine hundred and ninety-nine years, subject, however, to the provisions contained in section two of this act.

Sec. 2. Said seminary, by its agent, is hereby authorized to Selection of land to be made within one year. select said twenty-five thousand acres of swamp land from any of the State swamp land not otherwise disposed of, entered or occupied under a law of this State, which selection shall be made within one year from the time when this act shall take effect; and such selection shall, within said period, be notified Commissioner of State land office to be notified of selection. to the Commissioner of the State Land Office, and from the time of such notice be by said commissioner reserved and withheld for said seminary, and the proper State officer shall, as soon as may be thereafter, issue the patent or conveyance to Patents therefor. said seminary, or to such person or trustee as said German-American seminary shall appoint or direct; but said lands shall Lands subject to drainage. be subject to be drained by the grantee or grantees in such conveyance made, as required by the act of Congress granting such swamp land to the State of Michigan; and said swamp land shall be subject to taxation Subject to taxation. from the date of the patent or conveyance from the State: *Provided,* That if said seminary

On failure to erect buildings on lands to revert.

shall fail to erect buildings, in pursuance of the terms of the lease or grant made by the city of Detroit of land to said seminary, and within the time therein mentioned, said seminary shall in such event forfeit the swamp land, by this act granted, to the State of Michigan, and the same shall absolutely and forever revert to the State, against all and every person claiming to hold the same or any part thereof, and the patent or deed issued by the State of said lands shall state in substance this proviso of forfeiture.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1861.

[No. 176.]

AN ACT to amend certain sections of the primary school law.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections two thousand one hundred and seventy-five, two thousand one hundred and seventy-nine, two thousand two hundred and forty-eight, two thousand two hundred and sixty-three, two thousand two hundred and sixty-five, two thousand two hundred and sixty-six, two thousand two hundred and eighty-two, two thousand two hundred and eighty-four, two thousand two hundred and ninety-seven, two thousand three hundred and two, two thousand three hundred and twenty-five, two thousand three hundred and forty, two thousand three hundred and fifty-six, two thousand three hundred and fifty-eight, two thousand three hundred and sixty-one, two thousand three hundred and seventy-seven, two thousand three hundred and eighty-one, two thousand three hundred and ninety-nine and two thousand four hundred and twelve, are hereby amended to read as follows :

Apportionment of primary school fund.

(2175.) Sec. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the ages of five and twenty years, as the same

shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.

(2179.) Sec. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township or city, upon which a statement of the amount to be disbursed to any such county, township or city, shall not contain the whole number of scholars in such county, township or city, entitled to draw money from said fund, by which any such county, township or city, shall fail to have apportioned to it the amount to which it shall justly be entitled, the superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township or city, in his next annual apportionment.

When deficiency may be apportioned the next year.

(218.)²²⁴ Sec. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and all existing districts, at their annual meeting in the year one thousand eight hundred and fifty-nine, shall elect from the qualified voters of such district, a moderator for three years, a director for two years, and an assessor for one year; and on the expiration of their respective terms of office, and regularly thereafter, their several successors shall be elected for a term of three years each. Within ten days after their election, these several officers shall file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said director.

District officers, when elected, &c.

(2254.) Sec. 11. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day.

Annual meeting.

(2263.) Sec. 20. When no site can be established by such inhabitants, as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final, subject to alteration afterwards by the inspectors, on the written request of a majority of the qualified voters of the district.

When inspectors to determine school house site.

(2265.) Sec. 22. The amount of taxes to be raised in any

Limitation
of tax for
building, &c.

district for the purpose of purchasing or building a school-house, shall not exceed the sum of two hundred dollars in any one year, unless there shall be more than thirty scholars residing therein between the ages of five and twenty years, and the amount thereof shall not exceed three hundred dollars in any one year, unless there shall be more than fifty scholars residing in the district between the ages last aforesaid; and no sum shall be raised exceeding one hundred and eighty dollars for the purpose of building or purchasing a school house of less dimensions than twenty-four feet by thirty feet, and ten feet between floors; not exceeding seventy-five dollars for the purpose of building or purchasing a school-house constructed of round or hewn logs.

Tax for re-
pairs, appa-
ratus, &c.

(2266.) Sec. 23. Such qualified voters, when assembled aforesaid, may, from time to time, impose such tax as shall be necessary to keep their school-house in repair, and to provide the necessary appendages, and to pay and discharge any debts or liabilities of the district lawfully incurred; may raise a sum not exceeding twenty dollars in any one year for the purchase of books of reference, globes, maps, or any apparatus for the purpose of illustrating the principles of astronomy, natural philosophy, natural history and agricultural chemistry, or the mechanic arts.

To contract
with teach-
er.

(2282.) Sec. 39. The director, with the advice and consent of the moderator and the assessor, or one of them, or under their direction, if he shall not concur, shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing, and shall have the consent of the moderator and assessor, or one of them, endorsed thereon, and shall specify the wages per week or month as agreed by the parties, and a duplicate thereof shall be filed in his office: *Provided*, That if the director shall refuse to make and sign such contract, when directed so to do by the moderator and assessor, then it may be made and signed by the moderator and assessor.

Director to
take census
and make

(2284.) Sec. 41. Within ten days next previous to the annual district meeting, the director shall take the census of his dis-

trict, and make a list in writing of the names of all the children belonging thereto between the ages of five and twenty years. In case of the absence or inability of the director, such census shall be taken by the moderator or assessor, or such person as they may appoint, and a copy of such list, verified by the oath of the person taking such census, by affidavit appended to or endorsed thereon, setting forth that it is a correct list of the names of all the children belonging to the district between the ages of five and twenty years, shall be returned with the annual report to the township clerk

(2297.) Sec. 54. The director shall also, at the end of each school year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

Director to make annual report to township clerk.

First. The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

Contents of report.

Second. The number attending school during the year under five, and also the number over twenty years of age;

Third. The whole number that have attended school during the year;

Fourth. The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time kept by each, and the wages paid to each;

Fifth. The average length of time scholars between five and twenty years of age have attended school during the year;

Sixth. The amount of money received from the township treasurer, apportioned to the district by the township clerk;

Seventh. The amount of money raised by the district, and the purposes for which it was raised;

Eighth. The kinds of books used in the school;

Ninth. Such other facts and statistics, in regard to schools and the subject of education, as the superintendent of public instruction shall direct.

(2299.) Sec. 56. Said board shall, between the first Monday in September and the second Monday of October, in each year,

Board to re-
port tax vo-
ted by dis-
trict.

make out and deliver to the supervisor of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

Books pur-
chased for
poor chil-
dren.

(2300.) Sec 57. The district board may purchase, at the expense of the district, such school books as may be necessary for the use of children admitted by them to the district school free of charge, and they shall include the amount of such purchases, and the amount which would have been payable for fuel and teachers' wages by persons exempted from the payment thereof, together with any sums on the district rate bills which could not be collected, in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe the text books to be used in the school, but text books, once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting.

Text books.

Exemption
of poor per-
sons from
paying
teachers, &c.

(2301.) Sec. 58. Said board shall exempt from the payment of teachers' wages, and from providing fuel for the use of the district, all such persons residing therein as in their opinion ought to be exempted, and shall certify such exemptions to the director, and the children of such persons shall be admitted to the district school free of charge during the time of such exemption. Said board may also admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils, and collect the same; and they may authorize or order the suspension or expulsion from the school, whenever, in their judgment, the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience.

Board may
admit non-
residents.

May expel
scholars.

Board shall
purchase or
hire site for
school
house.

(2302.) Sec. 59. They shall purchase or lease a site for a school-house, as shall have been designated by the district, in the corporate name thereof, and shall build, hire or purchase such school-house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters at an annual or

special meeting: *Provided*, That the district shall not in any case build a stone or brick school-house upon any site, without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also that they shall not in any case build a frame school-house on any site for which they have not a title in fee, or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district, at any annual or special meeting: *Provided also*, That the qualified voters of the district may appoint a building committee, to take charge of the work of building such school house.

(2318.) Sec. 75. When a new district is formed, in whole or in part from one or more districts possessed of a school-house, or entitled to other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district of the value of the school-house and other property belonging to the former district, at the time of such division; and whenever, by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

(2325.) Sec. 82. The director of every district formed as provided in the preceding section, shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township, and books shall be drawn from the library of each township for the use of such

district; but the district shall have access to but one such library at the same time, and the said inspectors shall establish the order in which books shall be drawn from each township library: *Provided*, That no books shall be drawn from any township library by any district having a district library; but such district shall be entitled to its just proportion of books from the library of any township in which it is partly situated, to be added to the district library, and also to its equitable share of any library moneys raised or received by any such township.

District li-
brary.

Township
clerk to ap-
portion
school
moneys.

(2340.) Sec. 97. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, he shall apportion the same amongst the several districts therein entitled to the same, in proportion to the number of children in each between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year last closed.

Township
libraries to
be main-
tained.

(2356.) Sec. 114. A township library shall be maintained in each organized township in this State, which shall be the property of the township; and the parents and guardians of all children therein, between the ages of five and twenty years, shall be permitted to use books from such library without charge, being responsible to the township for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the board of school inspectors of the township: *Provided*, That no township in which the township library has been distributed into district libraries, shall be required to maintain thereafter a township library: *And provided also*, That the school inspectors of any township may equitably divide the township libraries into district libraries, whenever requested by a vote of a majority of the districts in the township.

Proviso.

Proviso.

Proceeds of
fines, &c., to
be appor-
tioned for
the pur-
chase of
books.

(2358.) Sec. 116. The clear proceeds of all fines for any breach of the penal laws of this State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption from military duty, when collected in any

county, and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer, between the first and tenth days of April in each year, among the several townships in the county, according to the number of children therein between the ages of five and twenty years, as shown by the last annual statement of the county clerk on file in his office, which money shall be applied to the purchase of books for the township or district libraries, and for no other purpose.

(2361.) Sec. 119. The interest of the primary school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year, for the support of primary schools in the several townships in this State, from which reports have been received by the Superintendent of Public Instruction, in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such townships between the ages of five and twenty years; and the same shall be payable on the warrant of the Auditor General, to the treasurers of the several counties.

Interest of school fund to be distributed.

Payable to Co. treasurer on warrant of Aud. General.

(2377.) Sec. 136. The township board of each township shall have power, and is hereby required to remove from office, upon satisfactory proof, after at least five days notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys entrusted to his charge, or who shall persistently, and without sufficient cause, refuse or neglect to discharge any one of the duties of his office.

Removal of officer for illegal use of money.

(2399.) Sec. 1. The qualified voters in any school district, having more than three hundred children between the ages of five and twenty years residing in such district, shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present any number of sites for school-houses, including a site for a union school-house, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for said school-

Voters may designate school house sites by two-thirds vote.

house, that a majority of the voters of said district shall have power to instruct the district board to locate said site.

When district's may borrow money to purchase sites, &c.

(2412.) Sec. 14. Any school district having more than three hundred children between the ages of five and twenty years residing in such district, shall have power and authority to borrow money to pay for a site for a union school-house, to erect buildings thereon, and furnish the same, by a vote of two-thirds of the qualified voters of said district present at any annual meeting, and by a like vote at any other regular meeting: *Provided*, That the times of holding such meetings shall not be less than five days nor more than six months apart, and that the whole debt of any such district, at any one time, for money thus borrowed, shall not exceed fifteen thousand dollars.

Approved March 15, 1861.

[No. 177.]

AN ACT to amend section two thousand four hundred and thirty five, of the compiled laws, relative to the payment of moneys by purchasers of the trust funds to county treasurers.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two thousand four hundred and thirty-five, of the compiled laws, be amended so as to read as follows:

Purchasers of trust fund land may pay money to county treasurer.

Sec. 2435. The purchasers of any of the trust fund lands, their assignees, agents or attorneys, may pay to the treasurer of the county in which such lands lie, any amount which may be due, from time to time, on their several certificates, either for interest or penalty; and for the amount so paid the said county treasurer shall give to such person his receipt, specifying the amount paid, date of payment, whether for interest or penalty, or either, and the amount of each, the number of the certificate on which the same was paid, and the name of the original purchaser of the land, and the fund to which the same belongs, which receipt shall be countersigned by the clerk of said county, and when

so given and countersigned shall have the same force and effect as if given by the State Treasurer.

Approved March 15, 1861.

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[No. 178.]

AN ACT to regulate the manner of attaching unorganized territory to organized counties, for judicial and municipal purposes.

SECTION 1. *The People of the State of Michigan enact,* That in all cases where any unorganized county has been or may be hereafter attached to any organized county of this State, for judicial or municipal purposes, the same shall be deemed to be and hereby is attached to the county town of such organized county, or to the township in which the county seat may be located, unless the board of supervisors of such county shall otherwise direct: *Provided,* That whenever it shall appear to the board of supervisors of such organized county, by petition or otherwise, that such attached territory shall contain at least twelve resident legal voters, it shall be the duty of said board to set off and organize the attached territory into a separate township, and such township, so formed and set off, shall continue to be attached to such organized county for the same purpose as before the same was thus organized: *And provided further,* That all taxes levied in said unorganized county, so attached, for other than for State or county purposes, shall be expended within the limits of such unorganized territory.

Unorganized county attached to organized County, deemed attached to county town.

When township to be organized therefrom.

Tax, where expended.

Approved March 15, 1861.

[No. 179.]

AN ACT to amend an act entitled "an act to provide against the recovery of damages done by beasts on lands not enclosed by a lawful fence," approved March seventeenth, eighteen hundred and forty-seven, being section six hundred and twenty-eight of compiled laws.

Section amended

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "an act to provide against the recovery of damages done by beasts on lands not enclosed by a lawful fence," approved March seventeenth, eighteen hundred and forty-seven, being section six hundred and twenty-eight of compiled laws, be amended so as to read as follows :

Damages not recoverable for trespass on lands not enclosed by lawful fence

Sec. 1. No person shall be entitled to recover any sum of money, in any action at law, for damages done upon lands by any beast or beasts, unless the partition fences by which such lands are wholly or in part enclosed, and belonging to such person, or by him to be kept in repair, shall be of the same height and description as is required by the provisions of section one, chapter eighteen, of the revised statutes of eighteen hundred and forty-six, being section six hundred and five of the compiled laws.

Acts repealed.

Sec. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved March 15, 1861.

[No. 180.]

AN ACT to amend section fifty-nine, chapter six, of the compiled laws, concerning the canvassing of votes at elections.

Canvass of votes.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-nine, of chapter six, of the compiled laws, be so amended as to read as follows, viz : As soon as the polls of the general election shall be finally closed, the inspectors shall immediately proceed to canvass and ascertain the result of the election, and shall then publicly declare the same.

Approved March 15, 1861.

[No. 181.]

AN ACT to divide the State into six Congressional districts.

SECTION 1. *The People of the State of Michigan enact*, That this State shall be divided into six Congressional districts, pursuant to a ratio of representation fixed by act of Congress for the year eighteen hundred and sixty, for apportioning anew the representatives among the several States, and each district shall be entitled to elect one representative, the districts to be constituted of the several counties, and numbered as follows, to wit:

Apportionment, congressional districts.

First The first district shall consist of the counties of Wayne, Monroe, Lenawee and Hillsdale.

Second. The second district shall consist of the counties of Branch, St. Joseph, Cass, Berrien, Kalamazoo, Van Buren and Allegan.

Third The third district shall consist of the counties of Washenaw, Jackson, Calhoun, Eaton and Ingham.

Fourth. The fourth district shall consist of the counties of Barry, Ionia, Montcalm, Kent, Ottawa, Muskegon, Oceana, Newaygo, Lake, Mecosta, Mason, Manistee, Grand Traverse, Leelanaw, Manitou, Osceola, Emmet, [Antrim,] Wexford, Mackinaw, Delta, Cheboygan, Kalkaska and Missaukee.

Fifth. The fifth district shall consist of the counties of Livingston, Oakland, Macomb, St. Clair, Lapeer and Sanilac.

Sixth The sixth district shall consist of the counties of Clinton, Shiawassee, Genesee, Gratiot, Saginaw, Tuscola, Huron, Isabella, Midland, Bay, Gladwin, Clare, Roscommon, Ogemaw, Iosco, Alcona, Oscoda, Crawford, Otsego, Montmorenci, Alpena, Presque Isle, Chippewa, Marquette, Schoolcraft, Houghton and Ontonagon, and the counties hereafter organized out of the present territory.

Approved March 15, 1861.

[No. 182.]

AN ACT to amend sections three thousand five hundred and twenty, three thousand five hundred and twenty one and three thousand five hundred and twenty-two, of chapter one hundred and fifteen of the compiled laws, concerning the abatement and revivor of suits in chancery.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand five hundred and twenty, of the compiled laws, be amended so as to read as follows: "No bill of revivor, or supplemental bill in the nature of a bill of revivor, shall be necessary to revive a suit against the representatives of a deceased defendant, or other person or persons interested in the subject of such suit; but the court may, by order, direct the same to stand revived upon the petition of the complainant."

How suits revived against representatives of deceased persons.

Sec. 2. And that section three thousand five hundred and twenty-one be amended so as to read as follows: "A copy of such order shall be served on the representative or other person or persons interested, as aforesaid, against whom the revivor is ordered, if residents of the State; but if not residents of this State, then an order of publication of notice may be had from the proper court or officer as to the said petition, to revive in the same manner, and be published with the same effect, as is now provided in relation to absent, concealed or non-resident defendants in original bills; in the case of personal service of such order, the persons so served shall be allowed sixty days after such service, to appear, answer, or disclaim."

Copy of order to be served on representative, &c.

Sec. 3. That section three thousand five hundred and twenty-two be amended so as to read as follows: "If they shall not, in the case of personal service, within that time, or in case of publication, within the time prescribed by the order of publication, appear and answer, or disclaim, the court, upon due proof of the service of such order or publication of notice of the same, may cause their appearance to be entered; and in such case the answer of the deceased party shall be deemed the answer of such representatives, or other

When court may order appearance of representative to be entered.

person or persons as aforesaid; and after such order of appearance, the same proceedings may be had and with the like effect as to absent or non-resident representatives, and other person or persons aforesaid, so brought in on publication of notice, as is now provided as to representatives of a deceased party brought in on personal service of an order of revivor.

Sec. 4. This act is ordered to take immediate effect.

Approved March 15, 1861.

[No. 183.]

AN ACT making appropriations for the support of the State agricultural college and the State board of agriculture.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the State treasury, the sum of six thousand five hundred dollars for the year eighteen hundred and sixty-one, and the sum of ten thousand dollars for the year eighteen hundred and sixty-two, for the use and support of the State agricultural college, and to pay the salary of the secretary of said State board of agriculture, the expenses of his office, and the expenses of the board; which said moneys shall be expended under the direction and control of the said board, so far as the same may be necessary for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Appropriation.

How expended and drawn.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861.

[No. 184.]

AN ACT to amend section twenty-six, chapter one hundred and one, of the revised statutes of eighteen hundred and forty-six, being section three thousand and sixty-four of compiled laws, relative to the sale of real estate of deceased persons.

SECTION 1. *The People of the State of Michigan enact,* That section amended.
section twenty-six, chapter one hundred and one, of the revised

statutes of eighteen hundred and forty-six, being section three thousand and sixty-four of compiled laws, be amended so as to read as follows :

When real estate of testator may be sold.

Sec. 26. When a testator shall have given any legacy by a will that is effectual to pass or charge real estate, and his goods, chattels, rights and credits, shall be insufficient to pay such legacy, together with his debts, and the charges of administration, the executor or administrator, with the will annexed, may be licensed to sell his real estate for that purpose, or when a person shall die intestate, having no issue, widow nor father, and it shall be shown to the satisfaction of the probate court having jurisdiction of the case that it is necessary, or for the interest of the heirs to sell the real estate of such person, for the purpose of distribution, the administrator may be licensed to sell the real estate of such person, in the same manner and upon the same terms and conditions as are prescribed in this chapter, in the case of a sale for the payment of debts.

Approved March 15, 1861.

[No. 185.]

AN ACT to amend an act entitled "an act to provide a military fund in aid of the uniformed volunteer militia," approved February fourteen, eighteen hundred and fifty-nine.

Sections amended and added.

SECTION 1. *The People of the State of Michigan enact*, That sections one and six of act number one hundred and sixty-nine, session laws of eighteen hundred and fifty-nine, being an act entitled "an act to provide a military fund in aid of the uniformed volunteer militia," be and the same is hereby amended; that after section eight of said act, there be inserted, as additions to said act, the following sections, numbered nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one; the former sections of said act numbered nine and ten, hereafter to constitute sections number twenty and twenty-one, so that sections one and six, and the sections hereby attached to said act, shall read as follows:

SECTION 1. *The People of the State of Michigan enact, That the* sum of three thousand dollars is hereby appropriated out of ^{Appropriation and tax for military fund.} any funds in the State treasury, credited to the general fund, for the year eighteen hundred and sixty-one, and the sum of one-fortieth of one mill per cent shall be assessed upon the taxable property of the State, in the year eighteen hundred and sixty-one, and eighteen hundred and sixty-two, which shall be levied, assessed, and paid into the treasury of the State, in like manner as other State taxes are by law levied, assessed and paid; the sums arising from such tax, and the appropriation herein made, together with the sums arising from the sale of arms, or other military property, which, upon survey, shall, by the military board, on the approval of the commander-in-chief be ordered to be sold, shall constitute the military fund, and shall be annually apportioned and paid for military purposes ^{How expended.} according to and in pursuance of the provisions of this act by the State military board, who are hereby further authorized to ^{State military board to prepare rules, &c.} prepare and promulgate all articles, rules and regulations, for the government of the military force of the State, not inconsistent with the laws of the United States, which articles, rules and regulations, when approved by the commander-in-chief, and by him filed in the office of the Secretary of State, shall have the force of law so long as continued and approved by said board.

Sec. 6. The commander-in-chief shall, from time to time, as ^{Board of officers.} may become necessary, call a board of officers, to meet at such time and place as he shall designate, such board to be composed of five commissioned officers of the volunteer uniformed militia; the Adjutant General shall be ex-officio a member of said board; any three members of such board shall constitute a ^{Quorum.} quorum for the transaction of business, and shall be paid for their services out of the said military fund, on the certificate of the Adjutant General, countersigned by the commander-in-chief, two dollars per day, each, for each day actually employed ^{Compensation.} in the necessary business of said board, and their actual traveling expenses in going to and returning from the place of such

meeting; and such board, when convened, shall designate the sums to be awarded to the several volunteer corps, and to the several officers aforesaid, under the restrictions and limitations in this act provided, the sums so designated to be subject to the approval of the commander in chief.

Persons sub-
ject to mil-
itary duty.

Sec. 9. All able bodied, white male citizens, between the ages of eighteen and forty-five years, and not exempted by the laws of the United States, or of this State, shall be subject to military duty. The enrolled militia shall not be subject to active military duty except in case of war, invasion, the prevention of invasion, the suppression of riots, tumults, and breaches of the peace, and to aid civil officers in the execution of the laws, and the service of process; in which case they may be ordered out for actual service, by draft or otherwise, or so many of them as the necessity demands.

Persons ex-
empt.

Sec. 10. In addition to the persons exempted by the laws of the United States, the following persons shall be exempt from military duty:

First Ministers of the Gospel;

Second. Judges of the supreme, circuit, district and probate courts;

Third. The members and officers of the legislature;

Fourth. All officers and guards of the State prison;

Fifth. All commissioned officers of the militia of this State, who have served as such, fully uniformed and equipped, according to law and regulation, for the term of five years; but no officer shall be so exempt, unless by his resignation after such term of service, duly accepted, or in some other lawful manner, he shall have been honorably discharged;

Sixth. All State and county officers, (except notaries public,) and all officers and teachers in public institutions and public schools.

When will
they may be
ordered out.

Sec. 11. In case of actual or threatened war against, insurrection in, or invasion of the State, or in case of actual rebellion in, or war against the United States, or in case the President of the United States shall make a requisition on the Governor

of this State, the commander-in chief may order out, by draft, voluntary enlistment, or otherwise, the whole, or so much of the militia of this State, as the public necessity demands, and he may also, in like manner, order out any portion of the militia for the service of the State, to suppress riots, and to aid civil officers in the execution of the laws of this State, or of the United States; he may appoint the number by draft, according to the population of the several counties of the State, or otherwise, as he shall direct, and shall notify the sheriff of each county from which any draft is so required, of the number of persons his county is to furnish. Upon the requisition of the commander-in-chief being received by the sheriff, he shall immediately personally notify the county clerk, or in case of the absence or inability of either, they or their legally authorized deputy or deputies, who shall repair to the office of the county clerk, and in public shall copy, by name or number, from the assessor's roll of each township, city or ward, of such county, all persons who are so returned as liable to do military duty; such names, or their corresponding numbers, shall be placed on slips of paper of the same size and appearance, as near as practicable, which slips, so named or numbered, shall be placed in a box suitable for that purpose, and drawn therefrom in the same manner as jurors are by law now drawn; all persons so drawn shall be determined to be legally held to serve in the manner, and for the purpose and time specified in the requisition.

Sec. 12. Every person so ordered out, or who shall volunteer, or is drafted, and who shall not appear at the time and place designated by such sheriff, or other proper officer, or who shall not produce some able bodied and proper substitute at such time and place, or shall not pay to such sheriff, for the use of the State, the sum of twenty-five dollars, within twenty-four hours from such time, shall be deemed to be a soldier in actual service, absent without leave, and dealt with accordingly; should the officer detailed for the purpose be unable to secure any soldier so drafted, the sheriff of the county shall, upon notice thereof, be authorized and required to arrest all such soldiers,

Sheriff notified of number required

Proceedings of sheriff thereon.

How drawn.

Penalty for non appearance of persons ordered out

When sheriff is unable to secure soldiers drafted.

and notify the prosecuting attorney thereof, who shall prosecute such delinquent before any justice of the peace, or other court having jurisdiction, and the person so arrested may be released from all such obligations and penalties on the enlisting and mustering of an acceptable substitute

Fines paid into State treasury.

Sec. 13. All fines accruing from prosecutions made by virtue of this act, shall be paid into the county treasury, and after deducting therefrom the proper costs and fees, shall be paid by the county treasurer into the treasury of the State.

When Governor to appoint persons to make roll.

Sec. 14. If the military rolls of any township, city or ward, have not been duly made and returned into the county clerk's office, the Governor is authorized to appoint one or more persons to make and return, forthwith, such rolls.

Assessor to make list of persons liable to military duty.

Sec. 15. The assessors of every township, ward or city, shall, annually, on or before the first day of July, return a list of the names of all persons who are liable to do military duty, residing in their township, ward or city, to the county clerk, who shall number the names and file the lists in his office, and return the aggregate number of all the persons so enrolled in his county to the Adjutant General, on or before the first day of August of each and every year. The assessors shall have power to question, under oath, which they are hereby authorized to administer, any person liable to do military duty, but who denies the same ; and if any person refuses to be sworn, the assessor shall enroll his name in the same manner as though he had admitted his liability. Upon the return of the assessor's list to the county clerk, properly certifying that he has enrolled all persons who are liable to do military duty, residing in his township, city or ward, he shall be paid two cents each for all persons so enrolled, out of the treasury of the county. If any assessor or county clerk shall neglect or refuse to perform the duty enjoined upon them by this act, the person or persons guilty of such refusal or neglect shall be liable to a penalty of not less than ten, or more than fifty dollars, to be recovered by action of debt before any justice of the peace, in the name of the people of the State of Michigan ; and it shall be the duty of the senior company captain,

Assessor may question persons under oath.

Compensation of assessor.

Penalty when assessor or county clerk refuse to perform their duty.

residing in or nearest to the township, city or ward, in which such neglect or refusal shall occur, to prosecute the same. All moneys accruing from such prosecution shall, after deducting the legal costs and charges, be paid to such commandant, who shall be entitled to one-half of the same, and who shall pay the remainder into the treasury of his company.

Duty of captain to prosecute.
Money accruing therefrom.

Sec. 16. Every officer, non-commissioned officer, musician and private, of the militia of this State, who shall have provided himself with a uniform, arms, equipments or musical instruments, authorized or required by law or military regulation, shall hold the same exempt from levy and sale under any execution, or upon any other final process of any court of this State, and from levy and sale for the non-payment of taxes; and every mounted officer, and every member of a troop or company of cavalry or light artillery, who shall own a suitable horse or horses allowed by regulation, necessary for his use as such officer or member, shall hold the same with the like exemption, together with all necessary horse equipments.

Uniform, arms, &c., of soldiers, exempt from levy.

Sec. 17. In case of any breach of the peace, tumults, riot, or resistance of any process of this State, or apprehension of immediate danger thereof, it shall be lawful for the sheriff of any county, or the mayor or recorder of any city, to call for aid from any portion of the volunteer force; and it shall be the duty of the commanding officer to whom such order is given, to order out in aid of the civil authorities the military forces under his command, or any part thereof. In such cases it shall not be necessary for commanding officers to issue written orders or notices for calling out their command, but verbal orders shall be sufficient. It shall be the duty of the commanding officer, in all cases, when so called into service, to provide each of the men of his command so ordered out, with at least twenty-four rounds of ball cartridge, and arms in complete order, for actual service.

Volunteer force may be called out to quiet mobs, &c.

Sec. 18. Every commanding officer shall be subject, as provided by law, to the sheriff or other public officer who shall require his aid, and for refusing or neglecting to obey the requi-

Commanding officer subject to order of sheriff.

Penalty for
refusal.

sition of such public officer, so requiring service, or for neglecting or refusing to carry into effect the orders of such public officer, or for interfering, or in any way hindering or preventing the men of his command from performing such duty, or in any manner, by neglect or delay, preventing the due execution of law, every such commanding officer, and every commissioned officer, non-commissioned officer, musician or private, under his command, so offending, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not exceeding one year, or both such fine and imprisonment, in the discretion of the court; and in addition thereto, such officer shall be liable to be tried by court martial, and sentenced to be cashiered and incapacitated forever thereafter from holding any military office in this State; and it shall be the duty of the prosecuting attorney of any county where such offense shall be committed, to prosecute the same to recover the penalty herein provided. All officers, non-commissioned officers, musicians and privates, shall receive for their services for each day actually spent by them on duty, in cases of riot, tumult, breach of the peace, resistance of process, or whenever called upon in aid of the civil authorities, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the following compensation, together with necessary rations and forage, to wit: To each private, one dollar per day; to each non-commissioned officer and musician, one dollar and twenty-five cents per day; to all commissioned officers of the line, and to the field, staff and other commissioned officers, the same compensation as is paid to officers of the army of the same rank, in the service of the United States, one grade below, and for the horses of all mounted officers and men, one dollar per day; such compensation, and such rations and forage, and the cost of all ammunition used by any corps, shall be audited, allowed and paid, by the board of supervisors of the county where such service is rendered, and shall be a portion of the county charges of such county, to be levied, assessed, collected

May be
court mar-
tialled.

Compensa-
tion

and paid in the same manner as other county charges are assessed, collected and paid.

Sec. 19. In case any officer, non-commissioned officer, musician or private, shall be wounded or disabled while in the service of the State, or in case of riot, tumult, breach of the peace, resistance of process, he shall be taken care of by the State, or whenever called in aid of the civil authorities of the county, he shall be taken care of and provided for at the expense of the county where such service shall have been rendered, until such disability ceases. Provision for when wounded.

Sec. 20. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

Sec. 21. This act shall take immediate effect.

Approved March 15, 1861.

[No. 186.]

AN ACT to amend act number two hundred of the session laws of eighteen hundred and fifty-nine, being an act to encourage the manufacture of salt in the State of Michigan, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That the act entitled an act to encourage the manufacture of salt in the State of Michigan, approved February fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows: Act amended.

SECTION 1. *The People of the State of Michigan enact*, That all companies or corporations formed, or that may be formed, for the purpose of boring for and manufacturing salt in this State, and any and all individuals engaged or to be engaged in such manufacture, shall be entitled and subject to the provisions of this act: *Provided*, That all such companies or individuals shall be actually engaged in such manufacture prior to the first day of August, eighteen hundred and sixty-one.

Sec. 2. All property, real or personal, used for the purpose mentioned in the first section of this act, shall be exempt from Property exempt from taxation.

taxation for the term of five years from the organization of said company or corporation.

Bounty.

Sec. 3. There shall be paid from the treasury of the State, as a bounty, to any individual, company or corporation, the sum of ten cents for each and every barrel of salt manufactured by said individual, company or corporation, from water obtained from well or wells made by such individual, company or corporation, in this State: *Provided*, That no such bounty shall be paid until such individual, company or corporation, shall have manufactured at least three thousand bushels of salt: *And provided further*, That no such individual, company or corporation, shall receive more than one thousand dollars.

Proviso.

Sec. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1861.

[No. 187.]

AN ACT to assess a special tax for the improvement of the meridian line road between Lenawee and Hillsdale counties.

Tax authorized.

SECTION 1. *The People of the State of Michigan enact*, That the supervisors of the townships of Medina, in Lenawee county, and of Wright, in Hillsdale county, be and are hereby required to assess upon the taxable property hereinafter described, which may be in their respective townships, one mill on each dollar of the aggregate valuation thereof, at the time of making the assessment and tax roll of said township, in the years one thousand eight hundred and sixty-one and one thousand eight hundred and sixty-two, placing said tax on a separate column from the other taxes.

Property subject to such tax.

Sec. 2. Said tax shall be assessed upon the property, real and personal, on sections six, seven, eighteen, nineteen, thirty, thirty-one and thirty-two, in township eight south, of range one east; sections six and seven, in township nine south, of range one east; sections one, two, eleven, twelve, thirteen, fourteen,

twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, in township eight south, of range one west, and sections one, two, eleven and twelve, in township nine south, of range one west. www.libtool.com.cn

Sec. 8. The tax shall be collected at the same time and in the same manner as other township taxes, be paid over to the township treasurer with the other township taxes, and by him be paid out on the order of commissioners appointed by this act. Tax, how collected, paid out, &c.

Sec. 4. William W. Brewster, of the township of Wright, Hillsdale county, and Richard H. Osborne, of the township of Medina, Lenawee county, be and they are hereby appointed commissioners, whose duty it shall be to use said tax to repair and improve the meridian line road, situated on the line between said townships, and said commissioners shall receive for services actually performed as such commissioners the sum of one dollar per day, to be paid out of the fund created by this act. Commissioners, their duties.

Approved March 15, 1861. Compensation.

[No. 188.]

AN ACT to re-organize the agricultural college of the State of Michigan, and to establish a State board of agriculture.

SECTION 1. *The People of the State of Michigan enact, That* a board is hereby constituted and established, which shall be known under the name and style of "the State board of agriculture." It shall consist of six members, besides the Governor of the State, and the president of the State agricultural college, who shall be *ex-officio* members of the board. At their annual meetings in the fall of the year eighteen hundred and sixty-two, and every second year thereafter, each county agricultural society in the State may nominate a person for member of the board, and from the persons so nominated, the Governor, by and with the consent of the Senate, on or before the third Wednesday of January of each biennial session, shall appoint two members of the board to fill the vacancies that shall next State board of agriculture.

How appointed.

occur. The certificate of the president and secretary of any county agricultural society, that such society is legally organized, and has held at least two annual fairs, shall be evidence to the Governor of their right to nominate a member for the board. Any other legally organized agricultural society that embraces at least ten townships of land, shall be entitled to the provisions of this act.

Body corporate.

Sec. 2. The State board of agriculture shall be a body corporate, capable in law of suing and being sued, of taking, holding and selling personal and real estate, of contracting and being contracted with, of having and using a corporate seal, and of causing to be done all things necessary to carry out the provisions of this act.

Vacancy.

Sec. 3. Any vacancy in the said board, caused by death, resignation or removal from the State, may be filled by a majority of the members. A majority shall be a quorum for the transaction of business. The members of the board shall receive no per diem compensation for their services, but shall be paid their traveling and other expenses while employed on the business of the board.

Compensation.

Meetings of board.

Sec. 4. They shall meet quarterly, at the State agricultural college, viz: on the last Wednesdays of February, May, August and November, of each year, and may meet at such other times and places as they may determine.

President.

Sec. 5. At their first meeting the members shall choose one of their number as president of their own board.

Secretary and treasurer.

Sec. 6. At their first meeting, or as soon after as a competent and suitable person can be obtained, they shall choose a secretary of the board. If chosen from their own number, a vacancy shall be thus created in the board. A treasurer shall also be chosen, at their first meeting, who may or may not be from the members of their board, as they shall determine. They shall take such bonds from the secretary and treasurer as shall be deemed adequate to secure the faithful performance of their duties by those respective officers. The secretary and treasurer shall be chosen biennially, and shall hold their offices for two

Bonds.

years from the last Wednesday of February, or till their successors are chosen.

Sec. 7. The board shall direct the disposition of any moneys appropriated to the State agricultural college.

Sec. 8. The secretary of the board shall reside at or near the agricultural college, and keep his office at the city of Lansing, in the State buildings, or at the institution, as the board shall direct. It shall be his duty to keep a record of the transactions of the State board of agriculture, and of the State agricultural college and farms, which shall be open at all times to the inspection of any citizens of this State. He shall also have the custody of all books, papers, documents and other property which may be deposited in his office, including specimens of the vegetable and animal kingdoms of the State or counties; also, keep and file all reports which may be made from time to time by county and State agricultural and horticultural societies, and all correspondence of the office from other persons and societies appertaining to the general business of husbandry; address circulars to societies, and the best practical farmers in the State and elsewhere, with the view of eliciting information upon the newest and best mode of culture of those products, vegetables, trees, &c., adapted to the soil and climate of this State; also, on all subjects connected with field culture, horticulture, stock-raising and the dairy. He shall encourage the formation of agricultural societies throughout the State, and purchase, receive and distribute such rare and valuable seeds, plants, shrubbery and trees, as it may be in his power to procure from the general government and other sources, as may be adapted to our climate and soils. He shall also encourage the importation of improved breeds of horses, cattle, sheep, hogs and other live stock, and the invention and improvement of labor-saving implements of husbandry, and diffuse information in relation to the same. He shall encourage such domestic industry and household arts as are calculated to promote the general thrift, wealth and resources of the State. To effect these objects he shall correspond with the patent office at Wash-

Secretary
and office.

Duty to
keep record
of the board

To have the
custody of
books, &c.

To file re-
ports of
agricultural
societies.

Various du-
ties.

ington, and representatives of our national government abroad, and if possible procure valuable contributions to agriculture from those sources. He shall aid, as far as possible, in obtaining contributions to the museums and the library of the State agricultural college, and thus aid in the promotion of agriculture, science and literature.

Distribution
of seeds,
plants, &c.

Sec. 9. The seeds, plants, trees and shrubbery received by the secretary, and not needed by the college, shall be, so far as possible, distributed equally throughout the State, and placed in the hands of those farmers and others who will agree to cultivate them properly, and return to the secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for general cultivation in the State. Information in regard to agriculture may be published by him, from time to time, in the newspapers of the State, provided it does not involve any expense to the State.

Annual re-
port of sec-
retary.

Sec. 10. The secretary shall report to the legislature, at every regular session thereof, and to the Governor on the first Wednesday in January in each year, when the legislature is not in session, which report shall embrace all such statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the State board of agriculture, of the State agricultural college and farm, and of the State agricultural society, and county societies, to be approved of by the board.

Compensa-
tion.

Sec. 11. The secretary shall receive, as a compensation for his services, a salary of one thousand dollars per annum, to be paid quarterly from the State treasury, in the same manner as is provided by law for the payment of the salaries of State officers.

Appropri-
tion.

Sec. 12. The sum of twelve hundred dollars per annum, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, or so much thereof as may be esteemed necessary by the State board of agriculture, is also hereby appropriated, to meet the expenses which may be incurred in the purchase

and transportation of seeds, postage, and the other contingent expenses of the office of the secretary, and also necessary to pay the expenses of the board in attendance upon their duties.

Sec. 13. The State agricultural school, established by act number one hundred and thirty, session laws of eighteen hundred and fifty-five, in obedience to section eleven, of art. thirteen, of the constitution, shall be known by the name and style of "the State agricultural college;" the design of the institution, in fulfillment of the injunction of the constitution, is to afford thorough instruction in agriculture, and the natural sciences connected therewith; to effect that object most completely, the institution shall combine physical with intellectual education, and shall be a high seminary of learning, in which the graduate of the common school can commence, pursue and finish a course of study, terminating in thorough theoretic and practical instruction in those sciences and arts which bear directly upon agriculture and kindred industrial pursuits.

Sec. 14. No student shall be admitted to the institution who is not fifteen years of age, and who does not pass a satisfactory examination in arithmetic, geography, grammar, reading, spelling and penmanship.

Sec. 15. The course of instruction shall embrace the English language and literature, mathematics, civil engineering, agricultural chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, and such other natural sciences as may be prescribed, technology, political, rural and household economy, horticulture, moral philosophy, history, book-keeping, and especially the application of science and the mechanic arts to practical agriculture in the field.

Sec. 16. A full course of study in the institution shall embrace not less than four years. The State board of agriculture may institute winter courses of lectures, for others than students of the institution, under necessary rules and regulations.

Sec. 17. The academical term shall extend from the last Wednesday in February to the last Wednesday of November, in each year; the vacation shall extend from the last Wednesday

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The State Agricultural college.

Design of the institution.

Requisites for admission.

Course of instruction

Full course of study.

Academical term.

in November to the last Wednesday of February, and there shall be no other vacation whatever. The next term of the institution may commence at such time as the State board of agriculture shall determine. The board may at any time temporarily suspend the college in cases of fire, the prevalence of fatal diseases, or other unforeseen calamity.

Hours for labor.

Sec. 18. Three hours of each day shall be devoted by every student of the college to labor upon the farm, and no person shall be exempt except for physical disability. By a vote of the board of agriculture, at such seasons and in such exigencies as demand it, the hours of labor may be increased to four hours, or diminished to two and one half hours.

Tuition.

Sec. 19. The State board of agriculture shall be vested with discretion to charge tuition or not, as they may deem most conducive to the interests of the institution, unless acts of the legislature, making appropriations for its support, shall otherwise direct. The board may make discriminations in regard to tuition between students from this State and from other States. One-third of the tuition charged for the academic term shall be paid in advance, and shall be forfeited in case the student abandons the institution.

Power of board.

Sec. 20. The State board of agriculture shall have the general control and supervision of the State agricultural college, the farm pertaining thereto, and lands which may be vested in the college by State legislation; of all appropriations made by the State, for the support of the same, and also the management of any lands that may hereafter be donated by the general government to this State, in trust for the promotion of agriculture and industrial pursuits. The board shall have plenary power to adopt all such ordinances, by-laws and regulations, not in conflict with this act, as they may deem necessary to secure the successful operation of the college, and promote its designed objects.

President and professors of the institution.

Sec. 21. It shall be the duty of the State board of agriculture to choose a president of the State agricultural college before the commencement of the next term of the institution;

they shall then proceed to choose such professors, tutors, and employees, as the necessities of the institution demand. In case of vacancy in the office of president, or in case a suitable man cannot be selected, the president of the State board of agriculture, or such member of the board as shall be designated by them, shall be president *pro tem.* of the college, who shall receive such compensation for his services as the board shall determine.

Sec. 22. The board shall fix the salaries of the president, professors and other employees, and prescribe their respective duties. The board may remove the president or subordinate officers, and supply all vacancies.

Sec. 23. The board shall have power to regulate the course of instruction, and prescribe, with the advice of the faculty, the books to be used in the institution; and also to confer, for similar or equal attainments, similar degrees or testimonials to those conferred by the university of Michigan.

Sec. 24. The president, professors, farm manager and tutors, shall constitute the faculty of the State agricultural college. The president of the college shall be the president of the faculty. The secretary of the State board of agriculture shall be a member and secretary of the faculty.

Sec. 25. The faculty shall pass all needful rules and regulations necessary to the government and discipline of the college, regulating the routine of labor, study, meals, and the duties and exercises, and all such rules and regulations as are necessary to the preservation of morals, decorum and health.

Sec. 26. The faculty shall have charge of the laboratories, library, and museums of the institution.

Sec. 27. The faculty shall make an annual report by the first Wednesday of December of each year, to the State board of agriculture, signed by the president and secretary, containing such information and recommendations as the welfare of the institution, in their opinion, demands. Any members of the faculty may make a minority report if they disagree with the conclusions of the majority, which the faculty shall communicate

to the board. No communication at any other time, from members of the faculty, shall be entertained by the board, unless they have been submitted to a meeting of the faculty, and sanctioned by a majority.

Duty of president.

Sec. 28. The president shall be the chief executive officer of the State agricultural college, and it shall be his duty to see that the rules and regulations of the State board of agriculture, and the rules and regulations of the faculty be observed and executed.

Subordinate officers.

Sec. 29. The subordinate officers and employees, not members of the faculty, shall be under the direction of the president, and in the recess of the board, removable at his discretion, and he may supply vacancies that may be thus or otherwise created; his action in these respects, shall be submitted to the approval of the State board of agriculture at their next meeting.

Superintendent of farm.

Sec. 30. The president may or may not perform the duties of a professor, as the State board of agriculture shall determine. If he performs the duties of a professor, or in case the duties of president are exercised by a president *pro tem.*, a superintendent of the farm may be appointed, who shall have the general superintendence of the business pertaining to the farm, the land, and other property of the institution, and who shall be a member of the faculty.

Committee to fix student's wages.

Sec. 31. The president and secretary, together with the superintendent of the farm, if there be one, and in case there is not one, then one of the professors to be elected by the faculty, shall constitute a committee to fix the rate of wages allowed to students, and rate of board. In assessing the board, it shall be so estimated that no profit shall be saved to the institution, and as near as possible at the actual cost. The rates of wages allowed, and rate of charge for board, shall, if practicable, be submitted to the State board of agriculture before they take effect.

Current expenses.

Sec. 32. For current expenditures at the State agricultural college, specific sums shall be set aside, in the hands of their treasurer, by the State board of agriculture, which shall be

subject to the warrants of the president of the college, countersigned by the secretary. All moneys due to the institution or received in its behalf, shall be collected and received by the secretary, and deposited by him with the treasurer of the State board of agriculture. The secretary shall, with his annual report, render a full and complete account of all moneys received and all warrants drawn on the treasurer, as secretary of the college, and shall file and preserve all vouchers, receipts, correspondence, or other papers relating thereto.

Sec. 33. When the lands of the institution shall be brought to such a condition of maturity as to promise satisfactory results, the State board of agriculture shall make such rules and regulations as they may deem necessary, cause such comparisons, tests, trials and experiments, scientific and practical, to be made, as may, in their opinion, conduce to the instruction of the student and the progress of agriculture, and shall cause the results to be published in the annual report.

Sec. 34. All the swamp lands granted to the State of Michigan by act of Congress, approved September twenty-eighth, one thousand eight hundred and fifty, situate in the townships of Lansing and Meridian, in the county of Ingham, and Dewitt and Bath, in in the county of Clinton, of which no sale has been made, or for which no certificates of sale have been issued by the Commissioner of the Land Office, are hereby granted and vested in the State board of agriculture and placed in the possession of the State agricultural college for the exclusive use and benefit of the institution, subject only to the provisions relating to drainage and reclamation of the act of Congress donating the same to the State.

Sec. 35. The State board of agriculture shall have authority to sell and dispose of any portions of the swamp lands mentioned in the preceding section of this act, and use the same, or the proceeds thereof, for the purpose of draining, fencing or in any manner improving such other portions of said lands, as it may be deemed advisable to bring under a high state of cultivation for the promotion of the objects of the State agricul-

tural college. The terms and conditions of the sale of the portions of the above described lands thus disposed of, shall be prescribed by the State board of agriculture, and deeds of the same, executed and acknowledged, in their official capacity, by the president and secretary of the State board of agriculture, shall be good and valid in law.

**Deeds there-
of.** **Members of
board.** **Terms.** Sec. 36. David Carpenter, of Lenawee county; Justus Gage, of Cass county; Philo Parsons, of Wayne county; Hezekiah G. Wells, of Kalamazoo county; Silas A. Yerkes, of Kent county, and Charles Rich, of Lapeer county, are hereby constituted and appointed the first State board of agriculture. At their first meeting, which the Governor of the State is hereby authorized and directed to call at as early a day as practicable, they shall determine by lot their several periods of service, two of whom shall serve for two years, two of whom shall serve for four years, and two of whom shall serve for six years respectively, from the third Wednesday of January last past, when they are superseded by appointments, in accordance with the provisions of section one of this act, or until their successors are chosen.

Repeal. Sec. 37. Act number one hundred and thirty, session laws of eighteen hundred and fifty-five, being an act for the establishment of a State agricultural school, and all other acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

Sec. 38. This act shall take immediate effect.

Approved March 15, 1861.

[No. 189.]

AN ACT to amend an act to incorporate the city of Owosso, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-four, eighty-nine, one hundred and sixty and one hundred and sixty-seven, of an act entitled an act to incor-

porate the city of Owosso, approved February, fifteenth, eighteen hundred and fifty-nine, be and are hereby amended so as to read as follows :

Sec. 24. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office, within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city may appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment.

Vacancy in office of aldermen, how filled.

Sec. 89. For the purpose of defraying the expenses and all liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of that year; and the sum or sums so to be raised shall be apportioned between the several wards of said city, in the manner in this act provided.

Tax to defray expenses of city.

Sec. 160. In making the estimate and assessment of highway taxes, the common council shall proceed as follows:

Highway taxes.

First. Every male inhabitant in each ward, being above the age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents;

Poll tax

Second. The residue of the highway taxes shall be assessed at not less than ten cents, and not exceeding twenty-five cents upon every one hundred dollars of the valuation; shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of

Residue how assessed.

which the owners are non-residents, as the same shall appear from the assessment roll;

Third. The common council shall affix to the name of each person named in the list furnished by the supervisors, and not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the age of twenty-one and fifty years, liable to such assessment upon the city assessment roll.

Assessments made for improvements, a lien on property.

Sec. 167. When any assessments for public improvements, for any local improvements, or expenses upon any ward, district, street, lane, alley, public sewer, or other improvement, shall have been made, and in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property found belonging to the person chargeable with such tax, whether mortgaged or not; and in case sufficient personal property shall not be found to levy and collect the same, the treasurer shall make return to the city clerk of the sums so remaining uncollected by him, with a description of the lots or parcels upon which such tax was assessed, and which remains unpaid, as aforesaid.

Sec. 2. Sections two hundred and sixteen, two hundred and seventeen and two hundred and eighteen, of said act, shall be and the same are hereby repealed, and the following new sections added thereto, to stand as sections two hundred and sixteen, two hundred and seventeen, two hundred and eighteen, two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three and two hundred and twenty-four, to wit:

Taxes lawfully levied a lien.

Sec. 216. Every assessment or tax lawfully levied or imposed by the authority of the common council, on any lands, tenements, hereditaments, or premises whatsoever, in said city,

shall be and remain a lien upon such lands, tenements, hereditaments or premises, from the time of making such assessment or imposing such tax until paid; and the owner or occupants of, or parties in interest in said real estate, shall be liable, on demand, to pay every such assessment or tax; and if there be default in paying the same, or any part thereof, or if such person or persons be non-residents of said city, and goods and chattels cannot be found, out of which to collect such assessment or tax by levy and sale, as hereinbefore provided, it shall be lawful for said common council to cause a notice to be published in the newspaper published by the printer for the city, for four successive weeks, requiring the owners or occupants of, or parties in interest in such lands, tenements, hereditaments or premises, to pay such assessment or tax, and that if default be made in making such payment, such real estate will be sold at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the cost or charges in the premises.

Sec. 217. If the owners or occupants of, or parties in interest in such real estate, do not pay such assessment or taxes, with the cost and charges, within the period above prescribed for the publication of said notice, then the said common council shall have power, without any further notice, to cause such real estate to be sold at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the cost and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof; and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the auditor shall, in the name of and for the city of Owosso, execute and deliver to such purchaser, or his assignee, a proper deed for conveyance of such real estate for the term for which the same was sold; which deed shall, in all courts, be *prima facie* evidence of the regularity of all the proceedings under which the sale was made, and said deed was

Notice of sale.

Sale for taxes.

Certificate of sale.

Deed.

executed up to the date of the deed; and any person who shall, under such deed, enter into any such real estate and erect or place any building or building materials thereon, shall have the right, at any time within three months after the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then within three months after trial, judgment of ouster or ejection, to remove such building or building material from said real estate.

Redemptions.

Sec. 218. When any lands, tenements and hereditaments shall be sold, according to the foregoing provisions, for the payment of any assessment or tax, as aforesaid, if the owners or occupants of, or parties in interest in the same, shall, within one year after such sale, deposit with the treasurer of said city, for the use of the purchaser, the full amount of the assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe, as hereinafter authorized, together with the amount of the costs and charges, then the term for which such real estate was sold shall cease and be determined at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors, administrators or assigns, to remove any building or building materials, as hereinbefore provided.

Person in possession liable for tax.

Sec. 219. Any person in possession of any real estate at the time any tax is to be collected, shall be liable to pay the tax imposed thereon; and in case any other person, by agreement or otherwise, ought to pay such tax, or any part thereof, the person in possession, who shall pay the same, may recover the amount paid from the person who ought to have paid the same, in an action of assumpsit, as for moneys paid out and expended for his use and benefit.

Interest on unpaid tax.

Sec. 220. The common council shall have the power to charge interest at a rate not exceeding twenty per cent. per annum, after the return of any tax or assessment, and twenty-five per cent. per annum, from the time of sale, on the amount of any assessment or tax, for the non-payment of which any lands,

tenements, or hereditaments may be sold, and upon the amount to be paid upon the redemption of any such real estate and premises so sold.

Sec. 221. Any person who shall, at such sale, purchase for a term of years any lots, grounds or wharves, shall have the right to remove any building or building materials erected or deposited by or belonging to him, and situated on said lots, grounds or wharves, at any time within three months after the expiration of the term or time for which the same were sold.

Purchaser may remove his buildings, &c.

Sec. 222. The auditor, or in his absence, the mayor, may execute, in the name of the corporation and under its corporate seal, proper conveyances or certificates of sale of all lands, tenements or hereditaments, sold for assessments or taxes, which, when duly acknowledged and attested by the city clerk, may be recorded as other conveyances of land under the laws of this State.

Certificates of sale.

Sec. 223. It shall be the duty of the auditor to bid in, for the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser should refuse or neglect to pay the sum or sums bid by him, within the time and under the regulations prescribed by the common council, such bid shall enure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the auditor, and all bids enuring as aforesaid to the use and benefit of the corporation, conveyances or certificates of sale may be executed by the auditor to the corporation, acknowledged, attested by the city clerk, and recorded in the same manner as above provided in other cases of sale for assessments or taxes.

Auditor may bid in premises for city.

Sec. 224. All conveyances, certificates of sale, and leases of any lands, tenements or hereditaments, executed by the corporation, or any of its officers, by virtue of this act, shall be taken and received in all courts and proceedings as *prima facie* evidence of the regularity of the proceedings on which such con-

Certificates of sale, &c., evidence of regularity of proceedings.

veyances, certificates of sale, lease, or any title claimed thereby, are founded.

Sec. 225. This act shall take immediate effect.

Approved March 15, 1861.

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[No. 190.]

AN ACT to amend sections one, three, four, five, six and seven, of an act entitled "an act to incorporate the fire department of the city of Detroit," approved February fourteenth, eighteen hundred and forty, and an act amendatory thereto, approved January fourteenth, eighteen hundred and fifty-nine.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "an act to incorporate the fire department of the city of Detroit," approved February fourteenth, eighteen hundred and forty, be and the same is so amended that said section shall read as follows:

Fire department incorporated.

Body corporate.

Right to hold and convey real estate, &c.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* all persons who now are or may hereafter become members of the fire department of the city of Detroit, and their successors, shall be and hereby are ordained, constituted, and declared to be and continue a body corporate and politic, in fact and in name, under the name and style of the "fire department of the city of Detroit," for the purposes recited in the above preamble, as well as the establishment and maintenance of a scientific and literary association for moral and intellectual improvement; and by that name they and their successors may and shall have perpetual succession, and shall be known in law, capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended, in all suits, complaints, matters, causes, courts and places whatsoever, both in law and equity, and capable of having a common seal; of acquiring, by purchase, gift, devise, or otherwise, and of holding and conveying any real, personal or mixed estate, necessary, proper or expedient for the object of this incorporation, and the said

property, real, mixed and personal, shall be exempt from tax- Exempt from taxation.
 tion: *Provided*, That the amount of said estate shall not exceed
 the sum of sixty thousand dollars.

Sec. 2. That section three of said act shall be amended so as
 to read as follows:

Sec. 3. The officers of said department, by this act incorpo- Officers of department.
 rated, shall be a president, vice president and secretary, who,
 with twelve trustees, elected as hereinafter provided, shall be
 a board of trustees, a majority of whom shall constitute a
 quorum for the transaction of business; such board of trustees Powers of trustees.
 shall keep a record of their proceeding, fill vacancies occurring
 in their own body between annual meetings of the department,
 transact all business, direct all the officers, control and dispose
 of the funds, property and estate of this incorporation, and de
 all things necessary and proper for the government of the same,
 and not inconsistent with the constitution and by-laws of this
 incorporation.

Sec. 3. That section four of said act shall be amended so as
 to read as follows:

Sec. 4. There shall be an annual meeting of the members of Annual election.
 the said corporation, on the third Monday of January of each
 year, at which the officers and trustees shall be elected by
 ballot, by the majority of the members present and voting; the
 president, vice president and secretary, shall hold their offices Terms of office.
 for one year, or until others may be chosen in their places. At
 the first election succeeding the passage of this act, twelve
 trustees shall be elected, six of whom shall be elected for and
 hold office during one year, and six shall be elected for and
 hold office during two years, and at each subsequent annual
 meeting six trustees shall be elected, who shall hold office for
 and during two years; but in case it may happen that an elec-
 tion of officers or trustees shall not be had on that day, or any
 day when the same should regularly be had, the said corpora-
 tion shall not thereby be dissolved, but it shall and may be
 lawful to hold such election thereafter, pursuant to public notice,

given in one or more of the newspapers printed in the city of Detroit.

Sec. 4. That section five of the said act shall be amended so as to read as follows:

Terms of of-
fice.

Sec. 5. That the president, vice president, secretary, treasurer and collector, now in office, shall severally hold their offices until the election to be held on the third Monday of January, eighteen hundred and sixty-two, and that the terms of office, powers and duties of the present board of trustees of the fire department of the city of Detroit, shall not hereby be terminated until the election of twelve trustees, to be had on the said third Monday of January, eighteen hundred and sixty-two.

Sec. 5. That section six of the said act shall be amended so as to read as follows;

Funds of
corporation,
how appro-
priated.

Sec. 6. That the funds of the said corporation, and the interest thereon, shall be appropriated and used in carrying out the objects and purposes of said incorporation, defraying its incidental expenses, providing for the relief of indigent and disabled members of the incorporation, their widows and orphans, and for no other purpose whatsoever.

Sec. 6. That section seven of the said act shall be amended so as to read as follows:

Certificates
of A. amen.

Sec. 7. All certificates now required to be obtained by firemen from the clerk of said city, pursuant to the provisions of any law of this State, shall hereafter be obtained from the department by this act incorporated, which certificates, signed by the president and secretary of this department, and countersigned by the clerk of said city, and under the seal of this incorporation, shall have the like effect of those heretofore obtained from the said city clerk, and shall be satisfactory evidence of the facts therein contained; and each person applying for such certificate shall pay therefor such sum as the by-laws of the department shall prescribe, for the benefit of the corporation and the objects thereof.

Sec. 7. This act shall take immediate effect.

Approved March 15, 1861

[No. 191.]

AN ACT to incorporate the village of Constantine.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in the township of Constantine, Corporation boundaries. in the county of St. Joseph, and designated and described as the south-east quarter of the north-west quarter, the south half of the north-east quarter, the east half of the south-west quarter, and the south east quarter of section number twenty-three, the south-west quarter of section number twenty-four, the north-west quarter of section number twenty-five, the north-east quarter, and the east half of the north-west quarter of section number twenty-six, all in town number seven south of range number twelve west, be and the same is hereby constituted a town corporate, by the name of the village of Constantine.

Sec. 2. The male inhabitants of said village, having the Annual election. qualifications of electors under the constitution of the State, shall meet at Case's Hall, in said village, on the second Monday in April next, and on the first Monday in May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballots from among the qualified electors residing in said village, five trustees, two assessors, one president, one Officers. recorder and one treasurer, who shall hold their offices one year, and until their successors are elected and qualified: *Pro-Provido.* Provido. *vided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation, for that cause, shall not be deemed to be dissolved; but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed.

Sec. 3. At the first election to be holden in said village, Judges and clerk of election. under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties

required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same and certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, recorder and one or more of the trustees; and further, that [at] all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at said election by the officer or officers holding the same, and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall compute the said canvass and estimate on the same day or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after the said election, at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen, that two or more persons shall have an equal number of votes, so that no election be had, a new election shall be held.

When polls opened and closed.

Poll list.

Canvass of votes.

Certificate of election.

Tie.

Notice of elections.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the

polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation before any justice of the peace for said county of St. Joseph, to support the constitution of the United States and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Officers
elected to be
notified.

Oath.

Sec. 5. It shall be the duty of the president to preside at all the meetings of said village council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of the proceedings.

Duties of
president
and secre-
tary.

Sec. 6. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of Constantine," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the use of said corporation.

Body corpo-
rate and
politic.

Seal.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

Inhabitants
liable to
laws rela-
ting to town-
ships.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of Constantine, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to

Common
council.

Quorum.

time,) and the said common council shall hold their meetings at such times and places as the president, or in his absence, the recorder may appoint, and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meetings, and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offense.

Fines for non-attendance.
Proviso.
In case of death, &c., vacancy filled by election.
Notice of.
How conducted.

Sec. 9. In the case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the freemen of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the freemen of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Removal and vacancies.

Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same shall occur by death, resignation, removal, or any other cause, and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer and marshal to give bond.

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts in them as the common council shall direct and require.

Power of common council.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all their officers necessary under the provisions of this act, to make by laws and ordinan-

ces relative to the duties, powers and fees of the marshal, treasurer, assessor and other officers, relative to the time and manner of working upon the streets, lanes and alleys of said vil- Streets, al-
leys, &c.
lage, relative to the manner of assessing, levying and collecting Taxes.
all highway and other taxes of said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abate- Nuisances.
ment of the same, and for the punishment by fine of all persons occasioning the same, to construct sewers and reservoirs, to Sewers.
license all showmen, to suppress all games of chance or hazard, to compel the owners of all buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by Fire buckets
the common council, to regulate bridges within the limits of Bridges.
said village, relative to the protecting of the village from fires, relative to the calling of meetings of the electors of said vil- lage, relative to the keeping and sale of gunpowder in said village, relative to restraining of swine, horses or other animals Restraining
animals.
from running at large in the streets, lanes and alleys and other public places in said village, to regulate and establish one or more pounds for said village, to regulate or restrain billiard Billiard ta-
bles.
tables and all other gaming tables, kept for hire, gain or re- ward in said village, and also full power and authority to make such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing Disorderly
houses
By laws,
&c., to be
published.
all disorderly and bad houses: *Provided*, That no by-law or or- dinance of said corporation shall have any effect until the same shall have been published three weeks successively in a news- paper printed in said county of St. Joseph, or by written notices posted up in three of the most public places in said village.

Sec. 13. The common council shall have power to make all Protection
against fire.
such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof against injuries by fire and persons violating the public peace, for the suppression of riots and gambling, and for the punishment of the same, and Riots.
Vagrants,
&c.
for the apprehension and punishment of vagrants, drunkards, &c.

and idle persons, and they shall have power to make all by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeiture on all persons offending against the by-laws and ordinances made as aforesaid.

Wood and hay.

Sec. 14. The common council shall have full power to regulate the measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village, to prevent and punish immoderate driving in any of the streets of said village, to prevent incumbering the streets, side-walks, alleys, or public grounds or squares, and to regulate all graveyards and burial of the dead for said village.

Immoderate driving. Incumbrances in streets, &c.

Watch-house and officers.

Sec. 15. The common council shall have power to construct a village watch-house, and to appoint the keeper and necessary officers thereof, and may locate such watch-house within or without the village limits, and may make such regulations concerning the same as the common council may think proper.

Layout and alter streets &c.

Sec. 16. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes and alleys, side-walks, highways, water-courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if in doing thereof they shall require for such purpose the grounds of any persons, they shall give notice thereof to the owners or parties interested, or his or their agent or representative, by personal service, or by written notice, posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council for the purpose aforesaid, and the said common council are hereby authorized to treat with such person for such grounds or premises; and if such person shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to apply to any justice of the peace of the township of Constantine, to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve

When private property taken therefor.

Proceedings to assess damages.

disinterested freeholders, to be taken without the limits of said village, to appear before said justice of the peace in said village, at any time therein to be stated, to inquire into and assess the damages, and recompense the owner or owners of, or parties interested in, such premises; which jury, being first duly sworn by said justice, faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such grounds or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same, and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, side-walk, highway or bridge shall be made, opened, established or altered, to the claimant or claimants thereof; but if such jury shall find that the claimant is not entitled to any damage, then it shall be competent for said justice to render judgment against such claimant for costs, and to issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid: *Provided*, That any party claiming damages may have a right to remove such proceedings, by appeal, to the circuit court, or any court of competent jurisdiction, upon giving notice of his or their intention so to do to said justice, in writing, within ten days, or in case of the absence of the said party from the village, within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid in the circuit court, or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in the case of appeals: *Provided*, That if the final judgment of said circuit or other court shall not exceed the damages assessed before said

Damages to be tendered before street, &c., is opened.

Right of appeal.

Notice of

Proceedings on.

justice, the party appealing shall pay all costs occasioned by such appeal.

Justices to
hear & sum-
marily find
out offenders.

Sec. 17. Any justice of the peace of the township of Constan-
tine is hereby authorized and empowered to enquire of, hear,
try and determine, in a summary manner, all the offenses which
shall be committed within the limits of said village, against any
of the by-laws, ordinances and regulations that shall be made,
ordained or established by the said common council, pursuant
of the powers granted them in this act, and punish the offender
or offenders as by the said by-laws, ordinances or regulations
shall be prescribed or directed: *Provided always*, That any
person arrested on a charge of violating any of the by-laws
aforesaid, may demand and have a trial by jury.

Proviso

Offenders to
be imprison-
ed in watch
house.

Sec. 18. When the common council shall have provided a
village watch-house, as hereinafter provided, the said justices
of the peace shall have power to punish such offender or offend-
ers by imprisonment therein for such length of time as such
by-laws, ordinances or regulations may prescribe or direct, in
the same manner as they now commit to the county jail: *Pro-
vided*, Such imprisonment shall not exceed three months.

Compensa-
tion of mar-
shal, &c.

Sec. 19. The marshal, and such other officers as may be ap-
pointed by this corporation, shall receive such compensation
for their services as the by-laws and ordinances of said corpo-
ration shall direct, but the residue of the common council
shall receive no pecuniary compensation.

Common
council to
make an-
nual report.

Sec. 20. The common council shall cause, at the expiration of
each year, to be published a just and true statement of all
moneys received or expended by them, in their corporate capa-
city, during the year next preceeding such publication, and also
the disposition thereof; previous to which they shall settle and
audit the accounts of the treasurer and all other officers and
persons having claims against the village, or accounts with it;
and shall make out in detail a statement of all receipts and
expenditures, which statement shall fully specify all the appro-
priations made by the common council, and the objects and
purposes for which the same were made, and the money

To audit ac-
counts of
treasurer.

expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Sec. 21. All processes, prosecutions and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

Sec. 22. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes so assessed and collected shall not exceed in any one year one and one-half of one per centum upon the valuation of said real or personal property; and every assessment of tax lawfully imposed or laid by the said common council, on any lands, tenements, hereditaments or premises whatever, in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax until paid, and the owners or occupants, or parties in interest respectively in said real estate, shall be liable, upon demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant or lessee: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least one month, and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands

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Citizens
competent
as jurors
and wit-
nesses when
a witness
is party

Proviso.

Poll tax.

Other taxes.

Limitation.

Tax to be a-
lien.Marshal to
sell prop-
erty in default
of paymentNotice of
sale of real
estateCert. of sale of
purchase.

purchased and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said marshal under his hand and seal, and acknowledged by witnesses and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold shall be sold according and in such manner as the common council may direct.

Sec. 23. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing, in any newspaper printed in said village by at least two insertions, or putting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any persons interested to the valuation so made by them; the said assessors shall meet, and on the application of any person considering him or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors, and if any person or persons shall conceive himself or them-

elves aggrieved by the final decision of said assessors, they shall have the right of appealing from such decision of the assessors, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation.

Assessment on application to be reviewed.

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Sec. 24. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Duplicate of taxes.

Sec. 25. All moneys to be raised by tax in said village shall be collected and paid over by the marshal to the treasurer of said village, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Moneys raised to be paid to marshal.

Sec. 26. The common council shall have power to appoint one or more street commissioners or other officers to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also for establishing the line upon which buildings shall not extend; and the common council shall cause the expenses of grading of such streets, or making such side-walks, to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

Street commissioners.

Assessment for grading, &c.

Sec. 27. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with the proper engines and other instruments as shall be necessary to extinguish fire, and protect the property of the inhabitants of said village from conflagrations, to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the man-

Fire companies.

Officers. agement of one engine; and such fire, hose, hook and ladder companies shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company, and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuation as such, shall be exempt from serving as jurors and working a poll tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, ladders, and other instruments, and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and repair.

Fines for neglect of duty.

Exemption of firemen.

Duty of companies.

Duty of marshal at fires. Sec. 28. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Bridges across St Joseph river.

Sec. 29. For the purpose of building, maintaining and repairing the bridges across the St. Joseph river within said village, the township of Constantine and the said village shall be deemed the township of Constantine, as the said township existed before the passage of this act, and shall be subject to all the provisions of the general laws of this State, relative to the building, maintaining and keeping in repair such bridges, and

in no case shall the said village be liable or bound to build, maintain, or keep in repair such bridges.

Sec. 30. This act shall be deemed a public act.

A public act

Sec. 31. This act shall take immediate effect.

Approved March 15, 1861 www.libtool.com.cn

[No. 192.]

AN ACT to incorporate the city of Pontiac.

SECTION 1. *The People of the State of Michigan enact*, That the following territory, to wit: Section twenty-nine, the north half City bound- of section thirty-two, the west half of section twenty-eight, aries. and the north-west quarter of section thirty-three, all in township three north, of range ten east, being in the township of Pontiac, and county of Oakland, be and the same is hereby set off from the said township of Pontiac, and declared to be a city, by the name of "the city of Pontiac," by which name it shall hereafter be known.

Sec. 2. The freemen of said city, from time to time, being in- Body corpo- habitants thereof, shall be and continue a body corporate and rate. politic, to be known and distinguished by the name and title of the city of Pontiac, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever, and may have a common seal, which they Seal. may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, con- Holding real veying and disposing of any real and personal estate for said estate. city.

Sec. 3. The said city shall be divided into two wards, to wit: Wards: The first ward shall embrace all that portion of said city lying First. south of the following line, namely: commencing at the west boundary of said city, at the center line of the Orchard Lake road, so-called; thence following the center line of said road

and Andrews street, so-called, to the middle of the Clinton river; thence down said river, in the middle thereof, to the center line of Pike street, so-called; thence easterly on said center line of Pike street to the middle of said Clinton river, east of Saginaw street; thence down the middle of said river to the east boundary of said city; and the second ward shall embrace all that part of said city lying north of said line.

Treasurer,
fire ward-
ens, watch-
men, &c.

Sec. 4. The common council of said city shall have power to appoint a city treasurer, and as many fire wardens, watchmen, wood inspectors, and such other officers as said common council may deem necessary to execute the powers granted by this act, whose powers and duties, other than those enumerated and defined in this act, shall be such as shall be prescribed by ordinance of the said common council.

Persons eli-
gible to of-
fice.

Sec. 5. No person shall be eligible to either of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district, unless he shall then be an elector and resident of such ward or district, and when any officer elected or appointed for any ward or district shall cease to reside in said city, or if elected or appointed for any ward or district, shall cease to reside in such ward or district, his office shall thereby become vacant.

Annual
election.

Sec. 6. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint, by posting written or printed notices of the time and place of holding said election in at least three of the most public places in each ward, at least six days previous to said election.

City officers
elected.

Sec. 7. At each annual election there shall be elected one mayor, one clerk, one marshal, each of whom shall hold his office for one year; also, at said election, the electors of each ward in said city shall elect one alderman, who shall hold his

Aldermen,
term.

Proviso

office two years: *Provided*, That at the first election held under this act, two aldermen shall be elected in each ward, one for the term of one year, and one for the term of two years, and until their successors shall be elected and qualified, and that the term

for which said aldermen are elected, at said first election, shall be designated on the ballots. There shall also be elected annually, in each ward, by the electors thereof, one school inspector, who shall hold his office for two years, and until his successor shall be elected and qualified: *Provided*, That at the first election held under this act, two school inspectors shall be chosen, one for one year, and one for two years, and until their successors shall be elected and qualified, and the term for which such school inspectors are elected, at said first election, shall be designated on the ballots; and also, at each annual election there shall be elected by the electors of each ward, each of which wards is hereby constituted a judicial district, to be known and designated by the number of the ward, one supervisor, one treasurer, and one constable, who shall hold their offices one year; and at the first election, and at each fourth annual election thereafter, the electors of each of such judicial districts shall elect one justice of the peace, who shall enter upon the duties of their respective offices on the fourth of July then next, and hold the same for four years: *Provided*, That at said first election one additional justice of the peace shall be elected in each of said wards or districts, to hold his office from the time he shall be elected and qualified until the fourth day of July, eighteen hundred and sixty-one. All justices docketed lawfully being, at the time this act shall take effect, in the hands of the justices of the peace residing in either of the wards or judicial districts of the said city, shall pass into and be in the possession of the justice of the peace elected for the same ward or judicial district, whenever he shall be duly qualified.

School in-
spectors.

Superv'or,
treasurer
and const-
bles.

Justices of
the peace.

Justices'
dockets.

Sec. 8. The common council may appoint one or more persons to take charge of the cemetery or cemeteries within said city, under such rules and regulations as they may by their order or resolution direct, such person or persons to hold their offices at the pleasure of said common council; and in like manner and under regulations and rules to be adopted by said common council, one or more watchmen for each ward; also,

Cemetery.

Watchmen
Fire war-
dens.

fire-wardens, not to exceed one for each fire district, which fire districts may be bounded as the said common council shall order; also, a physician, whose duties and compensation said common council may designate; also, a city attorney, whose compensation shall not exceed fifty dollars in any one year; all of which officers, appointed by said common council, shall hold their respective offices at the pleasure of said common council.

City physician.

City attorney.

Vacancies.

Sec. 9. When a vacancy occurs in any of the offices which are filled by the appointment of the common council, either by death, resignation, removal from the ward, or removal of said incumbent by the common council, said vacancy may be filled by appointment by said common council.

Removals from office.

Sec. 10. All officers appointed by the common council, under and by virtue of the provisions of this act, may each be removed from office by said common council for official misconduct, or for the unfaithful or insufficient performance of the duties of such office, but notice of the charges against them, and an opportunity of being heard in their defense, shall first be given.

Polls, when opened and closed.

Sec. 11. On the day of election held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at nine o'clock in the forenoon, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be closed.

Who to be electors.

Sec. 12. The inhabitants of the said city, and being residents for three months next preceding the day of such election, of the ward in which they offer to vote, and being otherwise electors under the constitution of this State, and no others, are declared to be electors under this act and qualified to vote at the elections held by virtue of this act; and any person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths now provided by the laws of this State, which oath shall be administered to him by one of the inspectors of such election; and shall further answer, under oath, administered as

Oath when challenged.

aforsaid, such questions as may be put to him touching his residence in such ward; and if any person shall swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury; but the common council of said city are hereby authorized and empowered to provide by general ordinance, from time to time, to so change the form of the oath or oaths to be administered to such person challenged, as to conform to the constitution and laws of this State, which may from time to time be in force.

Penalty for false swearing.

Change in form of oath

Sec. 13. The two aldermen and the justice of the peace of each ward shall be the board of inspectors of elections, and such one of their number as they shall appoint shall be their chairman, and one of their number, whom they shall appoint, shall be the clerk of such election, and such competent person, being an elector of such ward, as they shall appoint, shall be assistant clerk of such election; each of said persons so appointed shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same.

Board of inspectors.

Clerk of Election.

Oath.

Sec. 14. Inspectors of elections, as specified in the preceding section, shall be inspectors of election held in said wards respectively, as well for the election of State, district and county, as for the city and ward officers.

To be general in post-
ois

Sec. 15. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, written or printed, or partly written and partly printed, on what is known as white paper, and shall contain the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons, designated for any office, than there are persons to be chosen at the election to fill such office.

Electors to vote by ballot.

Sec. 16. The ballot shall contain the names of persons designated as officers for the city, and as officers of the ward.

Content of ballot.

Vacancies to be designated. Sec. 17. If at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for for the said office shall be designated on the ballot.

Canvass. Sec. 18. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, and declare the result; and shall, on the same or the next day, make [a] certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate, on the day of election, or on the next day, with the clerk of the city.

Duty of inspectors. Sec. 19. It shall be the duty of the inspectors of election, on receiving the ballot, as specified in section fifteen, to cause the same without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction, which poll list, or a certified copy thereof, shall be, immediately after the canvassing of the votes, deposited with the clerk of the city, and filed by him in his office.

Manner of canvassing. Sec. 20. The manner of canvassing said votes shall be the same as is required by law for the canvass of votes at the general elections of this State.

Who declared elected. Sec. 21. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer, except alderman, shall not have been chosen by reason of two or more candidates having received an equal number of ballots, the common council shall, by ballot, elect such officer from the two candidates having received the highest number of votes.

When to enter upon duties of c. m. c. Sec. 22. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

Sec. 23. It shall be the duty of the clerk of said city, as Persons elected to be notified. soon as practicable, and within five days after the election, as provided in this act, to notify the officers, respectively, of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after such notice, take the oath of Oath of office. office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of said city.

Sec. 24. Whenever a vacancy occurs in the office of alder- Aldermen, vacancy in. man, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately ap- Special elec- tion to fill. point a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall Proviso. occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Sec. 25. In case a vacancy shall occur in any of the offices Common council to fill vacancies. in this act declared to be elective or appointive, except alderman, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office, which shall have become vacant, was one of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at such next annual election.

Sec. 26. Whenever a special election is to be held, the com-

office of special election, proceedings.

mon council shall cause to be delivered to the inspectors of election in the ward where such officer is to be chosen, a notice, signed by the clerk, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings at such election shall be in the same manner as at the annual or general election; said notice shall also be published in a newspaper in the city, at least once before the day of such special election.

office of acceptance of office.

Sec. 27. Every person chosen or appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause to be filed in the office of the city clerk a note, in writing, signifying his acceptance of such office.

Effect of neglect to give notice and take oath.

Sec. 28. If any person elected or appointed under this act shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, or such acceptance be signified, as aforesaid.

list of officers elected.

Sec. 29. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the said common council a list of the persons elected or appointed, specifying the office to which they are chosen therein.

Mayor to report persons neglecting to give bond.

Sec. 30. The mayor shall report to the common council the names of such officers as shall have neglected to give the bond and security required by the provisions of this act.

Resignations made to common council.

Sec. 31. Resignation by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Qualifications of electors.

Sec. 32. The qualifications of electors at city elections shall be the same as at general elections.

Sec. 33. At any election held under this act, if, from any Proceedings on absence of inspectors. cause, either or all the inspectors of election shall fail to attend any such election, at the appointed time and place for the opening of the polls, his or their place may be supplied for the time being by the electors present, who shall elect any of their number *vius voce*, who, when so elected, shall be duly sworn by an officer authorized to administer oaths, to a faithful performance of their duties.

Sec. 34. The expenses of any election, to be held as provided Expenses of elections. by this act, shall be city charges, and defrayed in the same manner as other contingent expenses of the city.

Sec. 35. Any person elected to any office under this act, at Officers to hold until successor is chosen. the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed, and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only for the unexpired portion of the regular term limited to such office, and until his successor shall have been elected and qualified.

Sec. 36. The mayor and aldermen of said city shall constitute Common council, meeting of. the common council; they shall meet at such times and places as they shall from time to time appoint, and on special occasions, whenever the mayor, or person officiating as mayor, (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate,) shall by written notice appoint, which notice shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Sec. 37. The mayor, when present, shall preside at the Mayor to preside at meetings. meetings of the common council, and in his absence the common council shall appoint one of their number who shall preside.

Sec. 38. No ordinance or resolution passed by the common Mayor may suspend operation of ordinances, &c. council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice, in writing, suspending

the immediate operation of such ordinance or resolution. If the mayor, or other officer or person legally exercising the office of mayor, shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage, unless the said mayor, or acting mayor, shall approve the same in writing.

To give reasons why same should not go into effect.

Two-thirds vote required to pass such ordinance.

If reasons are not given, ordinance to go into effect.

Clerk to communicate such paper.

Sec. 39. It shall be the duty of the city clerk to communicate to the common council, at its next meeting, any paper that may be lodged with him pursuant to the provisions of the last preceding section.

Each member to have one vote.

Sec. 40. In the proceedings of the common council each member present shall have one vote.

Sittings of council to be public. Minutes to be kept and published.

Sec. 41. The sittings of the common council shall be public, and full minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection, and, together with all ordinances, resolutions, by-laws and regulations adopted, shall be published within fifteen days after such sittings in at least one newspaper printed and published in said city.

Votes of member may be entered at large.

Sec. 42. Whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting, shall be entered at large in the minutes; and such votes shall also be entered in

relation to the adoption of any resolution or ordinance, report of a committee, or other act, for taxing or assessing the property in said city, or the citizens of said city, or involving the appropriation of money.

Sec. 43. A majority of the common council shall be a quorum Quorum. for the transaction of business, but no tax or assessment shall Majority vote required to levy tax. be ordered, nor any appropriation be made, except by a concurring vote of a majority of all the members of the common council, and the common council shall prescribe the rules for its proceedings.

Sec. 44. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, as principal, surety or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section Members incompetent to hold city offices, &c. shall not be construed to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, not exceeding five dollars a year for the mayor, and fifty dollars a year for the clerk, nor to deprive said clerk from any emoluments or fees to which he may be entitled by virtue of his office. Exceptions.

Sec. 45. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the Powers of council in relation to finances, &c. management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city, for the following purposes:

First. To prevent vice and immorality, to preserve public Immorality. Public peace Police. peace and good order, to regulate the peace of said city, to

prevent and quell riots, disturbances and disorderly assemblages;

Riots.
Houses of ill
fame.

Second. To restrain and prevent disorderly and gaming houses and houses of ill-fame, all instruments and devices used for

Gaming.

gaming, and to prohibit all gaming and fraudulent devices, and to regulate and restrain billiard tables and bowling alleys, and the use thereof;

Billiard tables, &c

Intoxicating
drinks

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drunk, any intoxicating liquors to any child or minors, without the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property, at auction, except in cases of sales authorized by law, and to fix the fees, licenses or commissions, to be paid by auctioneers;

Auctions.

Exhibitions,
&c.

Fourth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans or animals, theatrical exhibitions, circuses, or other public performances, and exhibitions for money;

Nuisances.

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap-factory, tannery, stable, privy, hog-pen, sewer, or other unwholesome or offensive house, place or thing, to cleanse, remove, or abate the same, from time to time, as often and whenever they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Slaughter
houses, &c.

Sixth. To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder, or other combustible substances;

Gun powder,
&c.

Seventh. Concerning the buying, selling, carrying, and using gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets, alleys and yards;

Eighth. To prevent the encumbering of streets, side-walks,

cross-walks, lanes, alleys, bridges, aqueducts, drains, ditches, Encumbering streets, &c.
in any manner whatever;

Ninth. To prevent and punish horse-racing and immoderate Horse racing
driving or riding in any street, or over any bridge, and to au-
thorize the stopping and detaining of any person who shall be
guilty of immoderate driving or riding in any street, or over
any bridge;

Tenth. To prohibit or regulate bathing in any public water, Bathing
and to provide for cleansing the Clinton river of any obstruc-
tions to the channel thereof, or of nuisances therein;

Eleventh. To restrain and punish drunken persons, vagrants, Vagrants, &c.
mendicants, street beggars, and persons soliciting alms or sub-
scriptions for any person whatever;

Twelfth. To establish and regulate one or more pounds, and Pounds
to restrain and regulate the running at large of horses, cattle,
swine, and other animals, geese and poultry, and to authorize
the empounding and sale of the same for the penalty incurred,
and the costs of keeping and empounding the same;

Thirteenth. To prevent and regulate the running at large of Dogs
dogs, to impose taxes on the owners of dogs, and to prevent
dog fights in the streets;

Fourteenth. To prohibit any person from bringing and depos- Removal of
iting, within the limits of said city, any dead carcass or other dead car-
unwholesome or offensive substances, and to require the re- cases, &c.
moval and destruction thereof; and if any person shall have on
his premises such substances, or any putrid meats, fish, hides
or skins of any kind, and on his default to authorize the removal
or destruction thereof by some officer of the city;

Fifteenth. To compel all persons to keep the side-walks in Side walks
front of premises owned or occupied by them clear from snow, to be kept
dirt, wood, or any other obstructions; clean.

Sixteenth. To regulate the ringing of bells, and the crying of Street
goods and other commodities for sale at auction, or otherwise, noises.
and to prevent disturbing noises in the streets;

Seventeenth. To prescribe the powers and duties of watch- Watchmen
men, and the fines and penalties for their delinquencies;

- Erection of buildings regulated.** *Eighteenth.* To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel the erection of such buildings upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars;
- Bills of mortality.** *Nineteenth.* To regulate the burial of the dead, and to compel the keeping and return of bills of mortality;
- Markets.** *Twentieth.* To establish, order and regulate the markets, to regulate the vending of wood, meats, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;
- Butchers' licenses.** *Twenty-first.* To provide the taking of a census of the inhabitants of said city whenever they may see fit, and to direct and regulate the same;
- Census.** *Twenty-second.* To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;
- Reservoirs, &c.
Sextons,
Carmen, &c.
Chimney sweeps.** *Twenty-third.* To regulate sextons and undertakers for the burying of the dead; to regulate carmen and their carts, hackney carriages and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;
- Runners, &c.** *Twenty-fourth.* To prevent runners, stage drivers and others from soliciting passengers or others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel, or otherwise;
- Lighting of streets.** *Twenty-fifth.* Concerning the lighting of streets and alleys, and the protection and safety of public lamps;
- Peddling.
Pawnbrokers.** *Twenty-sixth.* To regulate and restrain hawking and peddling in the streets, and to regulate pawnbrokers;
- To prescribe duties of officers.** *Twenty-seventh.* To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to pre-

scribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-eighth. To preserve the salubrity of the waters of the Clinton river, and other streams within the limits of the said city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient; Salubrity of streams.

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city, and to do all other acts which may be necessary to fully carry out the powers conferred by this act. Stands for carriages, &c. Wood.

Sec. 46. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act in relation to highways, common and other schools, the prevention of fires, the levying of taxes, the supplying of the city with water, and all other subjects of municipal regulation, not herein expressly provided: *Provided*, That the streets, alleys, commons and cemeteries now existing in the village of Pontiac, shall be and remain legal, as heretofore, until the action of the common council shall or may alter the same: *Provided also*, That nothing in this act shall be so construed as to alter the law relating to union school district number two of the township of Pontiac, now so called, except that said district shall be hereafter known and designated as union school district of the city of Pontiac; and the moneys raised by and collected for said district shall be paid by the ward treasurers to the city treasurer, to be by him paid on the order of the proper authority of said district. Boundaries of streets, &c. Present streets, &c., legalized. Union school districts.

Sec. 47. The common council shall also have power, by ordinance or otherwise, to require the owners or occupants of any mill-race within said city, hereafter to be constructed, to cover the same with bridges or arches, to be constructed with such Mill races, &c., to be bridged.

materials as the common council shall direct, or they may direct the same to be covered in the same manner that other public improvements are directed to be made.

Proceeding on neglect to cover.

Sec. 48. Whenever the owner or occupant of any such mill-race shall neglect or refuse, within such time as the common council shall direct or appoint, to cover such mill-race, in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with costs of suit, from such owner or occupant; and such mill-race, and such covering, shall be liable to sale on execution for such expenses, damages and costs, and the same shall be a lien on such mill-race and covering from the time such work is done thereon.

Damages recovered

Lien on premises.

Common council to provide penalties for offences.

Sec. 49. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe the penalty, not exceeding one hundred dollars, (unless the imposition of a greater penalty be herein otherwise provided,) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Oakland county for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Pontiac.

When ordinance imposing penalty to take effect.

Sec. 50. No ordinance of the common council, imposing a penalty, shall take effect until after the expiration of at least fifteen days after the first publication thereof in a newspaper published in said city.

Record of entry evidence of publication.

Sec. 51. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto: either,

When laws, &c., may be read in evidence.

First.

First. From a copy certified by the clerk of the city, under his hand; or,

Second. From the volume or book of ordinances written or ^{Second.} printed by authority of the common council.

Sec. 52. Whenever the common council are required by law ^{Publication of laws.} to make publication of any notices, ordinances or resolutions or proceedings, ^{www.libtool.com.cn} in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Sec. 53. The common council shall have power to purchase ^{Cemeteries.} and to hold a suitable lot or lots of land, within or without the limits of said city, for the purpose of a city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary; and they may cause ^{Sale of lots therein.} the same to be surveyed into suitable lots, and may dispose of such lots to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of the said city, which deed shall be signed by the mayor and clerk.

Sec. 54. The common council shall make such rules and regu- ^{Care of.} lations for the care and government of such cemeteries so purchased, or in any way held, or within the limits of said city, as they shall deem proper.

Sec. 55. The common council shall have power, whenever, in ^{Watch-house.} their opinion, the necessities of the city require, to construct a city watch-house, city hall and city market or markets, and to appoint the keepers, clerks and necessary officers thereof, and may locate such city watch-house, city hall and city market or ^{City hall and market keepers.} markets, within or without the city limits, and may make such regulations concerning the same as they may think proper.

Sec. 56. *First.* The common council shall have and exercise ^{Taverns, saloons, &c.} in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same condi-

tions and limitations, in addition to the powers herein otherwise granted; and the general laws of this State now in force, or which may be hereafter enacted, in relation to the regulation of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited;

Persons not to engage in tavern keeping, &c., without license.

Second. No person shall engage in or exercise the business or occupation of tavern keeper, inn-holder, common victualer, or saloon keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay for every day he shall so exercise such business or occupation, the sum of two dollars, to be recovered by action of debt, in the name of the city of Pontiac, before any justice of the peace of said city, together with the costs of prosecution;

Penalty.

Common council to grant licenses.

Third. The common council shall have power to grant licenses to authorize persons to exercise the business of tavern-keeper, inn-holder, common victualer, or saloon-keeper within said city, and may impose such fees, to be paid into the city treasury, on the granting of such licenses, as they may see fit.

Weights and measures.

Sec. 58. The city clerk shall be the sealer of weights and measures of said city, and shall perform all the duties of township clerk, so far as the same apply to the sealing of weights and measures, and the laws of this State relating to the sealing of weights and measures shall apply to said city.

Settlement with city treasurer.

Sec. 59. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and which shall not have been audited previously; and shall make

Claims against city.

Annual report of council.

out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the object and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the gen-

eral contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments for opening, paving, planking, graveling, repairing, altering and grading streets, and building and repairing bridges; the amount of money borrowed on the credit of the city, and the terms on which the same were obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Sec. 60. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, if they shall elect, previous to the first day of May thereafter.

To be published.

Sec. 61. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient to expedite such as shall be resolved upon by them, and in general to maintain the peace and good order, and advance the prosperity of the city.

Duties of mayor.

Sec. 62. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office.

Official bonds.

Sec. 63. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereunto appointed by the mayor or common council, to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of the city, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, to maintain peace and good order, and to perform all other duties required of them by this act.

Aldermen, duties of.

Sec. 64. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such

Judicial powers of mayor and aldermen.

shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction of civil cases, other than such as by this act shall be expressly conferred upon them, or either of them.

Accounts against city verified.

Sec. 65. The accounts and demands of all persons against the city shall, when required by any member of the common council, be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council.

Duties of clerk.

Sec. 66. The clerk shall keep the corporate seal, and all the files and papers belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers, duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him, under the corporate seal, shall be evidence in all places, when produced, of the matters therein stated and contained; he shall countersign all licenses granted, for any purpose whatever, by the mayor or common council, and shall enter, in an appropriate book, the name of every person or company to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license; no license, for any purpose granted, shall be valid until thus countersigned by the clerk; the clerk shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council. The clerk shall appoint a deputy, to be approved by the common council; and such deputy shall, in the absence or inability of the clerk to perform the duties of his office, perform all the duties of clerk as fully as the clerk might, or could of right, do the same.

Copies of papers certified by clerk to be evidence.

To countersign licenses, &c.

Deputy clerk.

Treasurer to have custody of city moneys.

Sec. 67. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts

and expenditures in such manner as the common council shall direct. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk and countersigned by the mayor. Such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, all orders drawn upon the treasury, in a check book to be kept by him for that purpose. The books and accounts of the treasurer shall be, at all reasonable hours, open to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting thereof in the month of April, a full and fair account of the receipts and expenditures since and after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct, shall be filed and published in the same manner as provided for in section forty-one of this act.

How moneys
drawn from
treasury.

Account of
expendi-
tures.

To be open
for inspec-
tion.

Annual re-
port of
treasurer.

To be pub-
lished.

Sec. 68. The attorney or counsellor of the city shall perform such duties and exercise such powers as shall be assigned to him by the common council, by ordinance duly enacted.

Duties of
city attor-
ney.

Sec. 69. The city marshal shall be superintendent of the city, and it shall be his duty to superintend, when by the common council called upon so to do, and under the general direction of the common council, all work to be done or performed, or ordered or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers, reservoirs or grounds of said city, and to perform such other duties as by this act or by ordinances or resolutions of the common council shall be required; and he shall have the power of a sheriff or constable for the service of a criminal process, and to serve all process for the purpose of enforcing any of the ordinances or penalties prescribed thereby.

Marshal to
be superin-
tendent of
city, duties.

Powers.

Sec. 70. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Oakland, and shall have, in addition to the jurisdiction conferred

Justices,
oaths and
jurisdiction.

upon them by this act in relation to said city, the same general jurisdiction, powers and duties conferred on justices of the peace in townships; and all actions within the jurisdiction of justices of the peace, under and by virtue of the laws of this State, may be commenced and prosecuted in said justices' courts when the plaintiff or defendant, or one of the plaintiffs or defendants reside in said city, or either of the townships adjoining said city, or in the townships next adjoining the township of Pontiac, and also when the plaintiff or plaintiffs are not residents of this State.

Duties of
Justices.

Sec. 71. It shall be the duty of the justices of the peace of said city to keep their offices within said city and the ward in which they were elected, and attend to all complaints of a criminal nature which may properly come before them; and they shall receive for their services such fees as are allowed by law to justices of the peace in townships, and when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Compensa-
tion.

Fines paid to
city treasur-
er.

Sec. 72. All fines, penalties and forfeitures, recovered before any of said justices of the peace, for violation of any city ordinance, shall, when collected, be paid into the city treasury, and each of said justices shall report to the common council at the first regular meeting thereof in each month, during the term in which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered by him as such justice, for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, shall be paid into the said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of his office, and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

Justices to
make
monthly re-
ports of
fines, &c.

Justices to
give bonds.

Sec. 73. The common council are hereby empowered to require of the justices of the peace of said city, and such justices are hereby required to give when so required such bond, not exceeding in penalty the sum of one hundred dollars, for the

faithful observance of the duties required by the last preceding section.

Sec. 74. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of civil and criminal nature, as are conferred by the laws of this State upon constables in townships, and shall give like security; and they shall have power to serve all processes issued for breach of any ordinance of the city.

Constables,
fees and
powers.

Sec. 75. The constables of said city shall obey the orders of the mayor or aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, and in case of neglect or refusal so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Shall obey
mayor and
aldermen.

Sec. 76. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Oakland, in the same manner as if such expenses had been incurred in any township of said county.

Expenses of
apprehending
and
committing
offenders,
how
paid.

Sec. 77. The physician of the city, the fire-wardens and other officers of said city, whose duties are not specifically set forth in this act, shall perform such duties, and if required shall give and file such securities as the common council shall by ordinance direct.

Duties of
physician,
&c.

Sec. 78. The common council shall have power to determine the salary or compensation to be paid to the several officers of said city, within the limits herein otherwise prescribed, which shall be as follows, to wit: To the mayor a sum not exceeding five dollars per annum; to the city clerk a sum not exceeding fifty dollars per annum, over and above his fees and perquisites prescribed by law; to the city treasurer, a sum not exceeding fifty dollars per annum; to the marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day, for every day actually spent by him in the performance of such duties;

Salary of
officers.

Mayor.

Clerk.

Treasurer.

Marshal.

Aldermen. to each alderman of said city, (as such,) a sum not exceeding
City Attorney. five dollars per annum; to the city attorney, a sum not exceeding fifty dollars per annum; and they may establish the fees or compensation of all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Common council to audit the accounts. Sec. 79. The common council shall examine, settle and allow all accounts and demands properly chargeable against said city, as well of its officers as of other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

Annual tax Sec. 80. For the purpose of defraying the expenses and liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem
Limitation. necessary, not exceeding one half (except as hereinafter provided) of one per centum on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll or rolls of that year, and the sum or sums so to be raised shall be apportioned between the several wards of the city, according to the amount of such real and personal estate in the respective wards, as shown by the assessment rolls thereof for said year, in manner by this act provided.

Apportioned between the wards.
Ward treasurers to collect tax. Sec. 81. The respective ward treasurers of said city shall collect all taxes levied or assessed in said city and apportioned to said ward or wards, and for that purpose each of such treasurers shall give a bond to the city, in such sum and with such sureties as the common council shall require and approve; and such treasurers shall each give to the treasurer of Oakland county such further or other security as is now or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treas-

To give bond.

Powers and duties.

urers, respectively, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform ~~such other duties,~~ respecting the collection and return of taxes, as this act imposes, and as may be required by the common council by ordinance.

Sec. 82. The supervisors of the respective wards shall represent such ward in the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships. Supervisors.

Sec. 83. The supervisor of each ward shall complete the tax roll of such ward and deliver the same, with his warrant, to the treasurer of such ward, with the respective taxes levied and specified, as is required by this act and the laws of this State, within the time required by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such treasurer, as required by law, or in this act provided; but if such security shall not have been given by such treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who will give the requisite security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and shall be subject to all the same liabilities in this act conferred upon the treasurer for the purpose of the collection and return and paying over such taxes. Proceedings when treasurer has not given bond.

Sec. 84. For the collection of all such taxes the treasurer, or other person appointed to collect the same, shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding four per cent. upon the same [sum] to be collected, which sum shall be added to the Per centage for collecting tax.

computation of taxes, on said tax rolls, of the respective wards of said city.

Supervisors' to make assessment.

Sec. 85. The supervisor of each ward shall, in each and every year, make and complete the assessment of all real and personal property within such ward in said city, in the same manner, and before the fourth Monday in May, as required by law for the assessment of property in the several townships of this State; and in so doing, shall conform to the provisions of law governing the action of supervisors of the several townships of this State performing like services, and in all other respects, within said city, shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assess-

To file with clerk a copy of roll.

ment of property, and the levying of taxes; and shall, also, in each year, within twenty days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the city clerk of said city a true and certified copy of the assessment roll of such ward for each year, and such city clerk shall receive and file the same in his office. It shall be the duty of the supervisors of the several wards of the said city to meet at the city clerk's office, on the Saturday next preceding the fourth Monday of May in each year, who shall be a board for the purpose of reviewing, correcting, equalizing and completing the assessment for each of the wards of said city.

Equalizing roll.

Council to determine amount of city tax.

Sec. 86. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of November in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes, within said city, for such year, and to apportion the same to and between the respective wards of said city, according and in proportion to the total valuation of the real and personal property within such ward, as appears by the respective assessment rolls thereof; and it shall be the duty of the city clerk to certify the

To apportion between wards.

Clerk to certify amount apportioned

amount so apportioned to each ward, respectively, to the supervisor of such ward, on or before the first Monday in November

in each and every year; and it is hereby made the duty of said supervisors, respectively, to levy the sum so apportioned, and such other taxes as may be required by law, upon the taxable property of such ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Sec. 87. The taxes so levied for city purposes shall be and remain a lien upon the property on which the same is levied, in the same cases, to the same extent, and in like manner, as taxes required by law to be levied on property in the several townships of this State are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

Sec. 88. The net proceeds of the sales of all property delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Oakland, whenever required by the city treasurer, and the net proceeds of all sums paid to the said treasurer of Oakland county, before sale, on account of property within said city returned delinquent for non-payment of city taxes, shall, in like manner, be paid to said city treasurer.

Sec. 89. For the purchase and improvement of a city cemetery or cemeteries, the common council may borrow, on the faith and credit of the city, a sum not exceeding five thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum, payable annually; and for that purpose may issue the bonds of the city, signed by the mayor and countersigned by the clerk, and in such form and in such sums (not exceeding in the aggregate the said sum of five thousand dollars) as the said common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not less than their par value;

Proviso.

and the avails shall be applied in the purchase and improvement of a city cemetery or cemeteries and the necessary appurtenances, and for no other purpose whatever: *Provided*, That no such loan shall be effected by said common council without first having obtained the vote of a majority of property represented at a meeting to be called for that purpose, after having given public notice of the time, place and object of such meeting, by publishing notice thereof at least two weeks in all the newspapers of said city; and at such meeting each elector shall count as many votes as he is assessed dollars in the last assessment rolls of the said city.

Unlawful to create indebtedness over amount of yearly tax.

Sec. 90. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize the creation of any liability or indebtedness against said city, in any one year, exceeding in the aggregate the amount which by this act may be raised by tax for such year, except for council room; and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money, binding upon said city, the same shall be paid out of the sums raised by tax for such year, except council room, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the sum was borrowed, and for no other; but nothing in this act contained shall be construed to prohibit said common council from making assessments, and levying and collecting taxes for the purpose of local improvement, nor to prohibit said common council from levying taxes on the property of the whole city to defray the expenses of improving streets, otherwise than by the highway or street taxes, ordinarily so called.

Money borrowed, how applied.

Local improvements, &c.

Exception as to loans.

Sec. 91. The restriction on said common council in regard to raising, by tax, moneys for defraying the expenses of said city, shall not apply to nor include the necessary sums to be raised for the payment of interest or principal on any loans made for the purchase and improvement of a city cemetery or ceme-

ries, nor for any loan made for the purchase of grounds for a city hall, and the building of such city hall.

Sec. 92. It shall be the duty of the director of the union School tax school district of said city, on or before the last Saturday before the first Monday of November in each year, to certify to the city clerk the amount voted by the electors of said district to be raised by tax for such year, in said district, at the annual school meeting for such year of said district; and it shall be the duty of the common council to apportion such amount to be raised among the several wards in the same manner and within the same time as required in regard to other sums to be raised by tax in said city.

Sec. 93. The common council shall have power to borrow Loan for city hall authorized. money on the bonds of said city, to an amount not exceeding five thousand dollars, on time and terms, and negotiated in manner prescribed in this act, in relation to the purchase and improvement of a city cemetery or cemeteries, for the purpose of purchasing a lot or lots, and for erecting thereon a city hall for the use of said city, to be under the control of the common council.

Sec. 94. All the rights now belonging to the village of Pontiac, and all the by-laws and ordinances, and all the obligations, and all the streets, alleys, rights, privileges, of said village, shall be and remain, accrue, and belong to the said city of Pontiac, so far as the same are not repugnant to the provisions of this act, and until the same shall be altered, amended or repealed, by the common council of said city. Rights and privileges of Pontiac village transferred to the city.

Sec. 95. Nothing in this act shall operate to prevent the holding of the annual meetings of the township of Pontiac, nor to prevent the township clerk and other officers of said township from keeping their offices in said city, as though this act had not passed. Annual meeting, &c of township may be held in city.

Sec. 96. The supervisors of the respective wards in said city shall have all the powers and perform all the duties, in regard to the relief of poor persons, exercised by and imposed upon supervisors in townships; and in all other respects said Relief of poor persons.

supervisors shall have the powers and perform the duties of supervisors in townships, except so far as such powers and duties may be otherwise defined in this act.

Contents of
treasurer's
warrant.

Sec. 97. The warrant of the supervisor to the treasurer of the respective wards shall state the sum to be raised for city purposes, but need not state the different sums and objects for which the same is raised.

Form of tax
roll.

Sec. 98. In making out the said tax roll, the same form shall be used by the supervisor as is required by law to be used in townships, the city taxes to be put in the column designated for township taxes.

Taxes to be
assessed up
on all the
real and per-
sonal estate
of the city.

Sec. 99. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate, in the said city, according to the valuation of the same, as from the valuation thereof by the assessment rolls of the city; but no real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park or other public ground, shall be assessed for the ordinary city or county taxes.

Exceptions.

Sinking
fund.

Sec. 100. Whenever, by the provisions of this act, the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not exceed, in any one year, one mill on the dollar on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as other city taxes of said city are levied and collected, and when so collected, the same shall be applied to the credit of said sinking fund, for the purpose of paying off the interest or principal of the debt so created, as the same becomes due.

Sec. 101. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose

for which it shall have been drawn, and all ordinances, resolutions and orders, directing the payment of money, shall specify the object and purposes of such payment, which shall be certified by the clerk and countersigned by the mayor before the same shall be paid by the treasurer.

How moneys are to be drawn from the treasury.

Sec. 102. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds, if required by said common council, or any two members thereof.

Monthly financial report.

Sec. 103. The common council of the city of Pontiac shall have power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish, any highways, streets, avenues, alleys, lanes, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity of using such property, the just compensation to be paid for the same, and the damages arising to any person from the making of said improvements, except the grading or closing of streets, shall be ascertained by a jury of twelve freeholders residing in said city.

Power of council to open highways, &c. When private property is taken.

Sec. 104. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks and public grounds therein, and to cause the same to be repaired, cleansed, improved and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, alleys, lanes and parks already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this act; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the city clerk of said city, in the book of street records; and

Commissioners of highways. Streets ascertained and recorded.

the recording of such highways, streets, lanes or public grounds, so ascertained and described, or which shall be hereafter laid out and established by the common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground, therein described.

Sewers,
drains, &c.

Sec. 105. The common council shall have power to cause common sewers, drains and vats, arches and bridges, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering, with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or side-walk of said city.

Grading,
paving, &c.

Power of
council to
discontinue
streets.

Sec. 106. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, in addition to the power hereinbefore granted, which the commissioners of highways in townships have or may hereafter receive in relation to town highways; and they may adopt the same proceedings to effect such object, as near as may be, as the commissioners of highways in townships are or may be by law required to adopt, and appeals may be taken to the circuit court for the county of Oakland in like manner, as far as practicable, as appeals are now or may be hereafter by law taken from the decision of highway commissioners in townships, and the said circuit court is hereby authorized and empowered to hear and determine appeals.

Appeals.

Assessment
for public
improvement.

Sec. 107. Whenever the common council shall determine that the whole or any part of the expense of any public improvement, not requiring the taking of any land by the said city shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners

Estimate of
expense.

er occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvements, the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

Sec. 108. The common council shall thereupon make an order reciting the public improvement so as aforesaid intended to be made, the amount of expenses to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city, not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by making of such improvements, which order shall be certified by the clerk of the city, and delivered to one of said commissioners, together with a map or profile of the proposed improvement, in cases where the same is practicable.

Common council to make an order and appoint commissioners.

Orders to be certified.

Sec. 109. It shall be the duty of said commissioners, so designated and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners, not interested and not of

Duty of commissioners.

Oath.

New commissioners.

kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Commission-
ers to make
assessment.

Sec. 110. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively; and in case any lots or parts of lots are unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident, or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises as is required by law in assessment rolls made by supervisors of towns, with the value thereof, and the amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Non resi-
dent lands.

Return of
assessment.

Compensa-
tion.

Sec. 111. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding one dollar and fifty cents per day for each.

Notice of
hearing ap-
peal.

Sec. 112. Upon such return being made and filed, the clerk of the city shall cause notice of the names being returned to his office to be published in a newspaper of the said city for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Common
council may
alter assess-
ment.

Set aside.

Sec. 113. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the proofs and allegations of all persons who may complain of such assessment, and may rectify and amend the said assessment list, in whole or in part, or may set the same aside and direct a new assessment, either by the same persons or by such other persons as the common council shall appoint for that purpose; and in such case the same proceedings shall

be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Ratify.

Sec. 114. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the marshal to collect the same within the time prescribed by the resolution of the common council, and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said marshal within ten days afterward, who shall thereupon be authorized to levy and collect the same by distress and sale of personal property upon such premises, or in possession of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the marshal shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the supervisor of the ward in which such premises assessed are situated of the amount of such taxes, and the description of the premises chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Assessments ratified a lien.

Warrant.

Marshal authorized to collect.

Marshal to report insufficiency of property.

Clerk to notify supervisor.

Assessed on tax roll.

Sec. 115. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay

Owner to pay the tax.

every such assessment, made for the expense of any public improvement in the said city.

Amounts paid by person not holder thereof may be recovered.

Sec. 116. Where any such assessment shall be made, assessed, or be paid by any person, when by agreement or by law the same ought to be paid or borne by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest.

Agreement of tenants to pay.

Sec. 117. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

All taxes a lien from the time of filing roll.

Sec. 118. Every tax or assessment for public improvements, or for other purposes, authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands, tenements and real estate, on which, or in respect to which, the same shall be made, from the time of filing the roll containing the same with the city clerk; until the same shall be paid or satisfied.

Owners required to build side-walks, &c.

Sec. 119. Whenever the common council shall deem it expedient to construct any side-walk or pavement, or gravel any street within the said city, they may by ordinance or otherwise require the owner or occupant of any lot or house adjoining said street to lay such side-walk, or construct such pavement, or gravel such street to the middle of the said street, in front of his or her house or lot, or they may direct such side-walks and pavements and such streets to be graveled, to be made according to the provisions of this act. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and reconstruct side-walks, pavements and street improvements, adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected may be collected by him of the owner of the premises,

To repair the same.

Occupant to collect amt. paid of owner.

unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms of the agreement under which he holds the premises.

Sec. 120. Whenever the owner or occupant of any house or lot shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or for any other purpose, it shall be lawful for such common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses, with damages, at the rate of ten per cent., with costs of suit, from the owner or occupant of such house or lot whose duty it was to conform to such regulation, or may add thereto ten per cent., and return the same, to be assessed and collected in the same manner as the ordinary city taxes are collected, and shall be a lien upon the premises as any other taxes.

On refusal of owner the council may widen streets, &c., and collect amount with interest.

Sec. 121. The common council are authorized to assess the lands of non-residents of said city their just proportion of the expenses of cleaning and repairing streets and side-walks, and removing nuisances; and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as in relation to the assessments for public improvements in the city, except as the common council may otherwise determine or direct. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the side-walk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice, and other obstructions, from the side-walk. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served or published, as the common council may direct, by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time, not less than twenty-four hours, as the common council, by general or special ordinance, resolution or otherwise, may fix, the common council may cause the same to be done at the expense of the city,

Assessment of non-resident land for side-walks, &c.

How collected.

Owner to keep walk in repair, remove snow, &c.

Proceedings on neglect of owner.

and may add such expenses, not exceeding thirty dollars on any lot or piece of land in any year, to the amount of the general city tax on such land, in the next general assessment rolls of the city; and such amount, so added, shall be a lien on the premises, in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor, in the same manner as for general city taxes.

Poll tax. Sec. 122. Every male inhabitant of said city over the age of twenty-one years, except as hereinafter provided, residing in said city, shall be assessed a poll-tax in said city of one dollar each per annum.

List of persons liable to poll tax. Sec. 123. The supervisors of each ward of said city shall, on or before the fifteenth day of May in each year, furnish the common council with a list subscribed by them of the names of all the inhabitants of each ward who are liable to be assessed for poll-taxes.

Street commissioner, compensation. Sec. 124. The common council of said city shall appoint a street commissioner, who shall hold his office at their pleasure, who shall receive not to exceed one dollar and fifty cents for each day by him actually employed in the discharge of the duties hereinafter imposed upon him, and at the same rate for parts of a day so employed.

Duties of street commissioner. Sec. 125. The street commissioner shall act under the instructions and control of the common council, and shall superintend the work of making, building, improving, repairing, cleansing and altering of the streets, alleys, bridges and other public works or improvements in the said city, all of which work shall be paid for out of the general fund of the said city, by orders drawn upon accounts duly audited by the common council, and the money so expended in any one year shall not exceed one-fourth of one per cent. of the assessed valuation of property in

Accounts for work on streets, &c. to be audited. Limitation. said city on the assessment rolls thereof: *Provided*, The amount so expended shall be laid out in each ward, in proportion to the assessed value of property therein, as near as may be.

Proviso:

Sec. 126. Said common council are hereby authorized to reg-

ulate and direct all things in said city by ordinances, not inconsistent with any of the provisions of this act and the laws of this State. Authority of common council.

Sec. 127. Said common council shall have power to require of any of the officers elected or appointed in said city, a bond or bonds for the faithful discharge of the duties of such office, and for the payment of any moneys that may come into their hands as such officers, and the form and penalty of such bonds may be prescribed by such common council, by ordinance or otherwise. Bond of officers.

Sec. 128. Said common council, for the city, shall have power to borrow, for the time being, such sums of money as they may deem necessary, in anticipation of receipts from taxes, not exceeding two thousand dollars in any one year, for the purpose of defraying the current expenses of said city, and working on streets and bridges; and such sum or sums of money so borrowed shall be paid out of the taxes raised for that year. Council may borrow money.

Sec. 129. It shall be the duty of the clerk or acting clerk of the first election, to notify the respective persons elected of their election within two days after such election; and the inspectors of said first election shall meet on the first Wednesday of April, 1861, at the Firemen's Hall in said city, and ascertain the person who has received the highest number of votes for the respective offices of said city, and they shall declare such person elected, and notify him of such election within two days after such meeting. Clerk to notify persons elected to office. Duty of inspectors.

Sec. 130. For the canvassing of the votes for city officers, the common council shall make such regulation as they may deem necessary therefor. Regulation for canvassing.

Sec. 131. The clerk of said city shall notify the county of the election of constables and justices of the peace in the respective wards of said city, in the same manner and within the same time as by law is required of township clerks: *Provided*, That at the first election under this act, the clerk of the respective ward elections shall give such notice. Clerk to give notice of election of.

Sec. 132. When the marshal or ward treasurer shall have

Sale of personal property levied on for taxes.

levied upon any personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same in the same manner, and upon like notice, as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

Council may prohibit erection of wood buildings.

Sec. 133. For the purpose of guarding against the calamities of fire, the common council may, from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portion and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation, shall forfeit to the city the sum of one hundred dollars, and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

May regulate building, &c.

Council may require scuttles, ladders, &c.

Sec. 134. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building, for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Fire buckets.

Sec. 135. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire-buckets for each house or tenement therein, and within such time as they may prescribe, and may require such buckets to be produced at every fire.

Ashes deposited in Chimney flues, &c.

Sec. 136. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stovepipes, and all other conductors of

smoke; and upon the neglect of the owner or occupant of any house, tenement or building, of any description, having therein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expenses thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Sec. 137. The common council may regulate the use of lights Lights in stables, &c. and candles in livery stables, and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transporting, keeping and deposit of gunpowder, or other dangerous or combustible materials, and regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of Removal of hearths, &c. any hearth, fireplace, stovepipe, flue, chimney, or other conductor of smoke, or any other apparatus or drain [device] in which any fire may be used, or to which fire may be applied, that shall be considered dangerous and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

Sec. 138. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons, at all reasonable times to enter into and examine all dwelling-houses, buildings and tenements, of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition, and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or drain [device] in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings, in which the same may be, and to ascertain the number and condition of the fire-buckets, and the situation of any building Examination of persons as to safety from fires. If unsafe to be repaired.

in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Fire engines,
hose, &c.

Sec. 139. The common council may procure, own, build and keep in repair, such and so many fire-engines, with their hose and other apparatus, engine-houses, ladders, fire-hooks and fire-buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, reservoirs of water, as they, from time to time, shall judge necessary.

Fire districts
and fire de-
partment.

Sec. 140. The common council shall have power to organize said city into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, four fire wardens, a proper number of firemen, not exceeding sixty to one engine, such number of tub, hook and ladder men, and such number of hose men, as may be appointed by the said common council, all to have privileges and exemptions of firemen, and to hold their appointments during the pleasure of the common council.

Government
of fire de-
partment.

Sec. 141. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder, tub and hose men, may prescribe their respective duties in case of fire or alarms of fire, may direct the dresses and badges of authority to be worn by them, may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Engineers
and fire
wardens,
powers and
duties.

Sec. 142. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire-engines, engine-houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment

of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor, whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the fact in all courts and in all places, on proof of the genuineness of such certificate.

Certificate of city clerk to firemen.

Sec. 143. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Tolling of bells

Sec. 144. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive, in his person or property, in consequence of his exertions at any fire.

Compensation for injury done firemen.

Sec. 145. The common council may, by ordinance,

Council may prescribe the powers and duties of engineers, &c., at fires.

First. Prescribe the powers and duties of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Second. To prescribe the powers and duties of the mayor and alderman at such fires, and in cases of alarms, but in no case shall the mayor or any alderman control or direct the chief engineer, or his assistants, during any fire;

Of mayor and aldermen.

Third. Provide for the removal and keeping away from such fires of all idle, disorderly and suspicious persons, and may confer powers for that purpose on the engineers, fire-wardens or officers of the city;

Disorderly persons at fires.

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property, exposed to danger by fire;

Compel bringing of fire buckets.

Duties of
marshal, &c.
at fires.

Fifth. To compel the marshal, constables and watchmen of the city, to be present at such fires and to perform such duties as the said common council shall prescribe.

Pulling
down of
building in
case of fire.

Sec. 146. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful for the chief engineer, with the consent of the mayor or any alderman, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained; at the expiration of the three months, if any such application shall have been made, in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as is provided by this act for the ascertaining, assessment, collection and payment of damages sustained by the taking of lands for the purposes of public improvement.

Action not
to accrue
therefor.

Application
to common
council for
damages to
building.
Damages,
how ascer-
tained

Commission-
ers to ap-
praise dam-
ages and re-
port.

Sec. 147. The commissioners appointed to appraise and assess the damages incurred by the said claimant, by the pulling down or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof, by the common council, shall be deemed a full satisfaction of all said damages of the said claimant.

Confirma-
tion of re-
port.

Sec. 148. All money that shall be raised in the city by licenses to tavern keepers, or common retailers [victualers], and for penalties for the violation of any city ordinances, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of the city, and shall be deposited for safe keeping by the treasurer as other moneys under his care and accounts thereof shall be kept, and the same shall be drawn in the manner herein prescribed in relation to the funds of said city.

Moneys arising from licenses, &c.

Sec. 149. The jurisdiction of the justices court of said city shall extend to, and said court shall have original jurisdiction, and shall have power to hear, try and determine, all civil actions arising in said city wherein said city in its corporate capacity shall be a party, or any city or ward officer in his official character shall be a party, all charges, complaints, actions and prosecutions for the recovery of any and all forfeitures and penalties for any alleged violations or infringements of the acts of the legislature of this State incorporating said city, except in cases where jurisdiction is especially given to some other court, all actions for alleged breaches or violations of any of the by-laws or ordinances of said city, except in cases where, by such by-law or ordinance, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks or other public improvements of said city, which courts shall proceed according to and be governed by the general laws and rules of practice of this State applicable to courts of justices of the peace.

Jurisdiction of justices' courts.

Sec. 150. The courts of justice in said city shall have power to imprison in the jail of the county of Oakland, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of any of said courts, or the common council or any officer of said city authorized so to commit such person, in the same manner as any court of record of this State, or other competent authority, is authorized to commit to said jail.

Power to imprison in Co. Jail.

Sec. 151. The justices of the peace of said city, exercising

Justices
subject to
general law
in civil
matters.

civil jurisdiction, shall be deemed justices of the peace of the county of Oakland, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Oakland in the same manner as appeals from justices judgments in towns are made.

Authority of
justices in
criminal
matters.

Sec. 152. The justices of peace in the said city shall have all the authority of justices of the peace in towns, in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them, and shall hold a session of court daily, if necessary.

Suits for re-
covering
penalties,
how bro'ght

Sec. 153. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Pontiac, under the direction of the common council or of the attorney of said city; and no person being an inhabitant, free-man or freeholder of the said city, shall be disqualified, for that cause, for acting as a judge, justice or juror, in the trial or other proceedings, in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any ordinance of the common council, nor from serving any process summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city, or any city or ward officer is a party, or in which said city or ward officer is interested, nor shall any judge of any court be disqualified to hear and adjudicate on any appeal in any matter originating in said city, because he is an inhabitant thereof.

Citizens not
incompetent
as jurors,
&c.

Appeals.

Sec. 154. If any judgment, in any action, shall be rendered against the city by any justice of the peace, such judgment may be recovered by appeal to the circuit court for the county of Oakland, in the same manner and with the same effect as though the city were a natural person, except that no bond or

[recognizance] to the adverse party shall be necessary to be executed by or on behalf of the said city.

Sec. 155. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not then to commit the defendant to the county jail for such time as shall have been directed by the ordinance of the common council. Executions.

Sec. 156. The common council may direct any moneys that may have been recovered for penalties or forfeitures under said city ordinances, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits. Extra expenses in apprehending offenders, how paid.

Sec. 157. All persons being habitual drunkards, destitute, and without any visible means of support, or who, being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to confinement in the county jail of said county for any time not exceeding sixty days. Persons deemed vagrants.

Sec. 158. All persons who shall actually abandon their wives or children, in the city of Pontiac, or may neglect to provide, according to their means, for their wives or children, are hereby Punishment

Persons deemed disorderly.

Proceedings against. declared to be disorderly persons, within the meaning of chapter thirty-nine, of title nine, of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine, from the facts and circumstances of the case, whether the conduct of such person amounts to such desertion or neglect to provide for his wife or children.

Board of health.

Sec. 159. It shall be the duty of the common council of said city to appoint a board of health, once in each year, for said city, to consist of not less than three nor more than seven persons, and a competent physician, to be the health officer thereof.

Powers of board of health.

Sec. 160. The said board of health shall have power, and it shall be their duty, to take such measures as they may deem effectual to prevent the entrance of any pestilential or infectious disease into the city, to stop, detain and examine, for that purpose, every person coming from any place infected, [or believed

Pest houses.

to be infected,] with such a disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city who is not an inhabitant of this State, and who shall be, or

Infected persons.

be suspected of being, infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected with any such disease to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health;

Infected goods, &c.

to remove from the city, or destroy, any furniture, wearing apparel, goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may

be injurious to the public health, in any way and any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances, which they shall deem necessary or expedient for the preservation of health, and the suppression of disease in the city, and to carry into effect and execute the powers herein granted.

Sec. 161. The owner, driver, conductor, or person in the charge of any stage-coach, railroad car, or other public conveyance, which shall enter the city having on board any person sick of a malignant form [fever], or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report, in writing, the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Duty of common carriers who bring infected persons into the city.

Sec. 162. Any person who shall knowingly bring, or procure, or cause to be brought into the city, any property of any kind tainted or infected with any malignant [fever,] or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine and imprisonment.

Penalty for carrying infected property into city.

Sec. 163. Every keeper of an inn, or boarding-house, or lodging-house, in the city, who shall have in his house, at any time, a sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house, or was taken sick therein, to the mayor or some officer or member of the board of health. Every physician in the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part or either of them, shall be a misdemeanor, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Duty of inn-keepers, &c., in relation to infected travelers.

Physicians to make report of infected persons.

Penalty for violation.

Fines to be paid to treasurer.

Sec. 164. All fines imposed under the last five sections shall belong to the city, and when collected shall be paid into the treasury.

Powers of council to pass ordinances in relation to yards, &c.

Sec. 165. The common council shall have power to pass and enact such by-laws and ordinances as they, from time to time, shall deem necessary and proper for the fitting up, draining, cleaning and regulating any grounds, yards, basins, slips or cellars, within the said city, that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and [amending] all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the said city, to be executed and done at the expense of the city corporation, on account of the persons respectively, upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith, to be sold in case of non-payment, in the same manner as is

Public health.

Expense estimated and collected.

Sale for non-payment. Improvement benefiting several persons to be ratably taxed.

provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the assessment roll for the general purposes of the city; and the sum of money assessed to the owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Unsafe buildings.

Sec. 166. Whenever, in the opinion of the common council, any building, fence, or any other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant

of the premises on which said building, fence, or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by their order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Sec. 167. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Duties of clerk of board of health.

Compensation.

Sec. 168. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Compensation of members of board.

Sec. 169. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of said surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument to which it relates.

Mayor to examine sureties under oath.

Deposition filed with bond.

Sec. 170. The mayor or chairman of any committee, or special

As

Chairman of committees may administer oaths. Chairman of committee of the common council, shall have power to administer any oath, or take any affidavit, in respect to any matter pending before the common council or such committee.

Double costs

Sec. 171. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs, in the manner defined by law.

Process against city.

Sec. 172. All process issued against said city shall run against said city, in the corporate name thereof, and such process shall be served by having a true and attested copy of such process with the mayor or clerk of said city at least ten days before the day of appearance mentioned therein.

School inspectors.

Sec. 173. The school inspectors to be elected under this act, together with the city clerk, who shall be ex-officio school inspector, shall perform all the duties and be every way subject to the general laws of this State applicable to school inspectors.

Holding of first election

Sec. 174. The first election under this act shall be on the first Monday of April next. The places of holding said election shall be as follows, viz.: In the first ward, at the hotel kept by Samuel Brotherton, and in the second ward, at the Northern Hotel, so-called. At the said first election, the electors in each ward shall choose, viva voce, three inspectors thereof in each ward, who shall take the usual oath of office, and shall be clothed with all the powers of inspectors of election under this act; no notice other than this act shall be necessary for said first election.

Inspectors of said election.**Public act.**

Sec. 175. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever, and all acts or parts of acts inconsistent with the provisions thereof are hereby repealed.

Copy of registry.

Sec. 176. It shall be the duty of the present recorder of the village of Pontiac, and he is hereby empowered so to do, to

make out and furnish to the inspectors of election in the said wards of said city, respectively, on the day of said first election, and before the opening of the polls, a copy of the village registry, so far as to the names of all the electors therein residing in and entitled to vote in such ward at such election: *Provided*, That should any legal elector of such ward offer his vote at said first election, and his name shall not be on such copy of the village registry so furnished by the recorder, but is on the said village registry of the village of Pontiac, he shall not be precluded from voting by reason of such omission.

Approved March 15, 1861.

[No. 193.]

AN ACT to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of Kalamazoo, and Boundaries. State of Michigan, and designated as follows, viz: Beginning at the quarter post on the north line of section fourteen, in township two south of range eleven west; thence south on the quarter line through sections fourteen and twenty-three, and to the center of section twenty-six; thence west on the quarter line through sections twenty-six, twenty-seven and twenty-eight, to the south-west corner of the north-west quarter of said section twenty-eight; thence north on the section line to the north-west corner of section sixteen; thence east on the north line of sections sixteen, fifteen and fourteen, to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the village of Kalamazoo.

Sec. 2. The electors of said village shall meet on the second Corporation officers. Monday in April, one thousand eight hundred and sixty-one, at such place as shall be designated by the president and trustees, and there, by ballot, shall elect, by a plurality of votes, one person to be president of said village; and three persons shall in like manner be elected trustees, and one person also shall be

Terms. elected marshal; and annually thereafter a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be so elected who shall hold their offices two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election: the president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

Village board.

Duty of president.

Notice of elections.

When polls to open and close.

Quorum.

Sec. 3. It shall be the duty of the clerk to give at least five days notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at eight o'clock in the forenoon, and close at six o'clock in the afternoon, and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present; and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties on the ensuing Monday.

Judges of election. Clerk.

Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be clerk of the election, and the judges and clerk shall take an

oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of election; and said board shall have such power to preserve the purity of the election as is now or may be hereafter given to township boards of election.

Sec. 5. The president, and every other officer, elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee or any other person authorized to administer oaths, to support the constitution of the United States, and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of the president and trustees of the village of Kalamazoo, and may have a common seal, which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least six days before the return day thereof: *Provided*, That in case such summons cannot, for any reason, be served on the president, it may be served on any one of the trustees.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and the

same to alter and repeal at pleasure, for the following purposes, viz.: For the appointment of a treasurer, and prescribing his duties; three assessors, and such other officers for said village as they may deem necessary; concerning the corporate property and public places and buildings of said village; as they shall deem necessary and right for the preservation and maintenance thereof; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best (but no license shall be in force except during the life of the board granting it); to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or apprentices; to prevent and punish immoderate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly houses, and houses of ill fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all encumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear side-walks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every encumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons and fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber, coal; to regulate the gauging of vessels containing liquors; the sealing of weights and measures; to maintain and regulate

Treasurers, assessors, &c.

Corporate property.

Riots.

Watchmen.

Fire department

Lewdness.

Gaming.

Tavern keepers, &c.

Drunkenness.

Immoderate driving.

**Nuisances
Houses of ill fame.
Encroachment upon streets.**

Combustibles.

Markets

Sale of hay, wood, &c.

pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules and other animals, geese or other poultry; to prevent the running at large of dogs, to require them to be muzzled; and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to prevent bathing in public streams; to purchase grounds for, and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use for burial purposes of any burying-ground or cemetery to be discontinued whenever they may deem the same necessary for the best interests or health of the citizens; to ascertain, establish and settle the boundaries of all the streets and alleys, and to establish grades therefor; also to order and cause lots to be drained or filled up, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party-walls, chimneys, flues, and putting up stoves and stovepipes; to regulate the construction of smith-shops, planing establishments, bakeries, and all other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of the village officers; to prescribe

Pounds.

Dogs

Cartmen, porters, &c.

Hydraulic works.

Wells and cisterns.

Cemeteries.

Boundaries of streets, &c

Drain lots

Regulate erection of buildings.

Fire-engines

Fire-buckets

Regulate chimneys. Extra hazardous buildings.

Duties, &c., of officers.

- Shade trees, &c. Grade streets.** the setting of posts and shade trees; to provide for the construction of side-walks and repairing the same; to grade the walks, streets, alleys, and to prescribe the manner of planking or paving them, the cost and expense of which to be paid by assessment on the lots in front of or adjoining which either or all of said improvements shall be made, but not otherwise, but no one of said improvements, except paving, shall be made unless the individuals owning one-half of the property to be assessed for the same improvement shall petition the president and trustees for that purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate the running of locomotives and cars in the limits of the village; to regulate grades of rail or plank roads;
- Highways and bridges.** to regulate theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers or auction sales, gift enterprises, [hawkers,] hucksters, peddlers and pawn-brokers; to regulate
- Lay out streets.** the covering of mill races, at the expense of the owners thereof; to provide for removing drift wood, and clearing the Kalamazoo river, Portage creek, and the Arcadia brook, and all mill races and ponds within the limits of the corporation, and to prevent the placing therein of any obstructions, and the depositing of all filth and impure matter tending to render the water thereof unwholesome, and so to regulate and improve the channel of the Arcadia brook, as to secure the free and uninterrupted passage and discharge of the water thereof; to rail and curb, where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting, also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of
- Census.**
- Running of cars.**
- Shows.**
- Auctions, &c.**
- Covering mill races.**
- To rail and curb.**
- Levy taxes.**
- Take private property.**

constructing, widening or extending streets, but not until said individual shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties and fines may be imposed by the law itself as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Kalamazoo, and any interest the inhabitants of the village of Kalamazoo, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or be a witness therein, and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Violation of
by laws.

How penalty
recovered.
Citizens not
disqualified
as jurors, &c.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making and repairing side-walks, shall remain a lien upon said estate until paid.

Taxes levied
a lien.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published, in some newspaper printed in said village, if one shall be printed therein, and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement exhibiting in detail all items of receipts and expenditures of the preceding year.

Annual report
of president
and trustees.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication, in the manner aforesaid, entered at large upon the records of the corporation, by the clerk thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

By-laws and
ordinances
to be published.

Apportionment of tax.

Sec 11. It shall be the duty of the president and trustees, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall give ten days notice, by publishing thereof, of the time and place of reviewing said assessment roll, under the supervision of the president and one assessor, that any party deeming himself aggrieved may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongly assessed, and then they shall cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seal of said assessors and trustees, or a majority of them, directing and requiring him to collect, from the several persons named in said roll, the several sums mentioned therein set opposite their respective names as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment, as herein provided.

Notice of reviewing apportionment

Roll may be altered.

To be delivered to marshal with warrant.

Renewal of warrant.

Levy and sale by distress

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is

required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Sec. 13. The tax upon real estate, with all the assessments Real estate tax. for the purpose named in the eighth section of this act, shall be put down in the said assessment roll by itself, in a column; and whenever any such tax or assessment, and the interest Lands to be sold for unpaid tax. thereon, which shall be computed at the rate of fourteen per cent. per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land, charged with such tax and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least four months' notice of the time and place of Notice of sale. said sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Sec. 14. On the day mentioned in said notice, the said Tax sales by treasurer. treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate, in writing, describing Certificate of purchase. the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; Deed of the premises. and unless within two years from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certifi-

cate, together with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon, and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Conveyance
evidence of
regularity.

Fee of treasurer
for
sales.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sale as aforesaid, as are allowed by law to the county treasurer for like services, and the expenses in advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

How money
to be drawn
from treasury.

Sec. 16. No money shall be drawn from the treasury except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Members of
board not to
be surety, or
interested in
contracts
with village.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the term for which he may be elected a member of said board he shall not be interested, directly or indirectly,

in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Sec. 18. All money assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes. Highway fund.

Sec. 19. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed, and the president and trustees may require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation, and his successor in office, and suit may be brought for any breach of said bond in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same. Term of officers appointed. Bond.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Kalamazoo, (who shall hear and determine the matter on proof, in a summary way); to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases. Powers of marshal.

Sec. 21. The marshal shall at all times be subject to the

Marshal under control of president and trustees supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of their whole number for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Vacancies. Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation or otherwise, shall be filled, for the unexpired term, by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Compensation of officers. Sec. 23. The president and trustees shall each receive, as compensation for services, at the rate of one dollar per day for the time they are actually employed. The marshal shall receive such salary as the president and trustees may prescribe, not exceeding the rate of five hundred dollars for each year, which shall be a full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Corporation to use county jail. Sec. 24. The corporation shall be allowed the use of the common jail of the county of Kalamazoo for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall, in no manner, be chargeable with the costs and expenses of such imprisonment in civil cases.

Exemptions Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fire, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Street and nuisances Sec. 26. The president and trustees shall be the commissioners

of streets and highways, and within the limits of the village shall have the same powers, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected, as taxes usually are for constructing and repairing roads in the different townships, and shall have the exclusive control of the highway moneys levied and collected in the village:

Provided, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen or extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise said power at any time during the year:

Power to remove fences, &c., enlarged.

And provided also, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Kalamazoo, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair.

No exemption from township tax.

Sec. 27. The lands within the limits of the corporation of the village of Kalamazoo, and such contiguous territory as is or may hereafter be thereto annexed for school purposes, shall constitute a single school district, and be known and designated as school district number one, of the village and township of Kalamazoo; and such district shall have all the powers and privileges conferred upon school districts by general law, and in addition thereto, such powers and privileges as may have heretofore been conferred upon it by special enactment:

School district.

1. At the annual meeting of said district, to be held on the first Monday of September, one thousand eight hundred and

Board of trustees.

fifty-nine, the qualified voters thereof shall elect, by ballot, six trustees, two, each, for one, two and three years, who shall, together, constitute a district board of education; and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their office three years, and until their successors shall have been elected and qualified, and also, at the same time, and in the same manner, shall fill all vacancies that may exist in said board;

Officers of
board.

2. Within ten days after each annual meeting, the trustees thus elected shall meet, and elect from their own number, a president, secretary and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are increased or modified by the provisions of this act, or by former special acts passed for the benefit of said district. Said board shall have the power to fill any and all vacancies that may occur in their number until the next annual meeting;

Board to
hire teach-
ers, &c.

3. Said board shall have the power to hire any and all necessary teachers for the several schools of said district, and fix the amount of their compensation, and all teachers employed by said board shall be considered as legally qualified, without examination by the school inspectors, to classify and grade said schools, and determine the ages and qualification for admission thereto: *Provided*, No scholars otherwise entitled to admission, and between the ages of five and eighteen, shall be excluded therefrom; to adopt courses of study and text books for the use of said schools, and to enact such rules and by-laws as may be necessary for the preservation of all the property belonging to said district, for the government of the schools, and in reference to all business connected therewith, and also to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said district, who is not actually a resident thereof;

School tax.

4. The qualified voters of such district shall, by vote, at the annual meeting, or at any special meeting called for that

purpose, raise by tax upon the taxable property of the district, such sum as shall be necessary to make the several schools of the district free of tuition in all English branches to the resident scholars thereof;

5. The treasurer of said district shall have the power, in the name of the district, to collect all moncy due for tuition of scholars who are not actually residents thereof, by suit at law, under the direction of said district board;

6. The said board shall publish the rules and by-laws they may from time to time enact, in at least one paper published in the village of Kalamazoo, and shall give like notice of their alteration or repeal; and the secretary of said board shall also record the same in a book to be kept for that purpose;

7. Every person elected to the office of trustee of said district, who, without sufficient cause, shall neglect or refuse to accept such office and serve therein, shall forfeit, for the use of said district, the sum of ten dollars: *Provided*, That no person shall be compelled to serve two terms successively; and the said board shall have power to make all needful rules and regulations relative to its proceedings, and to punish by fine, not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, said penalties to be collected as the board may direct.

Sec. 28. All ordinances, by-laws and regulations of the corporation of the village of Kalamazoo, which are in force at the time of the passage of this act, shall remain in full force and effect as if passed under the provisions of this act: *Provided* however, That they do not contain anything repugnant to the provisions of this act, or the constitution or laws of this State or the United States.

Sec. 29. All moneys received for licenses granted to tavern keepers or common victualers, under the provisions of this act, shall be paid to the county treasurer as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Declared a public act. Sec. 30. This act shall be favorably construed and received in all courts, as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence without further proof.

Legislature may repeal. Sec. 31. The legislature may alter, amend or repeal this act, by a vote of two-thirds of both houses.

Persons eligible to office. Sec. 32. No person shall be eligible to any office in this corporation, unless he shall have resided in the said corporation six months next preceding his election, and who shall not be entitled to vote therein.

Repeal. Sec. 33. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. *

Sec. 34. This act shall take immediate effect.

Approved March 15, 1861.

[No. 194.]

AN ACT to enlarge union school district number two, of Pontiac, in the county of Oakland.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That* the following described lands, situate, lying and being in the township of Pontiac, in the county of Oakland, and State of Michigan, are hereby detached from the school districts to which they severally belong, and the said lands are hereby attached to and made a part of union school district number two, of Pontiac, aforesaid, for all the purposes of public schools, to wit: All of section thirty, the south half of section nineteen, the south half of section twenty, the south half of section twenty-one, the east half of section twenty-eight, the east half of section thirty-three, the south-west quarter of section thirty-three, the south half of section thirty-two, and all of section thirty-one.

Approved March 15, 1861.

[No. 195.]

AN ACT to amend chapter one hundred and seventy of the revised statutes of eighteen hundred and forty six, being chapter two hundred of the compiled laws, by adding four new sections thereto, relative to conditional pardons.

SECTION 1. *The People of the State of Michigan enact,* That chapter one hundred and seventy of the revised statutes of Amendment eighteen hundred and forty-six, being chapter two hundred of the compiled laws, be and the same is hereby amended by adding thereto four new sections, as follows:

Sec. 16. When a pardon is granted to a convict, or any part of the punishment of a convict is remitted by the Governor, on conditions to be performed by the convict, the terms or conditions upon which the pardon or remission is granted shall be specified and set forth in the warrant thereupon to be issued; and the Governor may require a bond to be given to the people of this State, in such sum and with such surety as he may approve, conditioned that the terms upon which the pardon or remission is granted, shall, by said convict, be truly observed and kept. The bond shall be deposited with the State Treasurer, and be prosecuted to final judgment and execution when the condition thereof is broken. When such bond is required by the Governor, the pardon or remission of punishment shall not take effect until the bond is executed and deposited as aforesaid.

Warrant to set forth conditions of pardon.

Governor may require bond.

Prosecution on bond.

Sec. 17. When a convict, sentenced to confinement in the State prison, or any jail, house of correction or reform school, is pardoned or his punishment remitted by the Governor, on condition to be by the convict observed and performed, and it comes to the knowledge of the agent of the State prison, or keeper of the jail, house of correction or reform school, where the convict was confined, that he is abroad in violation of the conditions of his pardon or remission of punishment, such agent or keeper shall forthwith cause him to be arrested and detained, according to the terms of his original sentence. In computing the period of his confinement, the time between the conditional

Agent of prison, &c., to cause arrest for violation of conditions of pardon.

pardon and subsequent arrest, shall not be taken to be any part of the time of sentence.

Agent to notify prosecuting attorney of arrest

Sec. 18. When a convict is arrested and detained for any breach of the condition of his pardon or remission of punishment, the agent or keeper arresting him shall forthwith give notice, in writing, to the prosecuting attorney for the county

Attorney to file information.

where such agent or keeper resides, and such attorney shall file an information before the circuit court next to be held in said county, in the same manner as other informations are filed, so that it may be judicially ascertained whether the condition of the pardon or remission of punishment has been broken by the convict, the expenses of which trial shall be certified by said circuit court, and paid to the order of the county treasurer of

Provide.

the same county, from the State treasury: *Provided*, That no examination of such convict need be had before any justice of the peace, or other committing magistrate, before the filing of such information.

Sentence on convict.

Sec. 19. If it is admitted by the convict, or found by the verdict of the jury that the condition is broken, the court before whom the information is filed shall sentence the convict to be remanded and confined for the unexpired term of his former sentence. If it appears to the court, by the verdict of jury, or otherwise, that the convict has not broken the conditions of

Discharge.

the conditional pardon or remission, he shall be discharged.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861.

[No. 196.]

AN ACT to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February fourteenth, eighteen hundred and fifty-three, and the acts amendatory thereto, approved February twelfth, eighteen hundred and fifty-five, and February fourth, eighteen hundred and fifty eight.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one hundred and fifty-eight and one hundred and fifty-nine of said acts be amended so as to read as follows:

Sec. 158. The purchaser or purchasers of any parcel of land so returned, or the person or persons claiming to have any interest in the same, as the assignee or legal representative, in any other capacity, of such purchaser, shall, under pain of forfeiting his or their interest in such lands and in the certificates thereof, on or before the first day of July next succeeding the time when such annual interest is payable, pay to the State Treasurer the amount of taxes assessed upon any description of the lands so returned, with interest thereon from the first day of February following the assessment of the same, at the rate of fifteen per cent. per annum, and in addition thereto, on each description, the sum of twenty-five cents to defray the expenses of the collection of such taxes.

Forfeiture in case of neglect to pay taxes.

Sec. 159. Every parcel of land returned under the provisions of this act, upon which the taxes and interest and charges aforesaid shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the next preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assigns or other legal representative, and the land so forfeited shall be subject to sale and redemption in the same manner as other forfeited university and primary school lands now are.

Approved March 15, 1861.

[No. 197.]

AN ACT for the collection of damages sustained by defective bridges on the public highways.

SECTION 1. *The People of the State of Michigan enact,* That any person or persons sustaining bodily injury upon any of the public highways in this State, by reason of neglect to keep in repair any bridge or culvert, by any township or corporation whose duty it is to keep such bridge or culvert in repair, such township or corporation shall be liable to, and shall pay to the person or persons so injured or disabled, just damages, to be

Damages for injuries received by persons on account of defective bridges.

recovered in an action of trespass on the case, before any court of competent jurisdiction.

Injury to animals.

Sec. 2. If any horse or other animal, or any cart, carriage, vehicle, or other property, shall receive any injury or damage by reason of neglect, by any township or corporation, to keep in repair any bridge or culvert, the township or corporation whose duty it is to keep such bridge or culvert in repair, shall be liable to and pay to the owner thereof just damages, which may be recovered in an action of trespass on the case, before any court of competent jurisdiction; and when judgment shall have been

Notice of damages recovered to be given to town clerk.

rendered in favor of any plaintiff, the magistrate who rendered such judgment, or if judgment shall have been rendered in a court of record, then the clerk of such court, shall notify the township clerk of the township against which judgment is so rendered, of the amount of such judgment and costs, on or before the first Monday in October thereafter; and the said township clerk shall thereupon include such amount in the statement of moneys to be raised for township purposes, to be by him delivered to the supervisor, under the provisions of existing law, and the same shall be levied, collected and returned in the same manner as is provided by law in case of judgment rendered against school districts.

How damages to be collected;

Approved March 15, 1861.

[No. 198.]

AN ACT to authorize the Auditor General to vacate and set aside certain tax sales and deeds thereon.

SECTION 1. *The People of the State of Michigan enact, That* whenever any lands upon which the taxes have been paid under protest, at the State treasury, by the owner of said lands, his agent or attorney, or which heretofore have been, or hereafter shall be sold or deeded for the non-payment of taxes which have been returned to the office of the Auditor General, shall, at the time the assessment thereof was made, have been exempt from taxes by reason of having been entered by military

Auditor may cancel sale of lands exempt from taxes.

land warrants of the war of eighteen hundred and twelve, the Auditor General shall, in his discretion, have full power and authority to annul and cancel such sale and deed, or either, as the case may be, and notify the purchaser of such cancellation and annulment, and return to him the money paid therefor to the State, or return to the owner of said lands, so paying said taxes, the amount so paid, but without interest: *Provided, Proviso.* The same be within two years from the time such lands may have been sold or deeded.

Approved March 15, 1861.

[No. 199.]

AN ACT to organize the township of Strickland.

SECTION 1. *The People of the State of Michigan enact,* That townships thirty-nine, forty and forty-one, range seventeen, and townships forty and forty-one, of range sixteen, townships forty and forty-one, of ranges fifteen, fourteen and thirteen, be and the same are hereby attached to and made a part of Delta county, and shall be known as the township of Strickland, with the power to organize as heretofore provided for in an "act to provide for the organization of the township of Fairbanks," approved February fifteen, eighteen hundred and fifty-nine.

Approved March 15, 1861.

[No. 200.]

AN ACT authorizing the supervisors of the several towns in the Upper Peninsula to assess and collect [the State] taxes upon all mining companies' real estate, or other property.

SECTION 1. *The People of the State of Michigan enact,* That the several supervisors of the different townships in the counties in the Upper Peninsula, be and are hereby authorized and required to assess and collect, in the same manner that taxes are assessed on other property, the State taxes upon all real

*Repealed
S.L. 1869
1298*

Supervisor
to tax prop-
erty of min-
ing compan-
ies.

and personal property belonging to any mining corporation or association formed under the general mining laws of this State, that are not actually carrying on and engaged in the business of mining.

Mining company to pay State tax on excess of real estate over 640 acres.

Sec. 2. All mining corporations organized under the general mining laws of this State, and those organized under special acts of the legislature, prior to the adoption of the constitution of this State, or those that may be hereafter organized under the general mining laws, that are actually engaged in and carrying on the business of mining, shall pay a State tax upon all their real estate that exceeds in quantity six hundred and forty

Companies to file description of lands with county clerk

acres of land; and to entitle any corporation to the exemption from taxation of a quantity of lands, not exceeding six hundred and forty acres, they shall file in the county clerk's office of their respective counties a full and complete description of said land, and accompanying said description with a map and survey of

Duty of supervisor.

the same. The supervisors of the several townships in which any of said lands belonging to any mining corporation may be located, are hereby authorized and required to assess the State tax on all the lands belonging to such mining corporations, not herein exempt: *Provided*, That nothing in this act shall release any mining corporation or association from paying any specific tax now provided by law.

Proviso.

Repeal.

Sec. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved March 15, 1861.

[No. 201.]

AN ACT to organize the townships of Paris and Verona, in Huron county.

Paris.

SECTION 1. *The People of the State of Michigan enact*, That surveyed township fifteen north, of range fourteen east, in the county of Huron, be and the same is hereby organized into a township by the name of Paris, and the first township meeting

therein shall be held at the house William Willson, in said township, and the said Willson, Thos. G. Thompson and Jerome B. Sharp, are hereby authorized to act as inspectors of said first election.

Sec. 2. The surveyed township number sixteen north, of range thirteen east, in the county of Huron, be and the same is hereby organized into a township by the name of Verona, and the first township meeting shall be held at the house of Thomas Philip, in said township, and the said Philip, together with Thomas Tear and Andrew M'Alster, are hereby authorized to act as inspectors of said first township meeting.

Approved March 15, 1861.

[No. 202.]

AN ACT to repeal an act entitled an act to furnish the Michigan Journal of Education to school districts, approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled an act to furnish the Michigan Journal of Education to the school districts, approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby repealed.

Approved March 15, 1861.

[No. 203.]

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

SECTION 1. *The People of the State of Michigan enact*, That a commissioner shall be appointed by the Governor of the State, whose duty it shall be to lay out and superintend the construction of a road commencing at East Saginaw, and extending to a point upon the road known as the Bay City and Tuscola county plank road, within section nineteen of town thirteen north, of range six east.

Commissioner to survey road.

Sec. 2. It shall be the duty of the said commissioner, after receiving notice of his appointment, to proceed to have said road surveyed and laid out on the most direct route between said points, and as compensation for his services he shall be entitled to payment at the rate of two dollars per day for time actually employed in the performance of his said duties; his account, together with the necessary expenses connected with said survey and superintendence, shall be audited by the supervisors of the counties of Saginaw and Bay, and the amount found due paid half by each of said counties.

Compensation, how paid.

Appropriation for road.

Sec. 3. There shall be appropriated, for the construction of said road, eight sections of State swamp land, to be selected by the contractors upon said road under the provisions of act one hundred and seventeen of session laws of eighteen hundred and fifty-nine, and of acts amendatory thereto, passed at the present session of this legislature.

Letting of jobs, &c.

Sec. 4. That in the matters of advertising for contracts, letting of jobs, approval of contracts by the Governor, the commissioner herein provided for shall be governed by the provisions of the act last above referred to, and the acts amendatory thereto.

Sec. 5. The State shall not be liable for any of the expenses incurred in the survey and superintendence of said road.

Approved March 15, 1861.

[No. 204.]

AN ACT to authorize the district judge of the Upper Peninsula to convey certain lands held in trust under the act of Congress of May twenty-third, A. D. eighteen hundred and forty-four.

Preamble.

Whereas, The Congress of the United States, by an act approved May twenty-third, eighteen hundred and forty-four, provided as follows: That whenever any portion of the surveyed public lands has been or shall be settled and occupied four years as the site of a town, and therefore not subject to entry

under the existing pre-emption laws, it shall be lawful for the corporate authorities thereof, and if not incorporated, for the judge of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the lands so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sale thereof, to be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or territory in which the same may be situated: *Provided*, That the entry of the lands intended by this act shall be made prior to the commencement of the public sale of the body of the land in which it is included, and that the entry shall include only such lands as are actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands authorized by act of twenty-fourth April, one thousand eight hundred and twenty, and shall not, in the whole, exceed three hundred and twenty acres: *And provided also*, That any act of said trustees, not made in conformity to the rules and regulations herein alluded to, shall be void and of no effect;

And whereas, The judge of the district court of Upper Peninsula for Ontonagon county, has received from the United States, under said act of Congress, and now holds the same subject to and in trust for certain persons interested therein, which lands have been surveyed and laid out into town lots and blocks, and are known as the village of Ontonagon, and additions thereto; therefore,

SECTION 1. *The People of the State of Michigan enact*, That the judge of the district court of the Upper Peninsula, be and his successors in office are hereby authorized to have and exercise full jurisdiction over and concerning said lands, and the disposition thereof to the several occupants entitled thereto, according to the true intent and meaning of said act of Congress, under the following rules and regulations:

District judge authorized to dispose of lands.

1. The said district judge shall cause public notice to be giv-

Notice of
the hold'ng
of lands to
be given.

en of the fact that he holds the lands of the town site of Ontonagon in trust, by posting up three written or printed notices, in three public places in said town, and by publishing the same for three weeks successively in some paper published and printed in the county of Ontonagon, and no deeds for said land, or any part thereof, shall be executed and delivered within the period of thirty days after the first day of the publication of such notice;

When judge
to execute
deed.

2. After the lapse of thirty days from the first day of the publication of such notice, the said district judge shall, on demand, execute and deliver, in all cases where there are no adverse claimants, to each person who may be legally entitled to the same, a deed in fee simple, for the part or parts, lot or lots of such land as the person demanding may be lawfully entitled to, on the payment by such person of his proportion of all costs and expenses necessarily incurred in the entry of said town site of Ontonagon;

Proceedings
when there
are adverse
claims.

3. When two or more persons claim title adversely to the same lot or lots, or lands, within the boundaries of said town of Ontonagon, entered as aforesaid by said district judge of the Upper Peninsula, in trust for the occupants as aforesaid, the party first claiming a deed shall serve a notice upon the adverse party, stating therein that he claims title to the certain property, describing the same, and that he will, on the certain day specified in the notice, appear before said district judge, in said town of Ontonagon, to prove his right to claim and receive the title-deed to the lot, lots or lands described in the notice; and if the adverse party is not a resident of said county of Ontonagon, and cannot be found therein, the first claimant shall publish a notice in a newspaper printed in said county of Ontonagon at least three weeks consecutively before the day specified for the appearance;

abd.

4. The said district judge before whom any person is notified to appear, shall, on the day specified in said notice, or on a convenient day to be designated, within the period of ninety days after the day specified in the notice, hear the evi-

dence of the adverse parties, and determine all questions of title, according to law and the evidence;

5. The decision and determination, of said judge shall be ^{Decision final as to facts.} ~~final in all matters of fact arising under~~ the provisions of this act, subject only to a review of questions of law by the supreme court, on certiorari, as at common law, to be sued out and prosecuted within six months, by any party aggrieved, after the decision of said district judge; and the supreme court, on hearing of the same, may affirm, reverse, or remand for re-hearing, any cause so brought before them by certiorari; ^{Certiorari.}

6. At the expiration of one year after notice has been given, as provided in section one, the district judge shall cause ^{Un-sold lots to be advertised for sale} all the lots or parts of the land occupied as such town site, not included in any street, alley or public ground, and not conveyed by deed, as hereinbefore provided, and remaining vacant and unoccupied, to be advertised for sale by publication in a newspaper printed in Ontonagon three consecutive weeks, and by posting up notices in three of the most public places in said town; and on the day advertised, the said district judge, or his ^{Sale.} agent, shall offer and sell such lots or parts of such land separately, at public sale, and the highest bidder shall be the purchaser, and each purchaser, after paying the amount of his bid, may demand and receive a deed in fee simple for the lot or lots, ^{Deeds.} part or parts of land purchased by him. The proceeds of ^{Proceeds, how appropriated.} such sale, after the payment of the expenses, and the proportion of the costs and expenses necessarily incurred in the entry of the town site of said town of Ontonagon, shall be paid over to the treasurer of the township of Ontonagon, and shall be applied by the highway commissioners of said township to the grading and improvement of the streets of said town site of Ontonagon;

7. The said district judge shall receive, for a deed for one ^{Compensation of judge.} lot, one dollar and fifty cents, and for each additional lot, ten cents, included in said deed, and shall include all lots or parts of lots to which each person is entitled, in the same deed, unless otherwise requested by the party entitled thereto;

Repeal. 8. For the purpose of carrying out the provisions of this act, all previous existing acts are hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861

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[No. 205.]

AN ACT to amend an act incorporating the Pittsburg and Boston mining company of Pittsburg, approved March eighteenth, eighteen hundred and forty-eight.

SECTION 1. *The People of the State of Michigan enact, That* section four of said act be amended so as to read as follows:

Company to pay a tax Sec. 4. The said company shall pay to the treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; and said tax shall be in lieu of all State taxes on the property of said company, and an investment of any portion of the net profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer, hereinbefore required.

Annual report to State treasurer.

To be in lieu of State taxes.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861

[No. 26.]

AN ACT making a grant of swamp lands to promote the early completion of a railroad from the mouth of the Menominee river to Marquette, on Lake Superior, in the Upper Peninsula.

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SECTION 1. *The People of the State of Michigan enact, That* for the purpose of encouraging the early construction of a line of railroad from or near the mouth of the Menominee river, to Marquette, on Lake Superior, the State hereby grants to any railroad company that may hereafter construct portions of such railroads on the line aforesaid, the alternate sections of swamp lands belonging to this State, designated by even numbers on each side of said lines of railroad, for six sections in width; but the title to the same shall not vest in the company except as their railroad progresses, and not until ten consecutive miles are completed, when the railroad company constructing said ten miles of said road may sell one half of the swamp lands hereby granted within the said ten miles, and on the completion of each additional ten miles, they may sell the balance of the ten miles remaining unsold in the first ten miles, and so on for each division of ten miles, until their line of railroad is completed. Should any railroad company, accepting the provisions of this act, fail to construct ten consecutive miles of their line of road within one year from the passage of this act, and ten miles of railroad each year thereafter, then all grants of land herein for that portion of the line of railroad not completed, shall revert to the people of this State.

Sec. 2. That as soon as any railroad company, accepting the provisions of this act, shall actually survey and adopt their line of railroad on the routes indicated, they shall deposit a plat thereof in the office of the Secretary of State, and a plat thereof with the Commissioner of the Land Office, and it shall be his duty to withdraw from sale the even numbered sections or parts of sections of the swamp lands that belong to this State, for six sections in width on each side of said line of railroad:

Provided, That the said commissioner shall also reserve all alternate sections of lands of the State, not hereby granted to said railroad companies, and within the same limits, from location by all persons holding certificates or contracts for building State roads, and that the same shall not be sold or deeded, except to cash purchasers, at the minimum price of the several descriptions of State lands.

R. R. companies to construct ditches, &c.

Sec. 3. That before any railroad company shall be entitled to the provisions of this act, said railroad company shall construct, on each side of their line of road-bed, ditches from two to three and a half feet in depth, below grade, of such widths as to give a perfect drainage and not permit any standing water, and at all water-ways sufficient space shall be left for the unobstructed passage of water, and at all points of the lines of the roads aforesaid, when side ditches can be cut that will carry off the surface water, they shall be constructed by the company constructing said line of railroad.

Governor to examine and approve of road when ten miles are completed.

Sec. 4. That before any lands shall be conveyed under the provisions of this act, by the Governor, he shall personally, or by some authorized agent, examine each section of ten miles of completed railroad, and if, after full examination, he shall approve of the construction of said ten miles of railroad, it shall be his duty to certify the same to the Commissioner of the State Land Office, and patents shall be issued to the railroad company constructing said ten miles of road, by the Governor, for the lands, as provided in section one of this act, and so on, continuously, for each division of ten miles, until the completion of said lines of railroad.

Sec. 5. This act shall take immediate effect.

Approved March 15, 1861.

[No. 207.]

AN ACT to establish and regulate a mining school in the Upper Peninsula.

SECTION 1. *The People of the State of Michigan enact, That* a school shall be established at or near the village of Houghton, ^{Michigan mining school.} in the county of Houghton, to be called the Michigan mining school, for the purposes and under the regulations contained in this act.

Sec. 2. The said school shall be under the control and management of a board of six trustees, who shall be known as the "trustees of the Michigan mining school." ^{Board of trustees.}

Sec. 3. At the election to be held on the first Monday of April, in the year one thousand eight hundred and sixty one, in said Upper Peninsula, six trustees shall be elected by the electors of said Upper Peninsula, two of whom shall be elected for a term of two years, two for a term of four years, and two for a term of six years, and the ballots cast for said trustees shall designate the term for which each trustee is to be elected. Their terms of office shall commence on the first day of July next succeeding their election, and shall continue for the periods for which they shall be so elected; every two years after the first election aforesaid, two trustees shall be elected in like manner to replace those whose terms are about to expire. Such election shall be noticed, conducted and canvassed, certified and recorded, and the result thereof notified and transmitted, as near as may be, in conformity with the laws now applicable to the election of district judge for the Upper Peninsula. ^{Election of trustees.} ^{Terms.} ^{Mo's of conducting the election.}

Sec. 4. The said trustees shall hold their first meeting at the village of Houghton, on the second Monday of July, in the year one thousand eight hundred and sixty-one, and may adjourn the same as they see fit. Meetings may be called subsequently, at such place and time as any two members of the board, by notice served personally or sent by mail two weeks previous thereto, or in such other manner as said trustees may direct, and all meetings may be lawfully adjourned at their pleasure. Four trustees shall form a quorum for business, and any two may ^{Meetings of board.} ^{Quorum.}

hold a meeting open by adjournment from time to time, not more than two weeks in all, provided a quorum shall not be present at the time appointed for such meeting. At the first meeting, or as soon thereafter as may be, the said trustees shall elect one of their number president, who shall hold his office until the expiration of the shortest term of office of any trustee then in office, and whose powers shall be defined and regulated by the trustees. In case of the neglect or inability of such trustees to elect a president, for the period of thirty days after the time of the first meeting when a president might have been elected, it shall be the duty of the judge of probate of the county of Houghton to designate one of said trustees as president for the ensuing two years. The trustees shall also appoint, from time to time, a treasurer, who shall, before entering upon the duties of his office, give bonds to the people of this State, to be deposited with said trustees, in such sum, (not less than twice the amount of money likely to come into his hands,) and with such sureties as shall be fixed and directed by the trustees, and a secretary, out of their own number, or otherwise, and such other officers and assistants as they may see fit, whose powers and duties shall also be regulated by them, but subject to the provision that no money shall be paid out, nor any contract be made, or act done, involving the payment of money, or the disposal of property, except in pursuance of a vote of the trustees.

President.

Treasurer,
bond of.

Secretary
and other
officers.

Trustees to
erect build-
ings, &c.

Proviso.

Principal
and teachers.

Sec. 5. As soon as the means in their hands will permit, without incurring indebtedness, said trustees shall proceed to obtain a suitable location, and erect such buildings, and procure such furniture, apparatus, library and implements, as may be necessary for the successful operation of said school: *Provided*, That no provision shall be made for boarding any pupils unless employed in the service of the institution, but rooms may be provided for the lodging of students, if it shall, in the opinion of such board, become necessary, but not otherwise. Such board shall have power, as their means will permit, to appoint a principal, and such other teachers and assistants as they may

deem expedient, with salaries, to be paid from time to time, as they may agree, and to regulate their duties; but no agreement shall be valid whereby such board shall be prevented from discharging any one in their employ upon six months previous notice.

Board may discharge.

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Sec. 6 The course of instruction shall embrace geology, mineralogy, mining and mining engineering, and such other branches of practical and theoretical knowledge as will, in the opinion of the board, conduce to the end of enabling the students at said institution to obtain a full knowledge of the science, art and practice of mining. Tuition shall be forever free in said institution to all bona fide residents of this State, and no charge shall be made to others for tuition so long as the funds provided otherwise shall be sufficient to meet the current expenses of the institution; but a reasonable charge for incidental expenses, not exceeding ten dollars per year, may be made against any student, if deemed necessary, and the board shall not be obliged to furnish books, apparatus or other materials, for the use of students.

Course of instruction.

Tuition.

Incidental expenses.

Sec. 7. The course of study, the terms and the hours of instruction, shall be regulated by the board of trustees, who shall also have power to make all such rules and regulations concerning the admission, control and discipline of students, and other matters, as may be deemed necessary for the good government of the institution, and the convenience and transaction of its business.

Board to make rules, &c., for institution.

Sec. 8. No debt shall be contracted beyond or apart from the actual means of the institution. The trustees may dispose of or lease any property donated to the State for the purposes of said school, or which may be acquired in payment of debts, except such as is necessary for the accommodation of the school; they shall not enter upon the business of mining, or pursue the same, except so far as it may be deemed necessary in the course of instruction, nor shall they purchase any lands beyond what are required for the reasonable accommodation of the school.

Debts not to be contracted.

Powers and restrictions of trustees.

Sec. 9. It shall be the duty of said trustees to provide for

Trustees to establish a collection of minerals. obtaining and establishing a complete collection of minerals of the Upper Peninsula, and properly classifying the same; and also to give attention to obtaining, and shall preserve all such information, statistical and scientific, as may be had in regard to the mineral resources of the Upper Peninsula, and all important discoveries and improvements in developing the same; and to this end they shall provide for a full report, annually, from one or more of the persons engaged as teachers in said school. The trustees shall annually, on or before the first day of November, make a report of their doings to the Superintendent of Public Instruction, and shall transmit therewith a copy of the scientific report before mentioned, as well as a general report showing their receipts and expenditures, as well as the general affairs of said school.

Annual scientific report.

Report to Supt. Public Instruction.

Vacancies in board of trustees

Sec. 10. Vacancies in said board of trustees may be filled by the board, and persons appointed to fill such vacancies shall hold until the first day of July succeeding the next election after their appointment, at which election such vacancies shall be filled by the election of a person or persons who shall enter upon his or their duties on the first day of July thereafter, and hold respectively for the unexpired term of the trustee or trustees, whose death, resignation or removal from office, occasioned such vacancy.

Approved March 15, 1861.

[No. 208.]

AN ACT to authorize the trustees of the Grass Lake Baptist Society, of the township of Grass Lake, in the county of Jackson, to convey certain real estate to school district number nine, of said township.

Trustees authorized to sell real estate. SECTION 1. *The People of the State of Michigan enact, That* the trustees of the Grass Lake Baptist Society, of the township of Grass Lake, in the county of Jackson, be and they are hereby authorized to sell and convey, for such sum, and upon such terms as may have been or may be agreed upon, the old church

or meeting-house of said society, and the real estate whereon the same is situate, in said township of Grass Lake, to school district number nine, of the said township.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1861.

[No. 209.]

AN ACT in relation to issuing of capiases for witnesses in criminal proceedings.

SECTION 1. *The People of the State of Michigan enact*, That the circuit or district court of any county, and the recorder's court in the city of Detroit, shall have power to issue capiases, in the first instance, for any witness or witnesses in criminal cases, when it shall satisfactorily appear that such witness or witnesses are material, and that there will be danger of the loss of their testimony unless such writ be issued.

Circuit courts, &c., authorized to issue capiases.

Sec. 2. When any person, under recognizance on an appeal in a criminal proceeding from a conviction, and judgment of a justice of the peace, shall not appear according to the condition of such recognizance, and the said recognizance shall have become forfeited by reason of the breach of the condition thereof, and such forfeiture shall have been entered on record by order of the said circuit or district court, it shall be lawful for said court to issue a capias for the arrest of the appellant or defendant named in such recognizances, to bring him before the court to answer to the complaint or prosecution against him in the proceedings in which such appeal was taken.

Courts may issue a capias for persons not appearing on recognizance

Approved March 15, 1861.

[No. 210.]

AN ACT to provide for laying out and establishing highways on lines dividing this from other States.

SECTION 1. *The People of the State of Michigan enact*, That the commissioners of highways of any township of this State,

Duty of
Commissioners
of Highways to
establish
roads.

lying along the line of any other State, shall, upon a petition of twelve or more freeholders, as is provided for in other cases for laying out highways in this State, have power, and it shall be their duty, to meet with any officer or officers of such adjoining States, entrusted with the power of laying out or discontinuing highways, as may be required on said State line, and shall have power to lay a highway of any width, which, added to the width on the other side of such State line, shall make a highway which shall not exceed four rods nor be less than three rods in width, to be surveyed, examined and recorded as other highways, on lines between townships of this State.

Approved March 15, 1861.

[No. 211.]

AN ACT to incorporate the village of Lowell.

SECTION 1. *The People of the State of Michigan enact, That*
Boundaries. all that part or tracts of land embraced within the following territory or described limits, to wit: being lots numbered two (2), three (3), six (6) and seven (7), of section two (2), the south-west quarter of the north-west quarter, and the north-west quarter of the south-west quarter of section one (1), in the township of Lowell, county of Kent, and State of Michigan, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the village of Lowell.

Village of Lowell.

SEC. 2. It shall be lawful for the inhabitants of said village, having the qualifications of electors under the constitution of this State, to meet at the district school-house, in said village, on the first Tuesday of April next, and on the first Tuesday of April annually thereafter, at such place as may be appointed by the common council of said village, then and there to proceed to elect, by a plurality of votes, by ballot, from the qualified electors of said village, a president, recorder, treasurer, marshal, and three trustees and one assessor. The polls of such election

shall be opened between the hours of one (1) and two (2) o'clock Opening and closing of polls. in the afternoon, and shall be continued open until the hour of five (5) o'clock in the afternoon of the same day, and no longer.

At the first election of this village, holden under this act, there Board of election. shall be chosen, *viva voce*, by the electors present, two (2) judges and one (1) clerk of the said election, each of whom shall take the constitutional oath of office as judge or clerk of said election; said judges and clerk shall form the board of election, shall conduct the same in the same manner that the common council are required to do by this act; all subsequent elections shall be superintended by the president, recorder and trustees, or a majority of the common council; the manner of conducting Manner of conducting elections. said elections shall be the same, when it is not herein otherwise provided, as by statute made and provided for township elections. After the close of the said polls, the common council Canvass. shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall thereupon certify and declare the number of votes given for each person, and shall make and file a certificate thereof in the office of the Certificate of election. recorder of said village within twenty-four (24) hours after the close of said canvass, and the person having the largest number of votes shall be declared duly elected; if two or more persons shall have an equal number of votes for the same office, the common council shall determine the choice by lot, and certify the same accordingly.

Sec. 3. It shall be the duty of the recorder of said village to Notice of election. give ten days notice, in writing, to be posted in three public places in said village, or by publishing the same two (2) weeks in some newspaper published in said village, previous to the time of holding such election, of the time and place of holding such election; and every person offering to vote at such election, before he shall be permitted to vote, shall, if required by an elector of said village, take the oath or affirmation required of electors at general elections, substituting the word village for township or ward, in such oath or affirmation, whenever

required, which oath or affirmation the president or chairman of such election is hereby authorized to administer.

Body corporate.

Sec. 4. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Lowell, and by that name they and their successors shall be known in law, and by such name shall be capable of suing, and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in the courts of this State, and all places whatsoever, not inconsistent with the laws of this State; they may have a common seal, may alter the same at pleasure, and by said name are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Common seal
May hold
real estate,
etc.

Oath of officers.

Sec. 5. All officers provided for in this act shall make and subscribe the constitutional oath before the recorder, or a justice of the peace, or a notary public of said county, and file the same in the recorder's office within ten (10) days after notice of such election. The recorder is hereby authorized to administer such oath. The recorder shall give a like bond, with like sureties, to be approved in the same manner, and filed with the treasurer.

Marshal and
treasurer: to
give bond.

Sec. 6. The marshal and treasurer shall each give bonds to the common council in the penal sum of two thousand dollars, (\$2,000,) conditioned for the faithful performance of their duties, before entering upon the duties of their said offices, with two (2) or more sufficient sureties, to be approved by the president, and filed in the office of the recorder.

Terms of office.

Sec. 7. All the officers of the said village shall hold their offices for the term of one year, or until their successors are elected and qualified, excepting the recorder and trustees. The term of office of the recorder shall be four (4) years, or until his successor is elected and qualified. At the first election of trustees, there shall be one elected for the full term of three (3) years; one elected for the term of two (2) years, and one for the term

of one (1) year, and each and every year thereafter there shall be one elected for the term of three (3) years. Should any vacancy occur, from any cause, in any of said offices, the same shall be filled by an election called and conducted in the same manner as the annual election, as provided by this act for the election of officers.

Sec. 8. The president, recorder and trustees shall constitute the common council of the village of Lowell, and when assembled a majority of the whole shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and the said common council shall hold their meetings at such time and place as the president, or in his absence the trustee whose term of office soonest expires, shall select. The said trustee shall, in the absence of the president, act in his place, and have the same powers and be subject to the same liabilities as the president in like cases. Said common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of its members or any other officer of said village whose attendance is required: *Provided*, That no such fine shall exceed the sum of five dollars (\$5).

Sec. 9. The common council shall have power to appoint such other officers, whose election is not herein provided for, as they may deem necessary to carry into effect the powers granted by this act.

Sec. 10. It shall be the duty of the president to preside at all meetings of the common council, to attend at the annual election of officers, sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasury of said village.

Sec. 11. The recorder shall attend all meetings of the common council as clerk, and shall keep an accurate record of all their proceedings, and shall also, within five days after the closing of the polls of any election, notify the officers respectively of their several elections, and as soon as may be, notify all officers of their appointment by the common council. The

Vacancies.

Who to constitute common council.

Quorum.

Meetings.

When trustee to act as president.

Fines for non attendance of members.

Common council may appoint certain officers.

Duty of president.

Duty of recorder.

recorder shall, in addition to the other duties imposed upon him, keep the corporation seal and all papers filed in or pertaining to his office, shall make and preserve a record of all ordinances and by-laws passed by said common council, and the grades of all streets as the same may be established by said common council, in proper books to be provided therefor, and when requested shall duly certify, under the corporate seal, copies of all records of said common council and all papers filed in his office.

Ability of
recorder.

Sec. 12. In case of the absence or disability of the recorder, the common council may appoint some other person to act as their clerk during such absence, or until such disability shall be

Deputy.

removed. The recorder may also nominate any citizen of said village, to be approved by said council, to act as his deputies, and upon such approval such deputy shall have authority to do any act which may be done by the recorder, except as a member of said common council, or clerk thereof, and the recorder shall be responsible for the acts of such deputy. In case

Vacancy.

of a vacancy in the office of recorder, the common council may fill the same by appointment till the time of the next annual or special election, and the person so appointed shall have the same powers and be subject to the same requirements as though elected at the annual election. The clerk and deputy recorder,

Oath

so appointed, shall severally take and file the constitutional oath of office before entering upon the discharge of their respective duties.

Power of
common
council.

Sec. 13. The common council shall have power to make all by-laws and ordinances for said village, and to make and regulate the powers of the marshal, treasurer, assessor, and all other

Fees of
officers.

officers not otherwise provided for, and to regulate the fees of all officers of said village, except those of recorder as a police justice of the peace, which shall be the same as allowed to justices of the peace in like cases by the statutes of this State;

Highway
taxes, &c.

they shall have power to regulate the time and manner of working upon the streets, lanes, alleys and public square, to regulate the time and manner of assessing, levying and collect-

ing all highway and other taxes in said village; the clearing of the banks of Flat river of all logs, brush and filth, and for cleaning said river of all wood or filth within the limits of said village, and to prohibit, prevent or abate all, nuisances in said village, and to punish the person occasioning the same, and to declare what shall be considered a nuisance, and to direct their immediate abatement or removal by the marshal of said village, and to compel the owner of any unwholesome or obnoxious house or place to cleanse the same, whenever they shall deem it necessary for the comfort, health or convenience of the inhabitants of said village.

Sec. 14. The common council shall have power to make all such by-laws and ordinances as they may deem necessary for the preservation of the public peace, for the suppression of riots, for the apprehension and punishment of vagrants, drunkards and disorderly persons, to suppress all disorderly houses and houses of ill-fame, and to punish the keepers thereof, to prohibit every species of gaming, to prevent selling or giving away spirituous or intoxicating liquors to any drunkard, minor or apprentice, to regulate the keeping of gunpowder, to prevent the violation of the Sabbath and the disturbance of any public meeting assembled for any lawful purpose, provide against and punish immoderate riding or driving in any of the streets of said village, relative to the restraining of animals from running at large in the streets or other public places of said village, relative to billiard and other tables, ball-alleys kept for hire or gain in said village, for punishing all lewd and lascivious behavior in the streets or other public places of said village, to prevent the encumbering of any street, side-walk or public ground, to regulate all grave-yards for the burial of the dead in said village, to compel the occupant of any lot to clean the side-walk adjacent thereto of any snow, ice, dirt or other encumbrance or obstructions thereto, to prohibit and prevent the running at large of dogs, and to authorize their destruction by the marshal when running at large in violation of any ordinance of the common council.

Nuisances.

Public Peace.

Riots.
Vagrants.Houses of
ill fame.

Gaming.

Intoxicating
liquors.

Gunpowder.

Sabbath.

Immoderate
driving.Animals
running at
large.

Billiards

Lewdness.

Encumber-
ing streets

Cemeteries.

Cleaning
walks.

Dogs.

Fines. Sec. 15. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure the inhabitants of said village against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace; to regulate the construction of chimneys, fire-places, putting up of stoves and pipes, and any other thing that may be dangerous in causing fires; to regulate the cleaning of chimneys, and to appoint one or more officers to enter all buildings to discover whether the same are in a dangerous state, and to cause such as are in such dangerous state to be put in a safe condition; also to regulate the construction and location of all blacksmith; cooper, carpenter and wagon shops, planing and cabinet making establishments, bakeries, and all other buildings or trades deemed extra hazardous in respect to fire; to establish, maintain and regulate, all such fire-engine, hook and ladder and hose and bucket companies as they may deem expedient, and to provide such companies with necessary buildings, engines and other implements, to prevent and extinguish fire, and to appoint, from among the inhabitants of said village, such number of those willing to accept as they may deem proper, to be employed as firemen: *Provided*, That each engine and hook and ladder company shall have the power to elect their own officers and pass by-laws for the organization and government of said companies, subject to the approval of the common council; every person belonging to such company may obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; the members of any such company, during their continuance as such, shall be excused from all duty in the militia in times of peace, also from serving on any jury in the courts of this State, or payment of poll tax. It shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders and all other instruments used by such company, and upon the alarm or breaking out of any fire within said village, each fire company shall forthwith assemble at the place of such fire, if within the limits of said village, with their engine and other implements of each of said

Burglars.

Chimneys, &c.

Dangerous buildings.

Extra hazardous buildings.

Fire companies.

Firemen

Officers.

Exemptions

Duties

fire companies, and be subject to the order of the chief engineer of the fire department. It shall be the duty of each fire company to assemble, as often as may be directed by the common council, for the purpose of examining and working said engines and other implements, keeping them in good order and repair.

Sec. 16. Upon the breaking out of any fire in said village, it shall be the duty of the marshal immediately to repair to the place of such fire, for the purpose of preventing any goods or property from being stolen or injured, and protecting the same during removal; for such purpose, the president, recorder, trustees, marshal or fire-wardens, may each of them demand the assistance of all by-standers in removing or protecting property, or in extinguishing the fire; in case any by-stander shall willfully neglect or refuse to comply with any such demand, he shall be punished in the manner provided by the by-laws in relation thereto; the common council are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary.

Duty of marshal on breaking out of fires.

By standers at fires.

Sec. 17. The common council shall have power to adopt measures for the preservation of the public health; to restrain or prohibit the slaughtering of animals within said village, or the exercise of any unwholesome or dangerous avocation; to establish a board of health, and invest it with power, and impose upon it such duties as shall be necessary to secure the inhabitants of said village from contagious or malignant diseases, and the common council may make such by-laws and ordinances as shall be required for enforcing the most prompt and efficient performance of the duties of the said board of health, and for their protection in the lawful exercise of their powers.

Public health. Unwholesome avocations.

Board of health.

Sec. 18. The common council shall have power and authority to construct, repair and preserve all drains, sewers and bridges; to regulate the weighing of hay and the measuring of fire-wood brought into said village for sale; also, relative to drays, carts, hacks or other vehicles used for the transportation of persons or property in said village, and to prescribe the amount

Drains, sewers, &c.

Hay, wood.

Drays, &c.

of charges for their services; also, relative to the powers, duties and compensation of the officers not herein otherwise provided for; relative to all meetings of the electors of said village; relative to licensing of showmen and other exhibitions, when any compensation is demanded or received for admission, and to fix the amount of said license; to direct the number of and license inn keepers and common victualers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said village; to regulate the setting of awning and other posts and shade trees in the streets and other public places of said village; to provide for the grading, paving or planking of streets in said village; also, to cause side-walks to be constructed and repaired when and where they shall deem necessary in said village; to cause the expenses of grading, paving or planking or repairing of said streets or side-walks to be assessed on the lots or premises adjoining said streets or side-walks, and may pass all needful by laws and ordinances in relation to the assessment and collection of the expenses thereof; they may also establish lines upon which buildings may be erected, and beyond which no building shall extend; and to make such other by-laws and ordinances as they may deem necessary for the safety, good order and government of said village, not inconsistent with the laws and constitution of this State, and to impose fines, penalties and forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars (\$100), or imprisonment not exceeding six (6) months in the county jail, and that no by-law shall be of any effect until the same shall have been published two weeks in some newspaper printed in said village, or notices thereof posted in three public places in said village for the same period of time.

Sec. 19. The common council shall have power and authority to lay out and establish, open, make and repair all such streets, lanes, alleys, squares, market-places or public parks in said village as

Commen-
tation of
in a
Election
Exhibitions

Inn keepers
&c.

Fines

Shade trees

Grading, &c

Side-walks

Assessment
for grading,
&c.

Lines for
erection of
buildings

General
powers of
Council

Limitation
of fines

Publishing
of by-laws

Powers of
council in
relation to
streets

they may deem necessary, and the same to alter, and to alter those already laid out; and if, in doing the same, they shall require for such purpose the grounds of any person or persons, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, in writing, at least two weeks next preceding the meeting of the common council at which action is to be had in regard to the same; and the said common council are hereby authorized to treat with such person or persons for such grounds or premises. If any such person or persons neglect or refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the said common council to apply to any justice of the peace of the township of Lowell to issue a precept, under his hand and seal, in the nature of a venire facias, to command the marshal to summon a jury of twelve (12) disinterested freeholders of said village to appear before said recorder at any time therein stated, to enquire into and assess the damages and recompense due to the owner or owners of or parties interested in such grounds or premises, which jury shall first be duly sworn by said justice of the peace faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises, when necessary, shall assess such damages and recompense as they shall deem fit to be awarded to the owner or owners or parties interested in such grounds or premises for their respective losses, according to their several interests and estate therein; and the said recorder shall, upon return of such assessment, enter judgment thereon confirming the same, and all such sum or sums so assessed shall be, together with the costs, paid or legally tendered before such street, lane, alley, square, market-place or public park shall be made, opened, established or altered, to the claimant or claimants thereof, if a resident of said village, if not to be paid into the treasury of said village for the use of said claimant or claimants; but if the jury shall find that such claimant or claimants are not entitled to any damages, it shall be competent

When private property is taken

Jury to assess damages.

To be sworn.

Damages, how assessed.

Judgment.

Damages to be tendered.

When jury return no damages.

Appeal.

for said justice of the peace to render judgment against said claimant or claimants for the costs, and to issue execution therefor; and in either case it shall be lawful for the common council to cause the ground, or premises to be converted to and used for the purposes aforesaid: *Provided*, That any person or persons so claiming damages shall have the right to reverse such proceedings by appeal to the circuit court, upon giving notice in writing to the justice of the peace, within ten days, of their intention so to do, or in case of the absence of such party or parties from said village, within thirty days after the assessment aforesaid and the rendition of the judgment of said justice of the peace thereon, first giving a bond, with two sufficient sureties, to be approved by the justice of the peace, conditioned to pay all costs which may be awarded against him or them in said circuit court; but no appeal shall prevent the immediate making, laying out, opening or establishing or altering such street, lane or alley, square, market-place or public park, as aforesaid; and upon filing a transcript of the proceedings aforesaid, within forty days after judgment confirming such assessment in the said circuit court, duly certified by the justice of the peace of said village, the same proceedings shall be had as are prescribed by law in cases of appeal from justices of the peace: *Provided*, That if the final judgment of said circuit court shall not exceed the damages assessed by said jury, and confirmed by the judgment of said recorder, the party appealing shall pay all costs occasioned by such appeal.

Appeal not to prevent opening of street.

Proceedings on appeal.

Corporation tax.

Sec. 20. The common council shall have power and authority to levy and collect taxes on all real and personal estate or property within the limits of said village, by them deemed necessary to defray the expenses thereof, which shall not exceed one-fourth of one per cent. on the valuation thereof for the general fund, one-fourth of one per cent. in addition thereto for the fire department: *Provided*, That if necessary, they may raise a special tax for the purchase of a fire-engine, and hose sufficient therefor, and one-half of one per cent. in addition thereto as a highway tax, and shall have power and authority to make all

Specific tax.

Highway tax.

necessary by-laws and ordinances for the collection of the same; and every assessment of tax lawfully imposed by the said common council on any lands, tenements or hereditaments, from the time of imposing such tax, shall be and remain liable for such tax or assessment until the same be paid, and the owner or occupant or occupants, owner or parties interested, respectively, in said real estate, shall be liable, on demand, to pay every such tax to be levied as aforesaid. The said highway tax shall constitute a street fund, and the same shall be expended by contract, to the lowest bidder, after giving five days notice, in writing, to be posted in three public places in said village, by the marshal, who is to act as street commissioner, or by one or more street commissioners, who may be appointed by the common council in place of said marshal, upon the streets, lanes, alleys or public grounds, and in constructing or repairing bridges in said village.

Tax lawfully assessed a lien.

Street fund.

Street commissioner.

Sec. 21. The common council shall have power to assess and collect from every male inhabitant of said village of the age of twenty-one years, except paupers, idiots, lunatics, and those exempt by the provisions of this act, a list of whom shall be made by the assessor at the time of making his annual assessment, an annual capitation or poll tax, not exceeding one dollar, and they may provide by by-laws for the collection of the same; the money received by such poll tax shall be paid into the treasury to the credit of the street fund, and is to be expended in the opening, making and repairing the streets in said village.

Poll tax.

Sec. 22. The assessor of said village shall, once in each year, make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupant, or agent, if known, and the name of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property, at its fair cash value; and when said roll shall be so made and completed, they shall give notice thereof by publishing the same in any newspaper in said village, by at

Assessment roll.

Notice of completion of assessment roll.

least two insertions in such paper, or by posting written notices ten days previous, stating the place where such roll is for inspection of all parties interested, and of the time when, and place where, he will meet to hear the objections of any person interested in the valuation so made by him. At the time and

Review of roll.

place so appointed the assessor shall be, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown, on oath, to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person

Appeal.

or persons shall consider himself or herself aggrieved by the final decision of the said assessor, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being

Council may correct roll.

shown, to reduce such valuation. The common council may, at any time before the tax is collected upon such assessment roll, review and correct any description of real estate which they may find erroneously described in said roll. The assessor shall

Roll to be delivered to recorder.

make and complete the said assessment roll, and deliver the same to the recorder, on or before the first day of April in each year: *Provided*, That the assessment roll for the present year may be made at such time as shall be prescribed by resolution of the common council.

Recorder on completion of roll to assess taxes.

Sec. 23. It shall be the duty of the recorder, under the direction of the common council, whenever the said assessment roll shall have been completed in each and every year, to assess the taxes that have been levied by the common council for the year, adding thereto and to all other taxes required by law to be assessed by him not more than four per cent. for collecting expenses, upon the taxable property in said village, according and in proportion to the individual and particular estimate and valuation as specified in the assessment roll for the year. He

Roll to be delivered to marshal.

shall thereupon deliver to the marshal a copy of said assessment roll, with the taxes for the year annexed to each valuation, and carried out in separate columns for each separate

fund, and carry out the total amount of taxes in the last column of said assessment roll, and shall annex thereto a warrant, ^{Warrant thereto.} under the hands of the recorder and president, and the seal of said village, commanding the marshal to collect from the several persons named in said roll the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant; and it shall authorize the marshal, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Sec. 24. The marshal, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the village, at least once, and demand payment of the taxes charged to him upon said roll, and in case of a refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of the goods ^{Distress and sale for taxes.} and chattels of every such person wherever found within the village, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the ^{Notice and sale} same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was found when the distress was made. The said ^{Return of roll.} marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax roll into the office of the recorder, and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable ^{Unpaid taxes.} to collect the same, he shall make out a statement of the taxes remaining due and unpaid, with a full and perfect description of such premises, from said roll, and shall attach thereto that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Sec. 25. Whenever the marshal shall not be able to collect any village tax on personal property, on account of the absence

Renewal of warrant for tax on personal property.

of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the marshal for such tax; and thereupon said warrant shall be and remain in full force for the purposes of such collection, as long

Interest on unpaid taxes.

as shall be directed by the common council, and the marshal shall charge interest on all such taxes, at ten per cent. per annum, from the time of returning the tax-roll until the day of collection; it shall also be lawful for the marshal, in the name

Marshal may sue for taxes.

of said village, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided

Executions.

by law for the collection of debts. To enforce the payment of any such tax, executions issued upon judgments rendered for every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any village taxes, and the proceedings of any officer with such execution shall be the same in all respects as is now directed by law. The production of any assessment roll on the trial of any

Assessment roll admitted as evidence.

action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, with the warrant annexed, of the village, be read in evidence, and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same, and the court before whom the cause may be pending shall proceed to render judgment against the defendant unless he shall make it appear that he has paid such

Stay of execution not allowed.

tax, and no stay of execution shall be allowed on any such judgment.

Sale of lands for unpaid taxes.

Sec. 26. The recorder shall, immediately after the said statement, transcribe the same into a book, to be provided and kept for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinance or resolution of said council, proceed to sell, at public sale, so much of said lands so returned on account of the non-payment of the taxes thereon

as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in a newspaper, or by posting notices thereof in three public places in said village, thirty days preceding such sale; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands, a certificate, in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for the same; and in case a less amount than the whole of any such described premises should be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That if any parcel of land cannot be sold to any person or persons for the taxes and charges, the recorder shall bid the same off to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect, in all respects, as if the same had been given to any other purchaser thereof; upon the completion of said sale, the recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax and amount for which the same was sold, name or names of the purchaser or purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer for that purpose, and also the monies received upon such sales.

Notice of sale.

Certificate of purchase.

When less than whole amount is sold.

Proviso.

Sec. 27. Any person claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any such land or interest in the same, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per annum, fifteen per cent. of which shall be paid to the purchaser, but in no case shall the interest be computed for a less time than three months from the day of such sale, whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of

Redemption.

Annual
statement
of redemp-
tions

the redemption thereof; and he shall, at the expiration of the year after the making of said sales, deliver to the recorder of said village a statement of all the lands that have been redeemed as aforesaid, and the amount paid for such redemption.

When holder
of certifi-
cate entit-
led to deed.

Sec. 28. Upon the presentation of any such certificate of sale to the recorder, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall, unless such lands have been redeemed as aforesaid, execute to the purchaser or purchasers, his, her or their heirs, assigns, executors or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made an absolute estate in fee simple, subject to all the claims the State may have thereon, and the said conveyance shall be *prima facie* evidence that the proceedings were regular, according to this act, from the valuation of the same by the assessor to the date of the deed inclusive; and every such conveyance, duly made and acknowledged, may be given in evidence in all the courts of this State, in the same manner and with the like effect as any other conveyance of real estate, or any interest

Deed evi-
dence of
regularity in
proceeding.

therein; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned for non-payment by mistake or otherwise, improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed, as aforesaid; and thereupon the recorder shall draw an order upon the treasurer, countersigned by the president, for the amount of the purchase money, and no deed shall be given upon such certificate of sale.

When coun-
cil may can-
cel a certifi-
cate.

Powers of
marshal.

Sec. 29. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers and processes that may be lawfully delivered to him for service, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; he shall see that all of the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the president or common

Fees

Duties

council, and attend the meetings of the common council when required by said council so to do, and may command the aid and assistance of any and all persons in discharge of the duties imposed upon him by law; he shall also, under the direction of said council, see to making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges and side-walks within said village, unless the said council shall devolve the same upon one or more street commissioners, that they are hereby authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace or offending against any of the by laws and ordinances of said village, and forthwith take such person or person before any justice of the peace of the township of Lowell, to be dealt with as the by-laws and ordinances of this act shall provide, and may apprehend and imprison any person found drunk in the streets until such person shall become sober; he shall pay over all moneys by him received by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct, and he shall perform all the duties that may be required of him by the by-laws, ordinances or resolutions passed by said common council. Duties.

Sec. 30. The treasurer of said village shall have the custody of all the money and evidences of value belonging to said village; he shall keep an accurate account of all the receipts of money and expenditures thereof; he shall pay no moneys out of the treasury except in pursuance of and by authority of law, and upon a warrant signed by the recorder and countersigned by the president, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of and be charged with moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purposes for which said warrant was issued, and having the name of such fund endorsed thereon by the recorder; he shall exhibit to the common council annu- Treasurer to have custody of village funds.
Provision for paying out money.

Annual report of treasurer.

ally, and as often and for such periods as may be required, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report or statement, shall be filed in the office of the recorder.

Compensation of recorder, &c.

Sec. 31. The recorder, treasurer, marshal, and all other officers of said village, shall receive such compensation for their services as the common council may deem right and proper, unless the same is otherwise fixed and provided for by the provisions of this act, but the president and trustees shall receive no compensation for their services, but may provide for themselves suitable refreshments during the time of holding any annual or special election.

Of president and trustees

Common council to make annual report.

Sec. 32. The common council shall, at least once in each year, cause to be made out a just and true account of all moneys received and expended by them, in their corporate capacity, during the year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers or persons having claims against said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, and which statement shall fully specify all the appropriations made by the common council, and the object and purpose for which the same were made, and the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village, which statement shall be published two successive weeks, in any newspaper printed in said village, and if at any time there shall not be any such newspaper printed in said village, said statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Report to be published.

Sec. 33. Any justice of the peace of the township of Lowell is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the provisions of this act, or against any by-law or ordinance which shall be made by the common council in pursuance of the powers granted by this act; to punish the offenders, as by this act or by the said by-laws or ordinances shall be prescribed, as directed; to award all processes, and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion shall lawfully require.

Sec. 34. In all prosecutions for a violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made on oath and in writing before said justice of the peace, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant, in the name of the people of the State of Michigan, for the apprehension of the person charged with said offense, directed to the marshal of the village or any constable of the township of Lowell; and such process may be executed by any of said officers anywhere within the county of Kent, and shall be returnable the same as other similar process issued by justices of the peace. Upon bringing the person so charged before said justice of the peace, he shall plead to said complaint; and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of not guilty for the person so charged, that upon the said complaint and plea a trial shall be had; and upon conviction of said offender, and imposition of a fine, it shall be the duty of the justice to issue an execution, directed to the marshal of said village or any constable of said township, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for want of goods and chattels wherewith to satisfy the same that he take the body of the defendant and commit him to the common jail of said

county, and the sheriff of said county shall safely keep the body of the person so committed until he be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in case where both fine and imprisonment are imposed upon the person so convicted, by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect, and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council, and all persons committed by any justice of the peace for the violation thereof shall be in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged, as in other cases: *Provided*, That the common council may remit any such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Use of county jail.

Common council may remit fines.

Jury may be demanded.

Sec. 35. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any violation of any by-laws or ordinance of the common council, he shall be entitled to a trial by a jury of six persons, and all the proceedings for selecting, summoning such jury, and all proceedings in regard to the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases the right of appeal from justice's court to the circuit court for the county of Kent shall be allowed to all such parties, and the same recognizance shall be given as is or may be required by law in appeals from justices courts in similar cases.

Appeal.

Payment of fines.

Sec 36. All fines recovered for any violation of the by-laws or ordinances of said common council shall be paid to the treasurer of said village, by the officer receiving the same, immediately after the receipt thereof; and any person who shall

refuse or neglect to pay the same, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 37. In all suits or proceedings in which the corporation of the village of Lowell shall be a party, or shall be interested, no inhabitant of said village shall be deemed incompetent as a witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such as he has in common with the inhabitants of said village.

Citizens not
incompetent
as jurors,
&c.

Sec. 38. No person or persons shall exhibit within said village any circus, menagerie, theatre or theatrical performance, or as common showmen, without first being duly licensed therefor by the common council, under a penalty of one hundred dollars for every offense, and to be imprisoned in the county jail for thirty days, and until such penalty shall be paid or he shall be discharged by law; and any person offering to exhibit any such circus, menagerie, theatre or theatrical performance, or as common showmen, without such license, may be forthwith arrested by the marshal or any constable residing in said township, and brought before any court having jurisdiction thereof, and upon conviction thereof shall be fined the sum of one hundred dollars and stand committed to the county jail until the same is paid, or until he be discharged according to law.

Theatrical
performances,
&c.
Licenses.

Sec. 39. No person shall be licensed to keep a billiard table or ball alley, or any pin-alley, within said village, by the common council, for a less sum than twenty-five dollars, and any person keeping such billiard table, ball-alley or pin-alley without a license from the said common council therefor, shall forfeit and pay to the said village the sum of twenty five dollars for each day's offense; any person who shall keep any gambling house or place of resort for persons to gamble, within said village, and all persons who shall resort to such place and gamble

License for
bill and
table, &c.

Penalty for
keeping
without li-
cense.

shall forfeit and pay for the use of said village a sum, not exceeding twenty-five dollars for each and every offense.

Repeal.

Sec. 40. An act to incorporate the village of Lowell, approved February the 4th, 1859, is hereby repealed.

Sec. 41. This act shall take immediate effect.

Approved March 15, 1861

[No. 212.]

AN ACT to authorize the formation of gymnastic associations.

SECTION 1. *The People of the State of Michigan enact, That* any ten or more persons, inhabitants of this State, who shall desire to form a gymnastic association in any village, town or city of this State, may make, sign and acknowledge duplicate articles of association, before any officer authorized to take acknowledgements of deeds in this State, and file the same in the office of the Secretary of State, and in the office of the clerk of the county in which the business of the association is to be conducted, in which articles shall be stated the name by which such association shall be known in law, the particular business and objects of such association, the place in which such association shall conduct its business and have its gymnasium, the number of directors or managers who shall manage the same, and the names of such directors or managers, and of the officers of such association, who shall serve until the election of such directors, or managers and officers, hereafter provided for.

Articles of association

To be filed.

Contents of articles.

Body corporate.

Proviso.

Common seal.

Sec. 2 Upon filing such articles of association, as aforesaid, the persons who shall have signed the same, their associates and successors, shall thereupon and by virtue of this act become a body politic and corporate, by the name stated in such articles: *Provided*, No two associations shall assume the same name; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have and use a common seal, and the same may alter and change

at pleasure; and they and their successors, by their corporate name, shall in law and equity be capable of taking and receiving real and personal estate, either by purchase, gift, grant, devise, lease or bargain and sale, devise and bequest, for the purpose of their incorporation, but for no other purpose, and the same at pleasure grant, bargain, mortgage, sell or lease for the use of said association; but said association shall have power to use any surplus income for the purchase and maintenance of a library, or for any other purpose for intellectual improvement.

Sec. 3. The said association shall have full power, from time to time, to make all such needful rules, regulations and by-laws as may be deemed expedient regarding the admission and expulsion of members, their initiation or other fees and assessments, and all such other matters as may be deemed proper or requisite for the government of such association, and to carry into effect the objects thereof: *Provided*, The same be not inconsistent with the laws and constitution of this State.

Sec. 4. The officers of the said association shall consist of a president, vice-president, secretary and treasurer, to be elected by ballot on the last Monday of October of each and every year, who shall hold their offices for the term of one year from the first day of November next succeeding their election; and in case of a vacancy occurring, the board of managers hereafter provided for shall notify the members of the association in such way as the association may provide by by-law, and appoint a time and place to fill the same, at which time the association may fill such vacancy. The duties of the aforesaid officers shall be such as the association shall provide by its rules, regulations or by laws, and they, or either of them, shall give such security for the faithful performance of their duties as may be required of them under the regulations and by-laws of the association. The association may provide for the election of two persons who shall act as inspectors of elections at all elections for officers, whose terms of office shall be the same as the other officers of said association.

Board of
managers.

Sec. 5. There shall be a board of managers consisting of not less than seven members, including the president, vice-president, secretary and treasurer, who shall be members of said board during their terms of office, elected by ballot by said association on the last Monday of October in each year, and who shall hold their office from and during the same time as the other officers; said board, of which a majority thereof shall constitute a quorum, shall manage the property and concerns of said association as will best promote the objects thereof, and in such way as may be deemed by them necessary for the proper management of said association; they shall have charge of the gymnasium, other property and finances of the association, and transact all business appertaining to the same.

Terms

Powers.

Articles of
association
admitted as
evidence.

Powers and
duties of as-
sociations.

Sec. 6. The articles of association, filed as required by this act, or a copy thereof, certified by the officer with whom they are so filed, may be given in evidence in any court in this State, for or against said association; said association shall have all the powers and privileges, and be subject to the duties of a corporation, according to the provisions of chapter fifty five, title ten, of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable to associations formed under this act.

Sec. 7. This act shall take effect immediately.

Approved March 15, 1861.

[No. 213.]

AN ACT to organize the county of Bleeker.

SECTION 1. *The People of the State of Michigan enact, That* townships numbered thirty-one north, range twenty-seven west; thirty-two north, ranges twenty-six, twenty-seven and twenty-eight west; thirty-three north, ranges twenty-six, twenty-seven and twenty-eight west; thirty-four north, ranges twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine west; thirty-five north, ranges twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine west; thirty-six

north, ranges twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight west; thirty-seven north, ranges twenty-five, twenty-six, twenty-seven, twenty-eight west; thirty-eight north, ranges twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine west; thirty-nine north, ranges twenty-five, twenty-six, twenty-seven, twenty eight, twenty-nine, thirty west; forty north, ranges twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one west; forty-one north, ranges twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one west, and the same are hereby organized into the county of Bleeker.

Sec. 2. There shall be three places selected for a county seat County seat. in said county, which shall not be less than five miles distant from each other, by A. F. Lyon, Charles McLeod and James McCaffrey, who are hereby appointed canvassers for the same. The said several selections shall be submitted to the voters of said county at the next election thereafter, and the place or selection having the greatest number of votes shall be deemed the county seat for said county.

Sec. 3. The county seat of said county shall be and is hereby Id. located on section thirty-four, township thirty-two north, range twenty-seven west, upon such ground as shall be donated to the county for that purpose, such donation to include at least two acres of land. Anson Bangs, A. F. Lyon, Charles McLeod, of said county, are hereby appointed commissioners to select such location.

Sec. 4. At a special township election, to be held on the first County officers. Monday of May next, the proper county officers for said county shall be elected, whose terms of office shall expire on the first day of January, eighteen hundred and sixty-three, and when their successors are elected and qualified; said officers so elected, on or before the first day of June next, shall take and subscribe the oath of office prescribed to be taken by county officers Oath of office. by the constitution and laws of this State, and shall have and possess all the powers and discharge the duties conferred Powers and duties. upon or required of county officers in this State, and shall enter

LAWS OF MICHIGAN.

upon the discharge of said duties on the first day of June aforesaid.

Board of
county can-
vassers.

Sec. 5. That Charles McLeod, Nicholas Gunn, Anson Bangs and John G. Kittson, of the town of Anson, are hereby constituted a board of county canvassers for said county, for the first election of county officers of said county, and required to meet at the house of A. F. Lyon, in the town of Anson, on the second Tuesday in May next, to canvass the votes in the townships of said county of Bleeker, for county officers, to which board the proper township officers are required to make returns of such votes on or before the day of meeting of said board, as provided in this section, and said board is also authorized, and it is hereby made their duty, to approve the proper bonds of the county officers.

Meeting of

To approve
bonds.

Body corpo-
rate.

Sec. 6. Said county is hereby created and declared a body corporate and politic, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

County rec-
ords.

Sec. 7. The county register of said county shall make transcripts of all records in other counties, necessary to be and appear upon the records of the said county of Bleeker.

Township of
Adario.

Sec. 8 That all that part of said county of Bleeker which is included in towns thirty four north to forty-two north, and ranges twenty-five and twenty-six west, and fractional town thirty-five north, range twenty-four west, shall be and is hereby organized as a separate township by the name of Adario; and the first township meeting, for the purpose of electing proper officers for the same, shall be held at the annual township election in April next, at the house of Andrew McBride, near the mouth of Cedar river, or at any subsequent day, by giving twenty days notice, in writing, posted in at least three places, signed by five or more qualified voters thereof, stating the time when the first meeting aforesaid shall be held.

First town-
ship meet-
ing.

Menashahe.

Sec. 9. That all that part of said county of Bleeker which is included in towns thirty-four north to forty-two north, and included within ranges twenty-seven and thirty-one west, shall

be and is hereby organized as a separate township by the name of Mereshake; and the first annual township meeting, for the purpose of electing proper officers of the same, shall be held at the annual township election in April next, at the store of John B. Kittson, at or near White Rapids, or at any subsequent day, by giving twenty days notice, in writing, posted in at least three places, signed by five or more qualified voters thereof, stating the time when the first meeting aforesaid shall be held.

Township
meeting.

Sec. 10. That said county of Blecker, when organized as aforesaid, shall be attached to the district court of the Upper Peninsula, and the judge of said circuit shall hold one term of said court in said county each year.

Sec. 11. The territory hereby described and designated as the county of Blecker, shall, until the same is organized, be attached to the township of Marquette, in the county of Marquette, for all judicial and other purposes.

Attached
for judicial
purp-ose.

Sec. 12 That nothing in this act shall in any way interfere with the authority of the officers of the county of Mackinac, from collecting the taxes assessed within said county for the year eighteen hundred and sixty.

Sec. 13. All acts and parts of acts contravening the provisions of this act are hereby declared inoperative and void within the county of Blecker hereby organized.

Sec. 14. This act shall take immediate effect.

Approved March 15, 1861.

[No. 214.]

AN ACT to amend section twenty-three, of chapter one hundred and six, of the revised statutes of eighteen hundred and forty six, being section forty four hundred and sixty one of the compiled laws, in relation to sales of goods on execution pledged by way of mortgage.

SECTION 1. *The People of the State of Michigan enact, that* section twenty three, of chapter one hundred and six, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows:

Section
amended.

Interest of
holder in
goods pledg-
ed may be
sold on exe-
cution.

Purchaser
to pay to the
holder the
amount due
on pledge.

Sec. 23. When goods or chattels shall be pledged by way of mortgage or otherwise, for the payment of money, or the performance of any contract or agreement, such goods or chattels may be levied upon and sold on execution against the person making such pledge, subject to the lien of the mortgage or pledge existing thereon; and the purchaser at such sale shall be entitled to pay to the person holding such mortgage or pledge the amount actually due thereon, or otherwise perform the terms and conditions of the pledge, at any time before the actual foreclosure of such mortgage or pledge, and on such payments or performance, or a full tender thereof, shall thereupon acquire all the right, interest and property of which the defendant in execution would have had in such goods or chattels if such mortgage or pledge had not been made.

Approved March 15, 1861.

[No. 215.]

AN ACT to authorize boards of health to dispose of real estate.

SECTION 1. *The People of the State of Michigan enact*, That any board of health of this State may sell and convey any real estate, the fee of which is vested in them: *Provided*, That no real estate shall be sold by virtue of this act which is or has been in actual use as a cemetery or burying ground, unless the same shall be sold by an order from the circuit court.

Approved March 15, 1861.

[No. 216.]

AN ACT to provide for the draining of swamps, marshes, and other low lands.

Board of su-
pervisors to
appoint
commission-
ers.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors in any organized county of this State shall have power to appoint three commissioners, to be known as the drainage commissioners of such county, to superintend the drainage of such swamps, marshes, and other low lands in their

respective counties, according to the provisions of this act, as in their judgment affect injuriously the health of the inhabitants; and in case of the neglect or refusal of the board of supervisors of any such organized county so to appoint such commissioners, it shall be obligatory upon them to make such appointment upon the presentation to them of a petition, signed by fifty resident freeholders of the county, praying that such commissioners be appointed.

Petition of
freeholders
therefor.

Sec. 2. Before entering upon their duties as commissioners, they shall severally make oath, before some person duly authorized to administer oaths, that they will justly and impartially discharge the duties assigned them by this act, which oath shall be by them filed in the county clerk's office, and they shall thereupon choose one of their number as chairman, and one as clerk, which shall constitute them an organized board of commissioners.

Oath of office of
commissioners.

Sec. 3. Upon application in writing to them of any five freeholders, resident of the township or townships where a drain is proposed to be constructed, for the construction of any drain or drains, under this act, it shall be the duty of said commissioners to examine personally the swamps or lands designated in such application, to make such surveys as may be necessary, to determine the route, width, length and dimensions of any drain or drains required to be cut in any lands designated in such application, or adjoining thereto; and if, in the opinion of the commissioners, such drain or drains should be constructed, one of said commissioners shall, under his hand, issue an order to the sheriff or any constable of said county, commanding him to write down the names of twenty-four persons, qualified to be jurors of the circuit court of said county, not interested in said drain or drains; such officer shall, after receiving said order, write down the names of twenty-four such persons, and give notice to one of said commissioners and to such of the persons through whose land such drain or drains will run, as reside in said township or townships, and can be found therein, that he will leave such names at the house of the supervisor, clerk, or

Duties of
commissioners
upon application for
drain.

Commissioners upon order
a jury.

Duty of officer.

some justice of the township, on a day and hour therein to be named, not less than four days from the time of giving notice to such person or persons, to strike a jury from such list of names; at the time appointed one of the commissioners shall strike off six names, and the person or persons interested in said drain shall strike off a like number, and if either party fail to strike off, such officer shall do so for him or them, and the names remaining on such list shall form the jury, and thereupon one of said commissioners shall issue a venire, under his hand, directed to any constable or to the sheriff of said county, commanding him to summon said jury to be and appear before said commissioners at a time and place to be named in said venire, to determine the necessity for the construction of any such drain or drains, and the amount of damage sustained by any person or persons owning or interested in any of the lands through which such drain or drains may be constructed; if the jury shall not all appear within one hour after the time of appearance named in said venire, one of the commissioners shall direct the officer to summon a sufficient number of competent jurors, as aforesaid, as talesmen to complete the panel; and when the panel shall be full, one of the commissioners shall administer unto each juror an oath well and truly to examine and determine the necessity for constructing said drain or drains, and to assess the damages sustained by any person or persons owning or interested in the lands through which the same shall pass.

Selection of jury.

Venire.

Proceeding upon appearance of jury.

Oath.

Commissioner to make an estimate of expenses, &c.

Maps of lands to be drained.

Sec. 4. Said commissioners shall also make an estimate of the sum necessary to be raised to pay the expenses of making such ditches or drains, including all incidental expenses. They shall also make an estimate of the sum that ought to be levied on each section or part of a section of land in such marshes or other low lands, in such proportion as they shall deem just, according to the benefit that will accrue to each by making any such ditches or drains, and they shall cause maps of said lands to be made, designating thereon the length, depth, width, position and direction of every ditch or drain by them laid out or

contemplated; said map shall also contain a description of every section or part of a section upon which estimates have been made, with the amount of such estimate; also, the aggregate amount to be collected in each township.

Sec. 5. Said commissioners shall contract for the performance ^{Contracts.} of the work, and materials required to complete such ditches and drains, but contracts shall be upon reasonable public notice, published in some newspaper printed in the county, or if no paper be printed in the county, in a newspaper published in some county nearest thereto, not less than three successive weeks, and such other notice as to them shall seem proper.

Sec. 6. Said commissioners shall make a full report of all ^{Report of commissioners.} their doings in the premises, accompanied with maps and surveys, and all other matters necessary to a full exhibition of their action, on each drain, with a copy of the verdict of the jury, or award of commissioners, as the case may be, and present the same to the board of supervisors at their next annual meeting, and the board of supervisors shall, at said meeting, charge the aggregate sums as they are apportioned against the proper townships, and shall direct the supervisor of each township in which any portion of said drain or drains may be ordered to be constructed, or tax levied, to levy the same upon the several parcels of land described in said report in his township, according to the apportionment of said commissioners, and direct the township treasurer to collect and pay said sums to the county treasurer, in like manner and at the same time with other taxes; a copy of said report shall also be filed with the county ^{Levy and collection of tax.} treasurer, and one with the Auditor General, by the said board, ^{Report to be filed.} after the levy of such tax by the board of supervisors.

Sec. 7. It shall be the duty of the county treasurer to return ^{Delinquent taxes.} all lands upon which a tax shall be levied under this act, delinquent for such tax, to the Auditor General, and the same shall be advertised and sold therefor, at the same time, and in the ^{See} same manner, and subject to the like redemption, as lands delinquent for other taxes.

Sec. 8. Said commissioners shall have power to re-locate any

Commissioners may re-locate drains. drain to drains, to alter or vary the size thereof, with the consent of the contractor or contractors; and the power herein conferred on said commissioners for digging and draining, shall also extend to and include deepening and widening, and clearing out any ditches or drains which have heretofore been or may be hereafter constructed.

Drains may be laid along public roads. Sec. 9. Drains may be laid along or upon any public road, and where any shall be so laid out and constructed, or where any road shall hereafter be constructed along any such drain, it shall be the duty of the overseers of highways in their respective districts to keep said drain open and free from all obstruction, and where any such drain shall cross a public highway, the overseers of such district shall build and keep in repair a suitable bridge.

Proceedings when tax is set aside. Sec. 10. Whenever any tax, levied for the construction of a drain, under this act, shall be reported back to the county treasurer where the same is levied, by the Auditor General, or set aside by any court of competent jurisdiction, it shall be lawful for the supervisor of the proper township to re-assess such tax on the same land: *Provided*, Such drain has been made.

Penalty for injuring drains. Sec. 11. If any person shall wilfully or maliciously obstruct or injure any drain laid out by and under the provisions of this act, he shall be subject to a fine not exceeding ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which fine may be recovered in an action of debt, at the suit of any one of said commissioners, before any justice of the peace of the proper county; and when any recovery shall be made, and the same collected, it shall be paid to the complainant, and be by him deposited with the township treasurer in the township where such damages occurred, for the benefit of highways in such township.

Money not to be paid by county treasurer out of any other fund. Sec. 12. No money shall be paid by any county treasurer of any county in which a tax is assessed for the purposes of drainage, under this act, on any warrant drawn by said commissioners, out of any other fund than that derived from such taxes.

Sec. 13. The commissioners shall each be entitled to receive

one dollar and fifty cents per day for the time actually spent by them in performing their duties, under this act, and their necessary traveling expenses, to be audited by the board of supervisors, or in the county of Wayne by the county auditors, and paid out of the moneys collected by virtue of this act, and not otherwise.

Sec. 14. Whenever any order drawn by the commissioners shall be presented to the county treasurer, and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall endorse thereon the date of such presentation, with his signature thereto. Such orders shall draw interest from and after such presentation and endorsement.

Sec. 15. Whenever, in the construction of any drain, it shall be deemed necessary to run the same across any county line, the application for such drain shall be addressed to the commissioners of both counties, and the same proceedings shall be had, as near as may be, as are required on the application to commissioners of one county, and they shall all act as one board; the chairman of the board of the county in which the drain begins shall be chairman, and the officer shall be authorized to summon the jury from both counties; and the board thus formed shall report to both county treasurers, board of supervisors and Auditor General, as hereinbefore provided when the drain lies in one county.

Sec. 16. As soon as the commissioners have apportioned the expenses of any drain upon the lands to be benefitted thereby, they shall give notice that they will meet at a place named, in the township in which such drain begins, to hear such parties as may feel aggrieved by such apportionment, which notice shall be published by posting the same in three public places in each township through which such drain is to be made, at least ten days before such meeting. The commissioners, upon hearing such parties, may then amend or correct such apportionment.

Sec. 17. All bids made for any of the lands which may be

Warrants sold for taxes assessed under the provisions of this act, may be paid in warrants, drawn under the provisions of this act by the commissioner on the treasurer of said county in which the lands are situated, if drawn for the construction of the said ditch, or commissioners' services, for which said lands are to be sold; and such warrant shall, if tendered, be received by the Auditor General, or treasurer of the county in which they were drawn, in payment for any such tax that may be returned delinquent.

Annual report of commissioners.

Sec. 18. For the information of all persons concerned, the said commissioners shall make a full report in writing, to the board of supervisors of the proper county, at the next and each annual session thereafter, setting forth as near as practicable:

Contents of report.

First. What proportion of the ditches or drains, for the construction of which a tax has been levied, are completed, and the amount paid therefor;

Ibid.

Second. What proportion is under contract and not completed, and the amount to be paid therefor, and whether such contract or contracts are likely to be performed; also the proportion not yet under contract, and the estimated cost of their construction, and whether there is a sufficient amount of unexpended funds, created by such tax, to complete the work;

Ibid.

Third. What amount of such funds had been expended and for what purpose, exhibiting the items of such expenditure as fully as may be practicable; and also, what amount of warrants has been drawn by them against such fund, and shall also report all such other matters in relation to the subject as they may deem necessary, or said board of supervisors may require.

Powers of boards of supervisors.

Sec. 19. The board of supervisors of the several counties in which commissioners shall be appointed, shall have full power and authority to control the action of such commissioners, (and may make any order in relation to such ditches or drains or other matter relating thereto,) not inconsistent with the public interests or the rights of individuals (which order shall be binding on such commissioners); they shall also have power to remove any or all such commissioners for cause deemed by them

sufficient, and to appoint others in their stead with like powers and liabilities.

Sec. 20. Upon the return of the venire, issued pursuant to Jury. the provisions of section three of this act, if the jurors shall not all appear within one hour after the time of appearance named in the venire, the chairman of the board shall direct an officer to summon a sufficient number of freeholders, naming them, in the vicinity, as talesmen, to complete the panel; and when the jurors have appeared, the chairman shall administer unto each of said jurors an oath well and truly to examine and determine the necessity for constructing such ditch or ditches, and to assess the damages sustained by any person or persons owning the lands through which the same shall pass. Oath of Jurors.

Sec. 21. The jury shall thereupon proceed to examine such swamp, marsh, or other low land, to determine the necessity for constructing such drain or drains, and if they shall, on a careful examination of the whole matter, be of the opinion that it is necessary to construct said drain or drains, they shall proceed to assess the damages which any person or persons shall sustain by reason of the construction of the same, and shall certify, in writing, their doings, and the amount of damages so assessed, to the chairman of said board of commissioners, and said jurors shall be entitled to receive one dollar per day, each, and six cents per mile for traveling, in going to the place or places where such drain or drains shall be located, to be paid according to the provisions of this act. Jury to estimate and assess damages. Compensation of Jurors.

Sec. 22. If damages shall be assessed by any jury, under the provisions of this act, and certified as aforesaid, said commissioners shall thereupon issue their order upon the county treasurer of said county for the amount of such damages, to any person or persons, their agent or attorneys, entitled thereto; such order or orders shall be paid by said treasurer out of any money in the treasury in pursuance of the provisions of this act. Damages, how paid.

Sec. 23. Whenever application shall be made, as provided in the third section of this act, to said commissioners, to examine

Applicant to pay costs when request is not granted.

any swamp, marsh, or other low land, and said commissioners shall proceed to examine the same, and it appears, on such examination, that there was no sufficient cause for making such application, and the commissioners shall determine that no ditch or ditches asked for by said applicants is needed, said applicants shall be liable to said commissioners for the amount of all costs and expenses incurred by them in making such determination; and if said applicants shall neglect to pay the same on demand thereof being made, said commissioners may recover the same in an action of assumpsit, or on the case, before any justice of such county.

Special commissioners to assess damages.

Sec. 24. Said commissioners shall have power to apply to any judge of a court of record of such county for the appointment of three commissioners to determine the necessity for constructing any ditch or ditches, and to assess the damages to which any person or persons shall be entitled by reason of the construction thereof, in the same manner and under the same restrictions imposed on a jury of freeholders, in section twenty-one of this act, and in such case it shall not be necessary to empanel any jury, as provided by this act.

Former commissioners alone reappointed.

Sec. 25. All commissioners appointed according to the provisions of an act entitled "an act to provide for the draining of swamps, marshes, and other low lands," approved February seventeenth, eighteen hundred and fifty-seven, and an act amendatory thereto, approved February fourteenth, eighteen hundred and fifty-nine, and who are holding such office at the time of the passage of this act, shall continue to hold such office, with all the powers, and subject to the provisions of this act, until they shall resign or be removed by the board of supervisors of the proper county. Any report made by the drain commissioners of any county to the circuit court of such county, and now pending therein, shall be and the same is hereby remitted, without further action of said court, to the said commissioners, who shall have full power to proceed with the matters therein reported the same as if such report had never been required or made; and said commissioners may alter or vary

the route, and rescind any contract entered into for the construction of any such drain, referred to in any such report, for any cause which, in their opinion, would have prevented the confirmation of said report, or may be sufficient; and upon such alteration or variation of route, or rescision of contract, may proceed to the completion of the drain or drains embraced in such report under the provisions of this act; and it is provided that anything contained in this act shall not be construed or held to annul or avoid any assessment, contract or undertaking, heretofore made, levied or entered into, by the commissioners of any county, under the said acts, which are by this act repealed, save as in [this] section provided; and all rights which may have accrued, and all acts done by such commissioners, shall remain unimpaired by anything herein contained, save as provided in this section.

Sec. 26. An act entitled "an act to provide for the draining Repeal: of swamps, marshes, and other low lands, approved February seventeenth, eighteen hundred and fifty-seven," and an act amendatory thereto, approved February fourteenth, eighteen hundred and fifty-nine, are hereby repealed.

Sec. 27. This act shall take immediate effect.

Approved March 15, 1861.

Section of Act: L S S. 1867-1. 3-

[No. 217.]

AN ACT to provide for the drainage and reclamation of swamp lands by means of State roads and ditches.

SECTION 1. *The People of the State of Michigan enact,* That there shall be laid out and established, by commissioners to be appointed by the Governor, upon the most direct and eligible routes between the places hereinafter designated, the following State roads:

First A road beginning at the north-east corner of section thirty-six, in town five south, of range sixteen west, running thence north on the section line five miles, to the county line of Van Buren county, to be known as the Dowagiac swamp State

Grand Traverse
road; a road from Little Traverse Bay, in Emmet county, to Traverse City, in Grand Traverse county, to be known as the Emmet and Grand Traverse State road;

Manistee and Leland. *Second.* A road from Manistee, in Manistee county, to Leland, in the county of Leelanaw, *via* Frankfort, to be known as the Manistee and Leland State road; a road from Blissfield village, in Lenawee county, to Ottawa lake, in Monroe county, to be called the Cotton Wood swamp State road, being eight miles; also, a road from the village of Berlin, in Ottawa county, to the south line of Jamestown, *via* Haire's Landing and Georgetown Centre, to be known as the Berlin and Georgetown State road;

**Cotton Wood
swamp,
Berlin and
Georgetown.**

**Muskegon
and Cedar
Springs.** *Third.* A road from Muskegon village, in Muskegon county, east, to Cedar Springs, in Kent county, to be known as the Muskegon and Cedar Springs State road;

**Englishville
and Croton**. *Fourth.* A road from Englishville, in the county of Kent, to Croton, in the county of Newaygo, *via* Sextonville, to be known as the Englishville and Croton State road; also, a road from Big Rapids, in Mecosta county, southerly, to intersect with a road running from Greenville to Grand Rapids, to be known as the Big Rapids and Grand Rapids State road;

**Big Rapids
and Grand
Rapids.**

**Capac and
Clyde.** *Fifth.* A road from Capac, in the county of St. Clair, thence east until it intersects the Brockway and Port Huron plank road, to be known as the Capac and Clyde State road;

**Port Sanilac
and Tuscola.** *Sixth.* A road from Port Sanilac, in Sanilac county, thence westerly by the way of Watrousville and the southern terminus of the Bay City plank road, to Bridgeport, in Saginaw county, to be known as the Port Sanilac and Tuscola State road;

**Saginaw and
Gratiot.** *Seventh.* A road from Saginaw, in Saginaw county, by the way of St. Louis, in Gratiot county, to Alma, in Gratiot county, to be known as the Saginaw and Gratiot State road;

**Newaygo
and Dayton.** *Eighth.* A road from the village of Newaygo, by the way of Fremont and Dayton, to the north line of Newaygo county, in township sixteen north, of range fourteen west, to be known as the Newaygo and Dayton State road; also, a road from Hastings, in the county of Barry, to Lowell, in Kent county, and

Hastings.

four thousand acres of State swamp land to aid in building the same, to be in full for appropriation on said road; also, a road from the village of Waterloo, in the county of Jackson, by way of Whitewood island and the Portage saw mill to the mouth of Portage river, in the township of Blackman, in said county, to be known as the Portage river State road, half section per mile;

Ninth. A road from Almont, in Lapeer county, to the forks of Cass river, in Tuscola county, *via* Marlette, to be known as the Almont and Cass river State road;

Tenth. A road from Sandbeach, in Huron county, to Bay City, in Bay county, *via* Sebawaing, to be known as the Sandbeach and Bay City State road;

Eleventh. A road from Big Rapids, in the county of Mecosta, to Greenville, to be known as the Greenville and Big Rapids State road;

Twelfth. A road from Greenbush, in the county of Clinton, north to the north line of township number ten north, in the county of Gratiot, to be known as the Greenbush and Gratiot State road;

Thirteenth. A road from Port Austin, in Huron county, running southerly until it intersects the Lexington and Flint river State road, to be known as the Port Austin and Sanilac State road;

Fourteenth. A road from Midland City, in Midland county, to Mount Pleasant, in Isabella county, to be known as the Midland and Isabella State road;

Fifteenth. A road from Saginaw City, in Saginaw county, to Owosso, in Shiawassee county, to be known as the Saginaw City and Owosso State road;

Sixteenth. A road from Ithaca, in Gratiot county, to St Charles, in Saginaw county, to be known as the Ithaca and St. Charles State road;

Seventeenth. A road from Parshall's mills, in Saginaw county, to Montrose, in Genesee county, *via* Maple Grove, to be known as the Saginaw and Genesee State road;

Eighteenth. A road from Ionia, to Vermontville, in the county

Ionia and Vermontville. of Eaton, to be called the Ionia and Vermontville State road: *Provided*, That no appropriation shall be made or expended in any portion of the first eight miles south from Ionia;

Newhaven and Fairfield. *Nineteenth.* A road from Newhaven, in Shiawassee county, through Rush, to Fairfield, in said county, to be known as the Newhaven and Fairfield State road;

Branch of Eaton and Barry. *Twentieth.* A road commencing on section thirty-five of township four north of range three west, thence westerly to intersect the State road running from the city of Lansing to the village of Hastings, in the county of Barry, to be known as the branch State road of Eaton and Barry counties;

Duncan, Alpena and Sauble river. *Twenty-first.* A road from Duncan, in Cheboygan county, to Sauble river, in Iosco county, *via* Alpena, to be known as the Duncan, Alpena and Sauble river State road;

Mackinaw and Little Traverse Bay. *Twenty-second.* A road from, at or near Mackinaw City, in Emmet county, to Little Traverse Bay, in Emmet county, *via* Cross village, to be known as the Mackinaw and Little Traverse Bay State road;

Sanilac and Bay. *Twenty-third.* A road from Forrestville, in Sanilac county, to East Saginaw, *via* Ellington, in Tuscola county, and village of Portsmouth, in Bay county, to be known as the Sanilac and Bay State road.

How constructed. Sec. 2. Said roads to be laid out and constructed under the provisions of act number one hundred and seventeen of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Appropriation. Sec. 3. To secure the construction of said roads, there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to the mile, except for the roads mentioned in subdivision of section one, being paragraphs sixteen and seventeen, for which there is hereby appropriated an average amount of three hundred and twenty acres per mile, to be expended under the provisions of said act and the acts amendatory thereto.

Duty of commissioners in laying out roads. Sec. 4 It shall be the duty of the commissioners to be appointed, to lay out and establish the lines of said roads, so far

as practicable, in locations where swamp lands belonging to the State will be drained by their construction, and so let contracts as to procure the construction of continuous lines of roads, and so far as may be, to connect with settled portions of the State.

Sec. 5. That the sum of two thousand acres of State swamp lands be and the same is hereby appropriated to build and improve the road in the county of Monroe beginning and running from the village of Vienna south to the State line. Appropriation for road in Monroe county.

Sec. 6. That the sum of two thousand acres of State swamp lands be and the same is hereby appropriated to build and improve the road in the county of Monroe beginning at the county line, on the west side of said county, and on the north side of the river Raisin, in the township of Summerfield, running to Petersburg, south through Summerville and Bedford, to the State line.

Sec. 7. That the sum of two thousand acres of State swamp land be and the same is hereby appropriated to build and improve the road in the county of Monroe beginning on the county line between Wayne and Monroe, at the section corners of three and four, in township five south, of range nine east, running south on the section line across said township number five, and south through Frenchtown, until it intersects the plank road.

Approved March 15, 1861.

[No. 218.]

AN ACT amending sections three, thirteen and twenty-five, of chapter one hundred and fifty, of compiled laws, relating to conferring upon justices of the peace jurisdiction in case of forcible entry and detainer, and forcible detainer only.

SECTION 1. *The People of the State of Michigan enact,* That sections three, thirteen and twenty-five, of chapter one hundred and fifty, of compiled laws, relating to forcible entry and detainer, and forcible entry only, be so amended as to read as follows: Sections amended.

Complaint
may be
made.

Sec. 3. The person entitled to the possession of the premises, his agent or attorney, may make complaint in writing and on oath, and deliver the same to a circuit court commissioner, or a judge of the circuit court for the county, or to any justice of the peace of the township where the premises are located: *Pro-*

Provido.

vided, The said premises are not located in any city or township where a circuit court commissioner holds his office, setting forth that the person complained of is in possession of the lands or tenements in question, describing them, and that he entered into the same with force, or that he unlawfully holds the same by force, as the case may be.

Complaint
may be
made.

Sec. 13. In the cases specified in the preceding section, the person entitled to the possession of the premises, his agent or attorney, may make complaint in writing and on oath, and deliver the same to a circuit court commissioner, or judge of the circuit court for the county, or to any justice of the peace of the township where the premises are located: *Provided*, The

Provido.

said premises are not located in any city or township where a circuit court commissioner holds his office, setting forth that the person complained of is in possession of the lands or tenements in question, describing them, and that such person holds the same unlawfully, and against the rights of the complainant.

Appeal,
when made.

Sec. 25. Either party conceiving himself aggrieved by the determination or judgment of the commissioner, or judge, or other officer, made or rendered under the provisions of this chapter, may appeal therefrom to the circuit or district court for the same county, within the same time, in the same manner, and a return may be compelled, and the same proceedings shall be therefor had, as near as may be, and with the like effect, as in cases of appeals from judgments rendered before justices of the peace, and costs shall be awarded and collected in the cir-

Bond.

cuit court in the same manner; but before any appeal by a defendant shall be allowed, he shall, in addition to the usual recognizance, make and execute to the complainant, a bond in the penalty to be fixed by the judge or commissioner, or other officer, not less than twice the amount of the annual rent of the

premises in dispute, with good and sufficient sureties, who shall justify, and also be approved by said judge, or commissioner, or other officer, conditioned that if the complainant obtain restitution of said premises in said suit, the said defendant will forthwith pay all the rent due, to become due the complainant for the premises described in the complaint, up to the time said complainant shall obtain possession thereof, together with costs of suit in prosecuting said complaint and obtaining restitution of said premises, which bond shall be delivered to said complainant, or his agent or attorney; and if the complainant obtain restitution of said premises, he may, at his election, sue and recover on said bond, or bring his action against the defendant, under section twenty-four of this chapter.

Approved March 15, 1861.

[No. 219]

AN ACT to amend section sixty-three, of chapter sixty, of the revised statutes of eighteen hundred and forty-six, being section twenty-five hundred and five of the compiled laws, relative to trespasses on the public lands.

SECTION 1. *The People of the State of Michigan enact, That* section sixty-three, of chapter sixty, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows:

Sec. 63. Any person who shall commit any trespass upon any of the lands owned or held in trust, or otherwise, by this State, shall be liable in treble damages, in an action of trespass, to be brought in the name of the people of the State, if such trespass shall be found by the court or jury to have been willful, and single damages only shall be recovered in such action, if such trespass shall be found to have been casual and involuntary; and whenever the prosecuting attorney, Commissioner of State Land Office, or person designated by him to prosecute for such trespass, shall make an affidavit that any person, naming him, has committed such trespass on any of such lands, as he verily

Section amended.

Willful trespassers liable in treble damages, casual, &c., in single.

Proceedings against non-resident or absconding trespassers.

believes, and stating, as near as may be, the amount of damages occasioned thereby, and that he is either not a resident of this State, or has absconded therefrom, or is about to abscond, to avoid the service of process, and shall present the same to the clerk of the circuit or district court in which such lands are situate, a writ of attachment shall be issued, and such affidavit be attached thereto, as the commencement of suit against such alleged trespasser, in the same form, as nearly as applicable, as provided in chapter one hundred and fifteen of the revised statutes of eighteen hundred and forty-six, and all the provisions of said chapter, and the practice under the same, not inconsistent with this act, shall be applicable to regulate the proceedings therein, under this act, and to make the same effectual.

Approved March 15, 1861.

[No. 220.]

AN ACT vesting with police powers, marshals and their deputies, at State and county Fairs.

Vested with police powers. SECTION 1. *The People of the State of Michigan enact, That* all persons duly appointed or chosen as marshal and deputy marshals, at the State fair or county fair, by authority of the State or county agricultural societies of this State, shall, as such marshals, during the days of the fair, be vested with the police powers of special constables in the township, village or city in which such fair is held.

Approved March 15, 1861.

[No. 221.]

AN ACT giving to circuit courts jurisdiction by information in the nature of a quo warranto, in certain cases.

Information may be filed SECTION 1. *The People of the State of Michigan enact, That* an information in the nature of a quo warranto may be filed in the several circuit courts of this State, as well as in the se-

preme court, and that all of the provisions of chapter one hundred and sixty-one, of the compiled laws of this State, shall be applicable to such proceedings in such circuit courts, and all powers conferred upon the several judges of the supreme court by said chapter are hereby conferred upon the judges of the several circuit courts respectively: *Provided*, That no such information shall be filed and allowed by any such circuit court against any judge of the supreme court, or any State officer: *And provided also*, That no writ of summons, issued upon any such information, shall be served out of the jurisdiction of the court issuing the same, and all issues joined between the parties shall be tried, and all assessment of damages shall be made in the circuit court where such cause is pending.

Sec. 2. Informations under this act may be filed by the prosecuting attorney of the proper county, on his own relation, or that of any citizen of the county, without leave of the court, or by any citizen of the county by special leave of the court.

Sec. 3. Said circuit courts are hereby authorized to make rules to regulate proceedings under this act, to have effect until the supreme court shall make rules therefor.

Approved March 15, 1861.

[No. 222.]

AN ACT to amend sections fourteen and sixteen, and to repeal section fifteen, of chapter one hundred and thirty-four of the compiled laws, relating to the action of ejectment.

SECTION 1. *The People of the State of Michigan enact*, That sections fourteen and sixteen of the compiled laws be and the same are hereby amended so that the said sections shall read as follows:

Sec. 14. If the defendant, or any defendant named in such declaration, shall not occupy the premises claimed the declaration, provided the same are unoccupied and unimproved, and notice shall be served on such defendant personally if such defendant can be found within this State, and such service may

Court to make an order for appearance of non-resident defendants. Publication of order.

be made in any part thereof; and in case such defendant does not reside within this State, or cannot be found therein, then, on proof by affidavit of either of these facts, the court may make an order for the appearance of such defendant at some future day, not more than six months from the date thereof. Such order shall be published once in each week for six successive weeks, in some newspaper, to be designated by the court, or be personally served on such absent, concealed, or non-resident defendant, such publication to be completed, or such fees and service to be made at least twenty days before the time limited for the appearance of such defendant.

When and how appearance and default may be entered.

Sec. 16. Upon filing the certificate of any sheriff in this State, or an affidavit of the due service of a copy of the declaration and notice of the rule to plead, personally, on such defendant, or upon filing affidavit of the due publication of such order, to be made by the printer or proprietor of the newspaper in which the same was published, or upon filing due proof of the service of such order personally on such defendant within the time limited, then the appearance of such defendant shall be entered; and in case such defendant shall neglect to plead within the time prescribed by such rule or order, his default for not pleading may be entered.

Repeal.

Sec. 2. Section fifteen, of said chapter one hundred and thirty-four, is hereby repealed.

Approved March 15, 1861.

[No. 223.]

AN ACT to provide for the expenses of the trial of persons holding, or who have held State offices, for malfeasance in office.

Expenses, how paid.

SECTION 1. *The People of the State of Michigan enact, That the expenses of all prosecutions against persons holding, or who may have held, any State office under the constitution of the State, for malfeasance in office, shall be paid from the general fund, by the State Treasurer; and the board of State audit-*

ors are hereby authorized and empowered to allow all just and legal claims for such prosecutions, and this act shall be deemed to apply to the expenses of any prosecutions already commenced, as well as to any which may occur in the future.

Approved March 15, 1861.

[No. 224.]

AN ACT to legalize a certain highway in township number four (4) south, range number seven (7) west.

Whereas, Commissioners duly appointed by the judge of probate for the county of Calhoun, on the twenty-first day of November, A. D. eighteen hundred and fifty-nine, did, by virtue of such appointment, lay out and establish a highway in said township, upon a survey recorded in the clerk's office in the township of Burlington, commencing in the centre of the Battle Creek road between sections seventeen (17) and twenty (20), and running in an easterly direction to an angle of the highway running east of Turtle lake, in the said township;

And whereas, Certain informalities existed in the returns and recording, which do not affect the rights of any of the parties; therefore,

SECTION 1. *The People of the State of Michigan enact*, That the above named highway is hereby declared established and valid in all respects, as if no informalities had existed.

Sec. 2. This act shall take effect immediately.

Approved March 15, 1861.

[No. 225.]

AN ACT to authorize the Auditor General to pay to Robert P. Sinclair the money received for the redemption of land sold for taxes.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General be and hereby is authorized and required to return to Robert P. Sinclair the money received for the re-

demption of land sold to him for the taxes of eighteen hundred and fifty-seven, and the interest thereon, on presentation of the certificates of purchase, or satisfactory evidence that they have been destroyed.

Sec. 2. This act shall take effect immediately.

Approved March 15, 1861.

[No. 226.]

AN ACT to amend section sixteen hundred and sixty-one and section sixteen hundred and seventy-seven, of chapter fifty-two, of the compiled laws, in relation to the manufacture and sale of spirituous or intoxicating liquors as a beverage.

SECTION 1. *The People of the State of Michigan enact, That* section one thousand six hundred and sixty-one, of chapter fifty-two, of the compiled laws, be amended so as to read as follows:

Section
amended.

Sale of spir-
ituous and
intoxicating
liquors pro-
hibited.

Sec. 1661. *The People of the State of Michigan enact, That* no person shall be allowed to manufacture or sell at any time, by himself, his clerks, servant or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as hereinafter specified.

Sec. 2. That section one thousand six hundred and seventy-seven be amended so as to read as follows:

Manufac-
ture of alco-
hol of com-
merce.

Proviso.

Sec. 1677. This act shall not be construed as prohibiting the manufacture of the alcohol of commerce, containing not less than eighty parts in the hundred of pure alcohol: *Provided,* That the manufacturer shall not be at liberty to sell the same within this State, excepting only to the persons who may have given bonds pursuant to section fourteen of this act, and any other sale of such alcohol shall be deemed to be within the prohibitions, penalties and forfeitures of this act. Nothing contained in this act shall be construed to prohibit the making of cider from apples, or wine from grapes or other fruits grown or gathered by the manufacturer thereof, or of beer made in this State, and free from all other intoxicating liquors; but in no

Cider and
wine.

case shall such beer be sold in less quantity than five gallons, or such wine or cider be sold in less quantity than one gallon, and sold to be and be all taken away at one time; and all sales of such beer in less quantity than five gallons, or of such wine or cider in less quantity than one gallon, to be drunk or used on the premises, shall be an unlawful sale in the meaning of this act, and be punished accordingly.

Approved March 15, 1861.

[No. 227.]

AN ACT to amend an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, approved February twelfth, eighteen hundred and fifty-nine, by adding thereto sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one.

SECTION 1. *The People of the State of Michigan enact, That* an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, approved February twelfth, eighteen hundred and fifty-nine, be and the same is hereby amended, and ten new sections added to said act, numbered sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, so as to read as follows:

Sec. 13. That there shall be laid out and established in the Upper Peninsula, by commissioners to be appointed by the Governor, by and with the consent of the Senate, one for each county, who shall be a resident of the county through which any of the roads hereby located and established may pass, upon the most direct and eligible routes between the places hereinafter designated, the following State roads:

First. A road from the Wisconsin State line, near the mouth of the Monominee river, thence northerly to the southern line of town forty-eight north, range twenty-seven west, to be known as the Wisconsin and Lake Superior State road: *Pro-*

vided, That no portion of the aforesaid road shall be used as a road-bed for any railroad;

Keewena Bay.

Second. A road from the southern line of town forty-eight north, range twenty-seven west, thence westerly to Lake Michigamming, thence westerly to the waters of Keewena Bay, to be known as the Keewena Bay State road;

Mineral range.

Third. A road from Point Keewenaw to the village of Copper Harbor, in the county of Houghton, to the village of Houghton, in said county, from thence to the eastern boundary line of Ontonagon, to be known as the Mineral Range State road;

Bay de Noc and Green Bay.

Fourth. A road from the mouth of the Menominee river northwardly, (as near as practicable, to the shore of Green Bay,) to the southern terminus of the Marquette and Bay de Noc (or Bay de Noquet) State road, to be known as the Bay de Noc and Green Bay State road;

Saut Ste Marie and Grand Island.

Fifth. A road from the village of St. Marie, in the county of Chippewa, to the harbor of Grand Maria and the village of Minessing, in the county of Schoolcraft, to be known as the Saut Ste. Marie and Grand Island State road;

Ste Ignace and Millecoka.

Sixth. A road from Point Ste. Ignace, in the county of Mackinaw, to Gros Cap, in said county, and from thence to the mouth of Millecoka river, to be known as the Ste. Ignace and Millecoka State road;

Troy and Southport.

Seventh. A road from Troy, on Beaver Island, in the county of Manitou, by the most eligible route on the eastern shore of the Island to the light-house thereon; to be known as the Troy and Southport State road.

Appropriation.

Sec. 14. That for the purpose of securing the early construction of the roads aforesaid, in the Upper Peninsula, there shall be and is hereby appropriated of the swamp lands, an average amount per mile on each of said roads, not exceeding the value of twelve hundred and eighty acres of said lands at the minimum price fixed by the laws of this State, said lands to be selected exclusively in the Upper Peninsula.

Lands to be taken in liquidation of contracts.

Sec. 15. That any contractor for the construction of any of the roads aforesaid, or any part thereof, shall take lands in

liquidation of such contract, which shall be stated in the contract, and that no more than an average of twelve hundred and eighty acres of said lands shall be stipulated to be paid per mile for constructing any of said roads in the Upper Peninsula, and that the lands so stipulated to be paid shall be selected in the county through which the road passes, by the contractor at any time between the date of the contract and its completion and settlement, and the land so selected shall be withdrawn from market, but no lands shall be conveyed until after the full completion and acceptance of the work embraced in any such contract.

When contractor to select lands.

Land withheld from market.

Sec. 16. That the work of constructing of the roads named aforesaid, in the Upper Peninsula, shall be commenced by the commissioner in each county, at such points and in such manner as the board of supervisors shall from time to time direct; and each commissioner shall, upon entering into any contract for building any part of the aforesaid roads, file in their respective county clerk's office, duplicate copies of such contract, with a map of the road embraced in said contract, and shall also submit all contracts for the construction of any of the roads aforesaid to the board of supervisors, for their approval or disapproval; if disapproved by the board of supervisors, such contracts shall be void; and each of said commissioners shall also file in the county clerk's office of their respective counties, on the first days of July and January in each year, a sworn statement of all contracts and expenditures made by them, with duplicate vouchers for each and every payment made by them; also a statement of the number of miles of the road completed, its cost per mile, and the number of miles under construction, and its estimated cost per mile.

Board of supervisors to direct construction, &c.

Filing and approval of contracts

Statement of commissioners to be filed with county clerk

Sec. 17. That each of the commissioners aforesaid, for the State roads in the Upper Peninsula, shall only be entitled to receive three dollars per day for each day of actual service; and in the Upper Peninsula, the board of supervisors, in their respective counties, shall be a board of examiners and auditors, whose duty it shall be to examine all work done on the

Compensation of commissioners.

Board of examiners and auditors.

State roads within their respective counties; and if, in their opinion, it is done according to contract, shall approve of the same. They shall also examine the accounts of the commissioner in their respective counties, and if approved, transmit them to the Auditor General; and no money shall be drawn from the treasury, or lands conveyed for the construction of any roads in the Upper Peninsula, until the accounts for such expenditures shall have been audited and approved by the board of supervisors, in which said expenditure has been made.

No money drawn or land conveyed until accounts audited.

Appropriation for St. Mary and Mackinaw road.

Sec. 18. And that for the construction of the St. Mary's and Mackinaw State road, provided for in the sixth paragraph of section one of the act to which this act is amendatory, there shall be and is hereby appropriated a sum equal to twice the amount provided for in said act; and if the construction of said road is paid for in swamp lands, there is hereby appropriated for said road a quantity not exceeding two sections per mile for the whole length of said road. There shall be but one commissioner appointed as aforesaid, upon said road, and if the board of supervisors of Chippewa county deem it necessary to cause any part or portion of said road to be re-surveyed and re-located, they are hereby authorized to do the same. The swamp lands hereby appropriated for the construction of the aforesaid road, or any part thereof, shall be selected from the swamp lands in the counties through or into which the road passes, in the Upper Peninsula.

Commissioner

Lands, when selected.

Compensation of commissioners.

Sec. 19. That for the services of the commissioners appointed under the provisions of this act, for the State roads in the Upper Peninsula, they shall be entitled to receive a sum not exceeding three dollars per day for the time actually employed; and their accounts for the same, and the cost of surveying, verified by their oath, shall be audited by the board of supervisors of their respective counties, and paid out of any moneys in the county treasury applicable to or levied for roads.

Provisions of section 18 applicable to other roads.

Sec. 20. That the provisions contained in section eighteen of this act, in reference to the St. Mary's and Mackinaw State road, shall be and they are hereby declared applicable to the

L'Anse Bay and State line road, and the Marquette and Bay de Noc State road, Ontonagon and State line road.

Sec. 21. All acts or parts of acts contravening the provisions ^{Repeal} of this act, so far as they apply to the construction of State roads by means of swamp lands in the Upper Peninsula, are hereby repealed.

Sec. 22. This act shall take immediate effect.

Approved March 15, 1861.

[No. 228.]

AN ACT to prevent fishing with seines, nets and spears, in the lakes known as Devil's lake and Round lake, in Lenawee county.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter to fish with seines, or any species of continuous nets, or with any form of spears, in the inland lakes known as Devil's lake and Round lake, in Lenawee county. ^{Prohibition.}

Sec. 2. Any person offending against any of the provisions of this act, shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or by imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction. ^{Penalty.}

Approved March 15, 1861.

[No. 229.]

AN ACT to amend sections forty-seven hundred and forty-two, forty-seven hundred and forty seven, forty-seven hundred and forty-eight and forty-seven hundred and seventy-one, of the compiled laws, relating to proceedings against debtors by attachment.

SECTION 1. *The People of the State of Michigan enact*, That sections forty-seven hundred and forty-two, forty-seven hundred and forty-three, forty-seven hundred and forty-seven, [forty-seven] hundred and forty-eight and forty seven hundred and sev- ^{Sections amended.}

enty-one, of the compiled laws, the same being sections one, two, six, seven and thirty, of chapter one hundred and fourteen of the revised statutes of one thousand eight hundred and forty-six, be and the same are hereby amended so that the said [sections] shall read as follows:

When creditors may proceed by attachment.

(4742.) Sec. 1. Any creditor shall be entitled to proceed by attachment against his debtor in the circuit court of the county in which the creditor or the debtor (or in case of joint debtors, either of them) shall reside, if the debtor have property subject to attachment in said county; and in case the debtor has no property in said county, or is a non-resident of this State, then in the circuit court of any county where the property of the debtor subject to attachment, may be found, in the cases, upon the conditions, and in the manner provided in this chapter.

Affidavit to be attached to writ.

(4743.) Sec. 2. Before any such writ of attachment shall be executed, the plaintiff, or some person in his behalf, shall make and annex thereto an affidavit, stating that the defendant therein is indebted to the plaintiff, and specifying the amount of such indebtedness as near as may be, over and above all legal set-offs, and that the same is due upon contract, express or implied, or upon judgment, and containing a further statement that the deponent knows, or has good reason to believe, either:

Contents of affidavit.

First. That the defendant has absconded, or is about to abscond from this State, or that he is concealed therein, to the injury of his creditors; or,

Second. That the defendant has assigned, disposed of or concealed, or is about to assign, dispose of or conceal any of his property with intent to defraud his creditors; or,

Third. That the defendant has removed, or is about to remove any of his property out of this State, with intent to defraud his creditors; or,

Fourth. That he has fraudently contracted the debt, or incurred the obligation respecting which the suit is brought; or,

Fifth. That the defendant is not a resident of this State, and has not resided therein for three months immediately preceding the time of making such affidavit; or,

Sixth. That the defendant is a foreign corporation: *Provided*, That such affidavit shall not be deemed insufficient by reason of the intervention of a day between the date of the *jurat* to such affidavit, and the issuing of the writ, and that when the person making such affidavit shall reside in any other county in this State, than that in which the writ of attachment is to issue, one day's time for every thirty miles travel, by the usual post route, from the residence of such person to the place from which such writ shall issue, shall be allowed between the date of such *jurat* and the issuing of such writ.

(4747.) Sec. 6. The sheriff or other officer to whom such writ shall be directed, shall execute the same on or before the return day thereof, by seizing so much of the lands, [tenements,] goods, chattels, moneys and effects of the defendant, wheresoever the same may be found in his county, as will be sufficient to satisfy the demand and costs, and by making an inventory thereof, and serving a copy of such attachment and inventory, certified by him, upon the defendant, if he can be found in his county; and in case any property of the defendant is found and seized in said county, but not sufficient to satisfy the demand and costs, then said officer shall seize other property of the defendant, subject to attachment, sufficient with that seized within his county to satisfy the demand and costs, whenever the same may be found within the State, and shall serve a copy of such attachment and inventory upon said defendant, if found within either county where property has been seized under this writ: *Provided however*, That in case of several attachments of the same property, it shall be necessary to make an inventory, and serve a copy thereof, only with the first.

(4748.) Sec. 7. The property so attached shall be appraised by two disinterested freeholders of the county in which said property was seized, who shall first be sworn by the officer to make a true appraisement thereof, which appraisement shall be signed by such freeholders, and returned with the writ: *Provided*, That in case of several attachments of the same property, one inventory and appraisal shall be sufficient, and the subse-

How writ
executed.

Appraisal of
property at-
tached.

quent attachment shall be served on the property as in the hands of the officer, by reference to the inventory and appraisal under the first writ.

Attachment
against
property of
joint debtors

(4771.) Sec. 30. When two or more persons are jointly indebted as joint obligors, partners, or otherwise, and an affidavit shall be made, as provided in section two of this chapter, so as to bring one or more of such joint debtors within its provisions, and amenable to the process of attachment, then the writ of attachment shall issue against the property and effects of such as are so brought within the provisions of said section; and the officer shall be also directed in said writ to summon all such joint debtors as may be named in the affidavit attached thereto, to answer to the said action as in other cases of attachment.

Approved March 16, 1861.

[No. 230.]

AN ACT to amend section one of an act entitled an act appropriating certain highway taxes for the improvement of a road in the counties of Saginaw, Tuscola, Genesee and Lapeer.

Act amend-
ed.

SECTION 1. *The People of the State of Michigan enact, That* act number sixty-eight of the session laws of eighteen hundred and fifty-five, approved February tenth, eighteen hundred and fifty-five, being an act entitled an act appropriating certain highway taxes for the improvement of a road in the counties of Saginaw, Tuscola, Genesee and Lapeer, be amended so as to read as follows:

Description
of road.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of improving a highway from the village of Bay City, [in the county of Bay,] to the village of Vassar, in the county of Tuscola, and thence to some point to be selected which shall be near the center of town ten north of range eight east, with a branch thereof to the village of Goodrich, in the county of Genesee, and a branch thereof to the village of Lapeer, in the county of Lapeer, all of the non-resident [highway]

taxes that shall be assessed upon the non-resident lands within the limits of the surveyed townships through or into which said highway shall pass, excepting the south half of township number eleven north, in range seven east, known as the township of Tuscola, and the whole of township number twelve north, in range seven east, known as the township of Denmark, be and the same are hereby appropriated for the construction and improvement of such highway for the period of five years from the passage of this act, to be expended as hereinafter provided.

Approved March 16, 1861.

[No. 231.]

AN ACT appropriating certain taxes for the improvement of a road in the counties of Eaton and Ionia.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of improving the road running from the village of Bellevue, in Eaton county, to the village of Ionia, in Ionia county, all of the non-resident highway taxes that shall be assessed upon the non-resident lands, the half or more of any legal subdivision of which lies within two miles each way from the centre of said road, except that in the county of Ionia said lands shall lie within one mile of the west of the center of said road, and two miles of the east side of the center thereof, be and the same are hereby appropriated for the construction and improvement of such highway, for the period of four years from the time this act shall take effect, to be expended as hereinafter provided.

Sec. 2. That Roger W. Griswold, of Eaton county, and Joseph M. Babcock, of Ionia county, be and they are hereby appointed special commissioners, whose duty it shall be to superintend the expenditure of such sums of money as may from time to time be collected and received by them for the benefit and improvement of said road, and to direct and determine the manner in which such labor shall be applied: *Provided, That*

Money ex-
posed when
collected.

all moneys accruing from said non-resident highway tax shall be expended where the same is collected, and under the direction of the commissioner of each county.

Duties of
overseers of
highways.

Sec. 3. Any overseer of highways in any township in which lie any of the lands, the non-resident highway tax upon which is hereby appropriated, or any township treasurer thereof having received any portion of said tax by way of commutation or otherwise, shall, on demand of such special commissioners, or either of them, pay over to them any sums so received, and the receipt of such commissioners, or either of them, shall release such overseer or treasurer from any further liabilities therefor.

Annual re-
port of com-
missioners.

Sec. 4. It shall be the duty of such special commissioners to render to the board of supervisors of their respective counties, at their annual session, a true account of the application and disbursement of all moneys they may have received in each year.

Commission-
ers to give
bonds.

Sec. 5. Before the said special commissioners shall draw any money by virtue of this act, the said commissioners shall each give a bond to the county treasurer of their respective counties, with one or more sufficient sureties, in double the amount to be drawn, as near as may be, conditioned for the faithful performance of their duties as such commissioners, which bonds shall be approved by such treasurer, and be filed with the clerk of the proper county.

Commission-
ers may re-
ceive dona-
tions.

Sec. 6. Said special commissioners may receive donations and subscriptions for the benefit of said highway, and shall cause the same to be faithfully applied to the improvement thereof, and may sue for and recover any or all subscriptions thereto, in their own name, or in the name of either of them.

Compensa-
tion of com-
missioners.

Sec. 7. The special commissioners shall receive, as compensation for their services, not exceeding one dollar and fifty cents per day while actually engaged in the service of said road, which amount shall be audited and allowed by the board of supervisors of their respective counties, and paid out of the fund created by this act, and the said boards of supervisors shall re-

quire such special commissioners to verify their accounts by oath or affidavit.

•Sec. 8. In case either of the special commissioners shall neglect or refuse to serve as such, or in case a vacancy shall occur by death, removal or otherwise, the county treasurer, clerk and judge of probate of the county in which such vacancy shall occur, shall have power and by virtue of this act may appoint a commissioner to fill such vacancy, and said appointment shall be certified in writing by the officers making the same, and filed in the office of the county clerk of the proper county; and on application, in writing, made by five freeholders, resident citizens of the township in which such commissioner did reside, such officers, receiving such application, shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill such vacancy. The commissioner so appointed shall be required to give bonds in like manner, and have the same powers, as the commissioners appointed by this act.

Sec. 9. This act shall take effect immediately.

Approved March 16, 1861.

[No. 232.]

AN ACT to provide for an additional circuit court commissioner in certain counties.

SECTION 1. *The People of the State of Michigan enact, That* in each county of this State wherein the census last taken by authority of this State or the United States shows a population of twenty thousand or more, and whenever, by a two-thirds vote, the board of supervisors so direct, there shall be elected at the election to be held on the first Monday in April next after the said board of supervisors shall so direct, an additional circuit court commissioner, who shall hold office from the time he shall be declared elected and shall have filed his bond and oath of office as required by law, until and including the last day of December, in the year one thousand eight hundred and sixty-two, and be vested with judicial powers, not exceeding those of

Vacancies,
how filled.

When additional circuit court commissioner shall be elected.

Term.

Powers.

a circuit judge at chambers, and who shall perform such ministerial duties as are or may be required of him by law.

Future elections.

Sec. 2. There shall be elected, at the general election to be held in such counties in the year one thousand eight hundred and sixty-two, and every two years thereafter, two circuit court commissioners for each of said counties, who shall severally be vested with the judicial powers, and required to perform the duties mentioned in the first section of this act.

Inspectors of elections to canvass votes, &c.

Sec. 3. It shall be the duty of the inspectors of elections to canvass, certify and return, and of the board of county canvassers to canvass the votes given for the office of circuit court commissioner, at the election so directed to be held on the first Monday of April in any year, in the same manner and with like effect as canvassers' certificates and returns are by law required to be made of the votes cast for county officers; and it shall be the duty of the board of county canvassers, at the general election to be held in the year one thousand eight hundred and sixty-two, and each two years thereafter, to designate which of the persons then elected circuit court commissioners shall succeed to the office theretofore held by each circuit court commissioner for said county, and each officer shall be entitled to receive the official register of his predecessor in office, and shall have power to complete any ministerial duty, the performance of which was commenced by his predecessor.

Not to apply to Wayne county.

Sec. 4. This act shall not apply to the county of Wayne, except in so far as it requires a designation by the board of county canvassers of the officers who shall succeed to the offices of previous incumbents, and the completion of ministerial duties by such successor.

Approved March 16, 1861.

[No. 233.]

AN ACT to facilitate the commencement of suits against joint defendants residing in several counties.

*See also
the 189
it 101.*

SECTION 1. *The People of the State of Michigan enact,* That when an action on any contract or obligation, or an action of ejectment, shall have been or shall be brought in any circuit court of this State against two or more joint defendants, one or more of whom shall not reside or be found in the county where the suit shall be brought, and one or more of the defendants shall be served with process or declaration in the county where suit is commenced, or property in his or their possession shall be attached in said county, the plaintiff in such action may sue out one or more writs of summons, or other writ whereby such suit was commenced, directed to the sheriff of the county where such defendants not so served may be found, or where the property liable to be attached may be, or he may cause a copy of the declaration filed in such case, with notice of the rule to plead, to be served on the defendants not elsewhere served, in any other county in this State; and it shall be the duty of such sheriff to serve such process or declaration, or notice, and make return thereof in the same manner and with the like effect as if all of said defendants were served, or all the property attached were found in the same county.

When plaintiff may sue out writ against joint defendant in another county.

May serve copy of declaration and rule.

Duty of sheriff.

Sec. 2. This act shall take effect immediately.

Approved March 16, 1861.

[No. 234.]

AN ACT making appropriations for the support of the State normal school.

SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer shall transfer from the general fund, to the normal school interest fund, the sum of six thousand and five hundred dollars for the year eighteen hundred and sixty one, and six thousand five hundred dollars for the year eighteen

Appropriation for normal school.

hundred and sixty-two, which sums are hereby appropriated to the normal school interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

Approved March 16, 1861.

[No. 235.]

AN ACT to amend an act entitled an act to provide for laying out a State road in Ionia, Kent and Barry counties, approved February twelfth, eighteen hundred and fifty-nine.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled an act to provide for laying out a State road in Ionia, Kent and Barry counties, approved February twelfth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

Commissioners appointed.

Route of road.

SECTION 1. *The People of the State of Michigan enact*, That Alvin W. Bailey, of Barry county, be and he is hereby appointed commissioner to lay out and establish a State road commencing at the south-east corner of the west half of section thirty-four, town nine north, of range eight west, thence by the way of Cook's corners, Smyrna, Fallassburgh and Lowell, to the village of Hastings, Barry county; and the said commissioner shall have full power to alter the survey and line of said road, if, in his judgment, the same is necessary.

Sec. 2. That section five of said act is hereby amended so as to read as follows:

Proceedings when damages are claimed.

Sec. 5. In all cases in which damages may be claimed, by reason of the laying out and establishing of said road, the same proceedings, as near as may be, shall be had thereon by said commissioner as may be required by the laws in force at the time such claim is made for the assessment of damages in case of roads laid out by township commissioners.

Approved March 16, 1861.

[No. 236.]

AN ACT to provide for the purchase of a collection of the township laws for the several townships of this State.

SECTION 1. *The People of the State of Michigan. enact, That* the county treasurers of the several and respective counties are hereby authorized and empowered to purchase, for the use of the several townships in their respective counties, such a number of copies of a collection of the township laws of this State as may be necessary to supply a copy thereof to each of the several township officers, and the overseers of the highways, in such of the townships as shall avail themselves of this act.

Purchase of township laws authorized.

Sec. 2. Each and every township in this State, may, at any township meeting, by a vote, determine whether it will avail itself of this act; and the clerk of every township which shall, by a vote at a township meeting, decide to obtain a collection of said laws, shall, immediately after such vote, give notice thereof to the county treasurer.

How townships are to avail themselves of this act.

Sec. 3. When any township shall have decided to obtain a collection of such laws, it shall be the duty of the supervisor thereof to assess and levy, upon the taxable property of such township, a tax, as a township tax, sufficient to purchase the requisite number of copies of such collection of laws, at a price not exceeding seventy-five cents per copy, to supply such township, and the said tax shall be collected and paid into the county treasury, to be expended by the treasurer for the purposes of this act.

Supervisor to assess tax therefor.

Money to be paid to Co. treasurer.

Sec. 4. Upon the return of the tax, as herein provided, into the county treasury, the treasurer shall purchase for and distribute among such and every of the townships of the county as shall have raised and paid said tax, the requisite number of said books to supply such township to the extent of such tax, at not exceeding the price above mentioned.

County treasurer to purchase books voted.

Sec. 5. This act shall take effect immediately.

Approved March 16, 1861.

[No. 237.]

AN ACT to regulate proceedings in certain cases of nuisance.

SECTION 1. *The People of the State of Michigan enact, That* no person shall be prosecuted or tried for having or maintaining a nuisance, when the act complained of is the keeping up or maintaining a dam, race or pond, for milling or manufacturing purposes, unless upon the indictment and presentation of a grand jury.

Sec. 2. No race, pond or dam, which has been kept and maintained for milling or manufacturing purposes for twenty years or more previous to the time of prosecution, shall be ordered, by the decree or judgment of any court, to be torn down or destroyed, in whole or in part, without full compensation being made to the owner thereof; the value of such property so to be torn down or destroyed, to be ascertained by a jury and paid from the treasury of the county, unless it shall be shown upon the trial that such race, pond or dam, has become a nuisance by reason of the neglect or wrongful act of the owner thereof, and shall be so found by the jury, or certified by the judge who tried the cause, in which case no compensation shall be allowed.

Approved March 16, 1861.

[No. 238.]

AN ACT to amend an act entitled an act to prevent fishing with seines and every kind of nets in certain counties in the State of Michigan, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled an act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan, and approved February fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

Sec. 1. That it shall not be lawful hereafter to fish with seines or any species of continuous nets in any of the inland

lakes or small streams of the counties of Jackson, Hilldale, Where prohibited.
 Van Buren, Branch, Calhoun, Kalamazoo, Barry, Berrien, Eaton,
 and the townships of Rollin, Medina, Seneca, Dover, Hudson,
 Cambridge, Franklin and Woodstock, in Lenawee county.

Sec. 2. Any person offending against any of the provisions of Penalty for violation.
 this act shall, on conviction thereof, be liable to a fine of not
 over one hundred dollars, or imprisonment in the county jail
 not over sixty days, to be determined by a court of competent
 jurisdiction.

[This act is ordered to take immediate effect.]

Approved March 16, 1861.

[No. 239.]

AN ACT to amend an act entitled "an act to establish teachers' institutes," approved February tenth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* section one of the act entitled "an act to establish teachers' institutes" be so amended as to read as follows: "That whenever reasonable assurance shall be given to the Superintendent of Public Instruction that a number, not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a teachers' institute, and to remain in session not less than five working days, said superintendent is authorized to appoint a time and place for holding such institute, to make suitable arrangements therefor, and give due notice thereof." When superintendent to appoint and make arrangements for institutes.

Sec. 2. For the purpose of defraying the expense of rooms, Expenses.
 fires, attendance, or other necessary charges, and for procuring teachers and lecturers, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction that he has made arrangements for holding such institute, draw his warrant How drawn
 upon the State Treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum

Amount. shall not exceed one hundred dollars for each institute of five days duration, and shall be paid out of the general fund.

Inability of Superintendent. Sec. 3. Said superintendent, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable

Proviso. person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the treasury in any one year to meet the provisions of this act.

Approved March 16, 1861.

[No. 240.]

AN ACT to amend an act entitled "an act to incorporate the city of Jackson," approved February fourteenth, eighteen hundred and fifty-seven.

Section amended. SECTION 1. *The People of the State of Michigan enact*, That section twenty-three of an act entitled "an act to incorporate the city of Jackson," approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Justices of the peace, powers and duties. Sec. 23. The justices of the peace elected under the provisions of this act, shall have the like powers and be subject to the same duties and liabilities as are provided by law in relation to the powers and duties and liabilities of justices of the peace of the several townships of this State: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justice's court, whenever the plaintiffs or defendants, or one of the plaintiffs or defendants, reside in either the said city or the townships of Summit, Blackman, Leoni or Sandstone, in said county.

Proviso.

Approved March 16, 1861.

[No. 241.]

AN ACT to amend sections three, four, six and twelve, of an act entitled an act authorizing the commissioners of highways of townships to establish water courses, and locate ditches, in certain cases, approved February eighteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That sections three, four, six and twelve, of an act entitled an act authorizing the commissioners of highways of townships to establish water-courses, and locate ditches, in certain cases, approved February fifteenth, eighteen hundred and fifty-nine, shall be amended so as to read as follows:

Sec. 3. The commissioners of highways shall have power, upon application of any party interested, to enter upon any lands in their townships to view any water-course or proposed ditch for the purpose of draining any swamp, marsh, or other low lands, owned and held by one or more persons; and in case the parties interested in such lands cannot agree where such water-course or ditch shall be located and opened, or as to the apportionment of the labor, costs and expenses that each person interested, or tract of land drained or benefitted by said water-course or ditch shall bear, said commissioners shall cause said water-course or ditch to be located and surveyed, if necessary, and shall set apart to each person or tract of land drained or benefitted by the same, such portion thereof, to be opened and maintained by such person or tract of land as the said commissioners shall deem just and right, according to the benefit to be derived by him or advantage to such tract of land drained and benefitted by opening such water-course or ditch.

Sec. 4. When any person shall make application to said commissioners, and shall give good and sufficient security for costs and expenses in case such application shall not be granted, said commissioners shall at once appoint a time and place for making such examination and hearing, and such persons shall give notice in writing to all persons interested in the proposed ditch or water-course, if known to such person, of such appli-

Sections amended.

Power of commissioners to locate ditches.

Apportionment of labor, &c.

Proceeding on application to locate.

Notice to parties.

cation, and the time when and place where said commissioners will meet to make such examination, which notice shall be served personally upon said parties, or by copy left at the residence of such party, at least three days before the day appointed by said commissioners as aforesaid; and a copy of such notice, together with the affidavit of service thereof, and the publication of notice as herein provided, shall be taken as evidence that the same has been regularly served and published; and if any parties reside without the State, or county or township, it shall be lawful to give such notice by publication thereof for two successive weeks before such time appointed, as aforesaid, in some newspaper of general circulation in the county, and said commissioners shall have power to administer oaths as to verification of services and publication of notice, and in all other cases necessary in enforcing the provisions of this act.

Commissioners to appraise expenses, labor, &c.

Sec. 6. If the said jury, or said commissioners of appraisal, so appointed, shall return that said water-course or ditch is necessary, and shall award the compensation or damage, as aforesaid, the said commissioners of highways shall, as soon thereafter as may be, proceed to apportion the costs and expenses of officers, juries, surveys, and all other expenses incurred in locating, together with the labor, costs and expenses of opening and maintaining said ditch or water-course, among the several persons interested therein, and upon the lands drained or benefitted thereby, in such amount and proportion as they shall deem just and right, and shall cause a measurement to be made of such portion thereof as they shall award to each person or tract of land, and cause a stake or monument to be placed at each boundary line, and number the same to correspond with the said numbers on said map and certificate, for the benefit of those interested, and shall officially certify the number of each section they so award to each person or tract of land, which certificate, together with such map and certificate of location and dimensions, and other papers in the case, shall be filed in the office of the clerk of the township in which the same is located, to be there preserved as the records of such township, for

Boundaries defined.

Certificate to be filed.

the benefit of those interested; and such award of costs and apportionment of labor, as aforesaid, by said commissioners of highways, when duly filed as aforesaid, shall thenceforth be an obligation against such owner of lands benefitted and assessed, and a lien upon such tract of land to open and always maintain such portion of such ditch or water-course, in accordance with the order of the commissioners of highways of such township.

Apportionment to be a lien.

Sec. 12. In cases where said jury or commissioners shall certify that said ditch or water-course is not necessary, the person or persons making the application shall be chargeable and shall pay all costs and expenses incurred up to that time.

Applicant to pay costs when petition is refused.

Sec. 2. This act shall take effect immediately.

Approved March 16, 1861.

[No. 242.]

AN ACT to incorporate the village of Muskegon.

SECTION 1. *The People of the State of Michigan enact, That all that tract of country situate in the township of Muskegon, in the county of Muskegon, and State of Michigan, known and described as follows, to-wit: All of fractional section seventeen; lots No. one and two, of section No. nineteen; all of fractional section twenty; the north-west quarter of the north-west quarter of section twenty-nine, and the north half of fractional section thirty, in township ten north, of range sixteen west; also, lots No. one, two and three, of section No. twenty-five, in township No. ten north, of range seventeen west, be and the same hereby is constituted a town corporate, by the name of the "village of Muskegon."*

Boundaries.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution and laws of this State, shall meet at the basement of the Methodist Episcopal church, in said village, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place in said village as the common council thereof shall appoint from time to time, and then and there proceed, by a plurality of

Election of officers.

votes, to elect by ballot from among the qualified electors residing in said village, a president, a recorder, a treasurer, a marshal, an assessor, two street commissioners, and four trustees, who shall hold their respective offices for one year, and until their successors are elected and qualified. The polls of such election shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until four o'clock of the same day, and no longer. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same and certify the result in the same manner as the common council are required to do by this act. At all subsequent elections held in said village by virtue of this act, the president, recorder and trustees, or a majority of them, shall act as the board of election. The name of each elector voting at such election shall be written in a poll list, kept by the recorder, or some other member of said board of election. After the close of the polls at such election, the board of election shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in said poll list, the president, recorder, or some other member of the board of election, shall draw out and destroy, unopened, so many ballots as shall amount to the excess, and if two or more ballots shall be found rolled up or folded together, they shall not be estimated; and thereupon the common council shall proceed, immediately and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass the same or next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the per-

Officers to be elected.

Time of opening and closing polls

Board of election at first election

Duties.

Who to form board at subsequent elections.

Poll list.

Canvass.

Ibid.

Certificate of canvass. To be filed.

son having the greatest number of votes shall be declared elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, the same proceedings shall be had as are required in similar cases in the election of township officers by the laws of this State. Proceedings on a tie.

Sec 3. If any person offering to vote at any election held in said village, in pursuance of the provisions of this act, shall be challenged as unqualified, the acting president of said board shall state to the person challenged the qualifications of a voter, and if such person shall state that he is an elector, and the challenge shall not be withdrawn, the acting president, or some other member of said board of election, shall administer to such person such one of the oaths specified in chapter six of the compiled laws of this State, entitled "of elections other than for militia and township officers," as he may claim to contain the grounds of his qualifications to vote, and shall, in addition to any of such oaths, administer to him, as a part thereof, that he has been a resident of the village of Muskegon, in the county of Muskegon, and State of Michigan, for ten days immediately preceding said election. Oath. Ibid.

Sec. 4. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, known and distinguished by the name and title of the common council of the village of Muskegon, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of impleading and being impleaded, of answering and being answered unto, of defending and being defended, in all courts of this State, and any other place whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate, for the use and benefit of said corporation. Body corporate seal. Holding property, &c

Sec. 5. It shall be the duty of the recorder of said village to give five days notice, in writing, in three public places in said Notice of election.

village, and by publishing the same at least two weeks immediately preceding such election in some newspaper published therein, of the time and place of holding all elections, both annual and special, and within five days after the completion of the canvass, to notify the officers respectively of their election; and the said officers so elected and notified, as aforesaid, shall, within five days after being so notified, take and subscribe the oath of office prescribed by the constitution of this State before any officer authorized to administer oaths in said village, and file the same with the recorder of said village.

Notice to persons elected.

Oath of office.

Official bond

To be filed.

President to preside at meetings.

Duties of treasurer.

Compensation.

Duties of recorder.

Compensation.

Sec. 6. The marshal, recorder, treasurer, assessor and street commissioners, before entering on the duties of their respective offices, shall give such bonds for the faithful discharge of their respective duties as the common council of said village may from time to time determine, which bonds shall be approved by the president, and filed with the recorder of said village, except the bond of said recorder, which shall be filed with the president thereof.

Sec. 7. It shall be the duty of the president to preside at all meetings of the common council of said village, and in case of his absence the common council may appoint one of their own number president *pro tem*.

Sec. 8. It shall be the duty of the treasurer to act as collector of said village, to safely keep all moneys coming into his hands belonging to said corporation, and to pay out the same on the order of the recorder, countersigned by the president, and at the expiration of his office to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be three per cent. upon such moneys as he shall collect.

Sec. 9. It shall be the duty of the recorder to attend all meetings of the common council, and keep an accurate record of their proceedings, and of the election of all officers of said village, and his compensation for such services shall be a salary not exceeding fifty dollars per annum, to be fixed by the common council.

Sec. 10. The marshal of said village shall be constituted a ^{Powers of} police constable, and as such may serve any and all papers and ^{marshal.} process that may be issued by any justice of the peace of said township of Muskegon, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as ^{Fees.} constables for similar services, and shall be subject to the same liabilities, and entitled to the same privileges as are provided for constables in the discharge of their duties by the laws of this State, and the village corporation shall not be liable to him for any other compensation for such services.

Sec. 11. Upon the breaking out of any fire in said village, ^{Duty of mar} the marshal shall immediately repair to the place of such fire, ^{shal at fires} and aid and assist as well in extinguishing the same as in preventing any goods from being stolen, and also removing and securing said goods, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at such fire.

Sec. 12. The president, recorder and trustees of said village, ^{Common} when qualified and assembled together, shall constitute the ^{council.} common council of Muskegon, and a majority of the whole shall be necessary to constitute a quorum for the transaction of ^{Quorum.} business, though a less number may adjourn from time to time; and the common council shall hold their meetings at such time ^{Meetings.} and place as they may from time to time appoint, and they shall have power to impose, levy and collect such fines as they ^{Impose} may deem proper for non-attendance of the officers and ^{finer, &c.} members thereof at any such meeting, and also to require the attendance of any officer by them appointed: *Provided*, That no fine shall exceed five dollars for any one offense.

Sec. 13. In case of the death, resignation or removal of any ^{Vacancies.} number of the members of the common council, exceeding one, or any number of the other officers of said village elected by the electors thereof, exceeding one, such death, resignation or removal shall be announced by the president or recorder, or other member of the common council, to the common council,

who shall convene, as soon as may be, and order that an election be held to fill such vacancies, which notice shall be given, and said election conducted and certified in the same manner as hereinbefore provided for the election of village officers. In case the office of recorder shall be one of the offices vacant, as herein specified, any member of the common council may give the notice required in this section. In case there is a single vacancy, as mentioned in this section, the common council shall have power to fill the same by appointment, at any regular meeting.

Notice of election.

When common council may fill vacancies.

Inhabitants subject to laws relating to townships.

Common council may levy highway tax.

Poll tax.

Commutation for.

Unpaid taxes.

A lien.

Sale of premises.

Power of common council to make by-laws.

Sec. 14. The inhabitants of said village shall be liable to the operation of any and all laws of this State relating to township government, except so far as relates to laying out, altering, vacating and constructing streets, highways and bridges, and the labor so performed thereon, within the limits of said village; and the common council are hereby vested with full power and authority to assess and levy such amount of labor upon the real and personal property in said village as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same power given by law to commissioners of highways, and may levy a poll tax not exceeding one dollar upon each person liable therefor by the laws of this State, and may provide for the commutation therefor at any sum not exceeding one dollar per day for each day's labor assessed, and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owner thereof, and that such tax, so returned unpaid, shall be a lien on such land or real estate, and cause the same to be sold in the manner provided by section twenty-five of this act: *Provided*, That such highway tax shall not exceed one dollar for every two hundred dollars valuation, exclusive of poll tax.

Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessor and other officers; relative to the time and manner of working upon the

streets, highways and alleys, lanes and bridges of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; to provide for removing nuisances within the limits of said village, for the abatement of the same, and for the punishment by fine of all persons occasioning the same; said common council shall have full power and authority to assess, levy and collect a tax for the purpose of building a jail or lock-up for the use of said village, and to build and maintain the same, which tax shall be assessed, levied and collected, as hereinafter provided; to license showmen; to suppress all games of chance; to compel the owners or occupants of buildings to keep in readiness such number of fire-buckets and ladders as shall be ordered by said common council; to provide by by-laws or ordinances for the cutting of ice in said village; for meetings of the electors of said village; for protecting said village against fires; to regulate the keeping and sale of gunpowder, camphene and burning fluid in said village; to restrain horses, swine and other animals from running at large in said village; to regulate and establish one or more pounds in said village; to license, suppress or regulate billiard tables, and all other gaming tables kept for hire, gain or reward in said village, and also full power and authority to make all such by-laws and ordinances as may be deemed necessary or expedient for preventing or suppressing all disorderly or bad houses; to prevent the encumbering of the streets, side-walks, alleys or public grounds of said village; to regulate all grave yards, and the burial of the dead in said village; to compel the owners or occupants of lots to clear the side-walks in front of or adjacent thereto of snow, ice, dirt, boxes, or other encumbrance or obstruction thereon; to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of said village; to prevent the violation of the first day of the week, and the disturbance of any religious congregation, or any public school or other assemblage of people convened for a lawful purpose; to prevent

Labor on streets, &c.
Levying taxes.

Nuisances.

Lock up.

Showmen.

Gaming.

Fire-buckets

Cutting ice.
Meetings of electors.

Fires
Gunpowder, &c.

Animals running at large.

Pounds.

Billiards.

Disorderly houses.

Encumbering streets, &c.

Cemeteries.

Clean side-walks.

Dogs.

Sabbath.

Stores, &c. or regulate the keeping open of all stores, ware-houses, shops, saloons or restaurants, on the first day of the week, in said village.

Riots. Sec. 16. The common council shall have full power and authority to make all such by-laws and ordinances as may be necessary for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of all vagrants, drunkards and idle persons, and to compel persons to work on the streets, lanes, alleys, bridges or buildings belonging to said village, who have been committed to the jail or lock-up of said village; and they shall have full power and authority to make all such by-laws and ordinances as they shall deem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

Vagrants.

Prisoners to work on streets, &c.

Lay out or vacate streets, &c.

Proceedings when private property is taken.

Jury.

Sec. 17. The common council of said village shall have authority to lay out and establish, vacate, open, make and alter such streets, lanes, alleys, side-walks, highways, water-courses and bridges within the limits of said village as they may deem necessary for the public convenience; and if, in the doing thereof, they require the grounds of any person or persons for such purposes, they shall give notice thereof to the owner or occupant, or his, her, or their agent or representative, by personal service, or by written notice posted up in three public places in said village at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such grounds or premises, and if such person or persons shall neglect or refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to apply to any justice of the peace of said township of Muskegon to issue a *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders of said county, to appear before such justice at any time therein

to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners, or parties interested therein, which jury, being first duly sworn by said justice faithfully and impartially to Oath of jury inquire into the necessity of using such ground or premises, and the just compensation to be made therefor, and having viewed To assess damages. the premises, if necessary, shall enquire as to such necessity, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or parties interested in such ground or premises for their respective losses, according to their several interests or estates therein; and the justice aforesaid shall, upon the return of such verdict or assessment, enter judgment therefor, confirming the same; and such sum or Judgment thereupon. sums so assessed, together with all costs, shall be paid or legally tendered to the claimant or claimants thereof before Damages to be tendered such street, lane or alley, side-walk, highway or bridge shall be made, opened, established or altered. It shall be lawful thereupon for the common council to cause said ground or premises to be used for the purposes as aforesaid: *Provided*, That the common council, or any party interested, as aforesaid, Appeal, proceedings. may have the right to remove such proceedings by appeal to the circuit court of said county, upon giving notice of his, her or their intention so to do to said justice, in writing, within ten days, or in case of the absence of the party appealing from said village at the time of the rendition of such judgment, then within thirty days after the verdict of said jury and the judgment of said justice as aforesaid. Upon the filing of a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid in the circuit court, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if Proviso. the final judgment for damages in said circuit court shall not exceed the damages assessed before said justice at least ten dollars, then the party appealing shall pay all costs of said appeal.

Sec. 18. Any justice of the peace of the township of Muske-

Justices of
the peace

gon is hereby authorized and empowered to enquire of, hear, try and determine, in a summary manner, all offenses which shall be committed within the limits of said village against any of the by-laws, ordinances or regulations that shall be made, established or ordained by said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders as by the said by-laws, ordinances and regulations shall be prescribed or directed: *Provided*, That any person, on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Muskegon county, in the same manner as in other cases of appeal from decisions of justices of the peace in criminal cases; such justices shall receive such fees for such services as shall be established by the common council.

May demand a jury

Fees.

Powers of constables.

Sec. 19. Any constable of said county may serve any process, paper or order of the recorder, or other officer of said village, or of any justice of the peace, made to enforce any ordinance or regulation of said common council, made in pursuance of the provisions of this act of incorporation, and shall receive such fees therefor as shall be established by said common council.

Annual report of common council

Sec. 20. At the close of each year the common council shall settle and audit the accounts of the treasurer, and all other officers and persons having claims against said village, or accounts with it, and shall make a true statement of all moneys received or expended by them in their corporate capacity during said year, and the disposition of said moneys, which statement shall exhibit the items of such expenditures, when, to whom, and for what purpose the same was paid out, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village, which statement they shall cause to be published in some newspaper published in said village.

Contents.

Citizens not incompetent as jurors, &c

Sec. 21. In all processes, prosecutions and other proceedings, wherein the common council shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on ac-

count of the interest of such juror or witness in the event of such process or proceedings: *Provided*, That such interest be Proviso. only that which is in common with all the citizens of said village.

Sec. 22. The common council shall have full power and authority to levy and collect taxes on all real and personal property (not exempt from taxation) within said village necessary to defray the expenses thereof, and any and every assessment of taxes lawfully laid and imposed by said common council on any lands, tenements, hereditaments or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises, from the time of making such assessment, or imposing such tax, until paid; and the owner, occupant, or parties in interest, respectively, in said real estate, shall be liable, upon demand, to pay every such assessment or tax to be made as aforesaid, and in default of such payment, or any part thereof, it shall be lawful for the treasurer of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus moneys, if any there shall be, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said treasurer, notice thereof shall be published by said treasurer, once in each week, for at least four successive weeks, immediately preceding such sale, in a newspaper printed and published in said county, if there be one, if not, in a newspaper published in an adjoining county; and said treasurer shall at such sale give to the purchaser or purchasers of any of such lands a certificate in writing describing the lands purchased, the amount paid therefor, and the time when such purchaser will be entitled to a deed for said land; and if the person or persons claiming title to the lands described in the certificate of sale, shall not, within one year from the date of said certificate, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with interest thereon at the rate of twenty-five per cent. per annum from the date of said certifi-

Common council may levy taxes.

Taxes levied a lien.

Sale of property for taxes.

Notice.

Certificate of sale.

Deeds.

cate, the said treasurer, or his successor in office, shall, at the expiration of the said year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings therein prior to such sale, were regular, according to the provisions of this act and the ordinances of such village; and every such conveyance, executed by said treasurer, under his hand and seal, in the presence of two witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner and duly recorded.

Conveyance
evidence of
regularity of
proceedings.

Notice of
completion
of roll.

Sec. 23. Whenever the assessor of said village shall have completed the assessment roll and valuation of the property, real and personal, in said village, it shall be his duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where said roll is left for inspection of all persons interested, and the time when and place where he will meet to hear the objections of such persons to the valuation made by him; and at the time so appointed said assessor shall be present at such place, and on application of any person aggrieved may review and reduce the said valuation on sufficient cause being shown, on oath, to the satisfaction of said assessor; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of said assessor, they shall have the right to appeal from such decision to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Review of
roll.

Appeal.

Duplicate of
taxes to be
made.

Sec. 24. It shall be the duty of the common council of said village to make, or cause to be made, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual in

said village, which duplicate shall be signed by the president and recorder of said village, and in case of their absence, or the absence of either of them, by any two members of the common council, and delivered to the treasurer, whose duty it shall be to collect the same within such time, and in such manner, as the by-laws and ordinances of said village shall direct.

Duty of treasurer.

Sec. 25. It shall be the duty of the street commissioners to superintend and direct the making, planking, repairing and opening all streets, lanes, alleys, side-walks, crossings, highways and bridges within said village, in such manner as they shall from time to time be directed by the common council. Said street commissioners shall collect the highway rolls, and for that purpose are hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred on them by the common council. They shall pay over all moneys collected by them as they may be from time to time directed by the common council, and the common council shall have power to cause the grading and making such side-walks as they may from time to time deem necessary, to be assessed on lots or premises adjoining such improvements.

Duties of street commissioner.

Powers.

Grading, &c.

Sec. 26. The compensation of the officers of said village, not hereinbefore provided for, shall be fixed by the common council, but shall not exceed twenty-five dollars each in any one year.

Compensation of officers.

Sec. 27. It is hereby made the duty of the supervisor, township clerk and township treasurer of the township of Muskegon, or any two of them, or their successors, to meet at the office of the township clerk of said township for the purpose of registering the names of the qualified voters of said village of Muskegon, on the last Saturday of February, in the year of our Lord eighteen hundred and sixty-one, and said township clerk is hereby authorized to procure a suitable book for that purpose; and said supervisor, township clerk and treasurer are hereby authorized to perform the duties of a board of registration, in the same manner as is provided by the laws of this

Registration of voters.

State in similar cases in the registration of voters in incorporated villages; and in case said registration of voters is not made on said day, and said election is not held, as provided in the second section of this act, it is hereby declared that said corporation shall not thereby be dissolved, but that said registration may be made, and said election may be held at any time thereafter, said supervisor, township clerk and treasurer, or any two of them, or in case of their not being residents of said village, or incompetent to act, then any three electors of said village, having first given the notice as provided in the fifth section of this act.

Approved March 16, 1861.

[No. 243.]

AN ACT to amend an act entitled an act to revise the charter of the city of Port Huron, approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter two of an act entitled an act to revise the charter of the city of Port Huron, approved February fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows.

Section amended

Sec. 2. The following officers shall be appointed by the common council, at a meeting to be held on the first Monday of May, in each and every year, who shall take and subscribe the oath of office, file their official bonds, and enter upon their official duties, on the second Monday of May, or within ten days thereafter, viz.: city attorney, marshal, sealer of weights and measures, city surveyor, or commissioner of city cemetery, and such other officers as may be authorized by prior resolution of the common council.

Officers to be appointed by common council

Sec. 2. That section six of chapter three of said act be and the same is hereby repealed, and that sections one, four, eight and nine, of said chapter three, be and the same is hereby amended so as to read as follows:

Repeal and amendment.

Sec. 1. An election shall be held in each ward annually, ON Elections.
 the first Monday in April, at such place as the council shall ap-
 point, by a notice published at least ten days previous to such Notice of elections.
 election, in at least two newspapers published in said city, or
 by posting printed www.libriofolice.com notices of the holding of said election in
 three of the most public places in each ward, at least ten days
 previous to the election.

Sec. 4. Officers who are elected at the annual city election Terms of office.
 shall take and subscribe the oath of office, file their official
 bonds, and enter upon their duties on the second Monday of
 April, or within ten days thereafter. Officers who are elected
 or appointed to fill the unexpired portion of a term, shall take
 the oath of office, file their official bonds, and enter upon their
 official duties, within ten days next ensuing notice of their
 election or appointment, except justices of the peace.

Sec. 8. Any officer holding office by appointment may be Removals.
 removed or suspended from office at any time by the common
 council, without charges and a trial thereof, by a vote of a
 majority of the common council elect.

Sec. 9. Any officer holding office by election, against whom Common council may remove certain officers.
 charges shall be preferred, may be suspended from office by a
 majority vote of all the common council elect until such
 charges shall be heard and determined.

Sec. 3. That section nineteen of chapter four of said act be
 and the same is hereby amended so as to read as follows:

Sec. 19. The first annual election for city officers under this First election.
 act, as amended, shall be held on the first Monday in April,
 eighteen hundred and sixty-two; and all officers now holding
 office by election in said city, which are made elective by the
 people under this act, shall continue to hold their respective
 offices until their successors are elected and qualified.

Sec. 4. That sections four and seventeen, of chapter five of Repeal and amendment.
 said act, be and the same are hereby repealed, and that sec-
 tions six, nine, thirteen and sixteen, of said chapter five, be and
 the same are hereby amended so as to read as follows:

Street commissioners. Sec. 6. The street commissioner shall perform such duties as the common council may direct.

Powers and duties of marshal. Sec. 9. The marshal shall possess and exercise the powers and duties, as a conservator of the peace, which township constables under the general laws of this State possess, and shall possess and may exercise such other powers and duties as shall be prescribed by the common council for the preservation of the public peace. He shall obey and execute all lawful precepts and commands of said common council, and he or one of his deputies shall attend the meetings of said common council. The marshal shall be *ex officio* collector of city taxes.

Board of education. Sec. 13. The board of education of said city shall have such power and authority as is designated in chapter ten of this act.

Duties of overseers of highways. Sec. 16. The overseers of highways for each ward shall, under the superintendence and control of the common council, work and improve the streets, highways, lanes, alleys and public places of said city in the ward for which he is elected, and render a true account of the expenses thereof, under oath, to the city clerk, and shall also perform such other duties appertaining to the highways, side-walks, &c., as the common council may direct.

Section amended. Sec. 5. That section fourteen of chapter six of said act be and the same is hereby amended so as to read as follows:

Appointments to office. Sec. 14. All appointments to office shall be made by a majority vote of all the common council elect; all removals from office shall be made by like vote, except in cases where, by this act, a different vote may be required.

Repeals and amendments. Sec. 6. That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, seventeen, eighteen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-five, forty-six and forty-seven, of chapter seven of said act, be and the same are hereby repealed; and that sections thirteen,

sixteen and twenty-two, of said chapter seven, be and the same are hereby amended so as to read as follows:

Sec. 13. All prosecutions for offenses arising under this act, or under any ordinance or regulation of the common council, shall be in the name of the people of the State of Michigan, and may be commenced before any justice of the peace in said city, or court in the county of Saint Clair, by a complaint in writing, in the form of an affidavit, duly sworn to; and it shall be deemed sufficient to set forth in said complaint the offense complained of, according to its substance. The trial shall be had and determined upon said complaint and upon pleading, which may be amended in the same manner as trials and pleadings under the general laws of this State.

Commencement of prosecutions.

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Sec. 16. It shall be the duty of the city attorney to collect all fines and penalties imposed for offenses under this act, or any ordinance or regulation of the common council of said city, and immediately after their collection or receipt by the city attorney, shall be paid by him to the treasurer of the city.

City attorney's duty.

Sections 17 and 18 are hereby repealed.

Sec. 22. In all trials for offenses against any ordinance or regulation of the common council of said city, the person or persons on trial shall be tried by the court, unless he or they shall request to be tried by a jury.

Defendants to be tried by the court unless demanding a jury.

Sec. 7. That sections one, six, seven, eight and nine, of chapter ten of said act, be and the same are hereby amended so as to read as follows:

Sections amended.

Sec. 1. The city of Port Huron shall be considered as one school district, and hereafter all schools organized therein, pursuant to this act, shall, under the directions and regulations of the board of education, be public and free to all children within the limits thereof between the ages of four and eighteen years inclusive, except as hereinafter provided.

School district.

Sec. 6. The said board of education shall make all needful rules and regulations relative to its proceedings, and punish by fine, not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself

Board of education may make rules and regulations.

from any meeting thereof, to be recovered as they may direct, and such fines, and all others recovered by said board, shall go into the library fund; said board shall also have full power and authority to erect or purchase school-houses, to apply for and receive from the proper officers all moneys appropriated for primary schools and libraries in said city, to make by-laws relative to taking the census of all children in said city between the ages of four and eighteen years, relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund, relative to the visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year, relative to the examination and employment of teachers, their powers and duties, relative to the regulation of schools and the books to be used therein, relative to the appointment of the necessary officers, and prescribe their powers and duties, and relative to anything that may advance the interests of education, the good government and prosperity of common schools in said city, and the welfare of the public concerning the same; said board shall also have authority to establish a high school in said city, and fix the rates of tuition therein, and the mode of collecting the same; also, to appoint a superintendent of the public schools, under the charge of said board, with such salary and such powers and duties as shall be prescribed by said board of education.

Superintendent of public schools.

Board may borrow money.

May issue bonds.

Sec. 7. The said board of education is hereby authorized, from time to time, on such terms as they may deem proper, to borrow money not exceeding in all, at any time, the sum of ten thousand dollars, including what has been already borrowed, (unless it shall have been determined by a submission to a vote of the people to be obtained in such way as the board of education may direct, to raise a larger amount, in which case bonds may be issued by said board for such sums, not exceeding such increased amount,) at a rate of interest not exceeding ten per cent, and to issue the bonds of said board, in such form and ex-

ecuted in such manner as the board may direct, for the purpose of purchasing such real and personal property and for the erection and completion of such buildings as the interest of said public schools may require, but no bond shall be issued for a less sum than fifty dollars.

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Sec. 8. The faith and property of the board of education of the city of Port Huron, and also the faith and property of the city of Port Huron, shall be and remain pledged for the final payment of all bonds heretofore and hereafter issued, and all moneys borrowed by the authority of said board by authority of this act.

Pledge for payment of bonds.

Sec. 9 It shall be the duty of the board [of] education, whenever they shall borrow any money under the provisions of this act, annually to appropriate a sufficient sum out of any money which may come into their hands to pay the interest upon the same; and also, an annual sum equal to five per cent. upon the amount so borrowed, to be invested under the direction of said board in bonds of said city or of the State of Michigan, bearing interest, at such prices as the same can be purchased, to accumulate as a sinking fund for the payment of the principal of the sum so borrowed, both of which said appropriations shall take precedence of all others, or the said board may appropriate the said amount to the redemption of the bonds that may have been issued in accordance with this act.

Payment of interest.

Sinking fund

Sec. 8. That sections one, two, three, eight, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-one and thirty two, of chapter eleven of said act, be and the same are hereby amended so as to read as follows:

Sections amended.

Sec. 1. The common council of the city of Port Huron shall have power to lay out, establish, extend, widen, straighten, alter, close, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using such property, the just compensation to be made for the same,

Common council may lay out streets, &c.

Private property may be taken.

and the damages arising to any person from the making of said improvement, shall be ascertained by a jury of twelve disinterested freeholders, or three commissioners, residing in said city.

Proceeding
on the tak-
ing of pri-
vate prop-
erty.

Sec. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, and in said resolution shall describe the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention and describe such property in said resolution, with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to a court of record to be named in said resolution, for the drawing of a jury or the appointment of three commissioners to ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement; to ascertain the just damages or compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises and subdivisions thereof which will be benefitted by such improvement, and the time to be named for applying to said court shall be on a day subsequent to the required publication of said resolution or notice.

Notice to be
given.

Sec. 3. The common council shall give notice of the intended improvement, and of the intended application to said court, by causing a copy of said resolution, certified by the city clerk, to be published for four successive weeks in the official newspaper of the city, and one other newspaper published in said city, and the marshal also give notice of said resolution by delivering a notice thereof, with a copy of the same annexed, to the owner or owners or agent of any private property intended to be taken, if they can be found in said city, which notice shall be directed to them, or if they cannot be found, by leaving the same at their place of residence in said city, with some person of proper age. If they or their place of residence cannot be found, and such property be occupied, said notice and copy of such resolution shall be served by delivering the same to the occupant or occu-

pants, or by leaving the same at their place of residence within said city, with some person of proper age; but if the owner or owners or agents of such property, or their place of residence cannot be found, and it be not occupied, or if it be occupied, but they, their place of residence, and that of the occupant or occupants cannot be found, or if the owner or owners or agents, occupant or occupants, be unknown or non-residents of said city, then, in either of such cases, notice of such resolution may be given by posting the copy of said resolution in some conspicuous place upon the property intended to be taken. The marshal shall give notice of said resolution as above directed, and make returns of his doings of his manner of giving notice as soon as practicable after the passage thereof, which return shall be made to said court at least six days before the day appointed in said resolution for hearing of said application; and all persons interested therein, after notice given in the manner aforesaid, shall take notice of and be bound by all subsequent proceedings, without any further notice, except as herein otherwise provided.

Sec 8. If, in consequence of jurors being exempted, excused ~~Jury.~~ or set aside, there shall not be in the box any ballots, or a sufficient number of ballots from which to draw a jury, the marshal shall forthwith, under the order of the court, summon such number of persons as the court shall deem necessary, and may order to be and appear in said court to serve as jurors, and the persons thus summoned shall be returned, be bound to attend said court, and serve and be competent to form the jury, in the same manner and to the same effect as those first summoned: *Provided*, Said court may appoint three commissioners in place ~~Commissioners~~ of said jury, and when said commissioners are appointed they shall perform the same duties and be entitled to the same pay as the jury authorized herein.

Sec. 21. Any person to whom damages and compensation may ~~Appeals~~ be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose

property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the report of the jury to the supreme court, by filing in writing, with the clerk of said recorder's court, a notice of such appeal and specification of the errors complained of within five days after the confirmation, and serving within the same time a copy of said notice and specifications of errors on the city attorney, and filing a bond in said court conditioned for the prosecution of the said appeal and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the court be affirmed.

Clerk to transmit copy of proceedings to supreme court.

Sec. 22. In case of appeal as above, it shall be the duty of the clerk of said court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in the office of any clerk of said court.

Supreme court to decide appeals

Sec. 23. The supreme court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any 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 said appeal, and the proceedings thereon to be taxed; and all costs and expenses awarded to the city of Port Huron, in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant and appellants.

Errors to be corrected by court.

Sec. 24. If there be a reversal for any errors which it is practicable for the court or said jury to correct, with due regard to the public interests and rights of individuals, the proceedings shall be remanded to said court, with directions that such error be corrected. Said court, at any term thereof, or (as the case may be) said jury, under the direction of said court, shall

correct such error, and thereupon the report [of] the jury shall be affirmed by said court, without any further right of appeal.

Sec. 25. In every case of annulment of the report of the jury by the court, or reversal by the supreme court, the common council, in behalf of said city, may, by resolution, elect to pay the damages and compensation claimed by or the assessment made upon the property of the objector, appellant or appellants. On filing a certified copy of said resolution in the recorder's court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by the court as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had except in case of a reversal, where the proceedings may have been remanded to the court for the correction of errors, in which case such errors shall be corrected, and the report of the jury confirmed, as above provided.

Annulment
of report of
reversal or
judgment.

Sec. 26. If the report of the jury be confirmed by the court in any case above provided for, or if judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or subdivision thereof, according to said report, as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Confirma-
tion by su-
preme court
to be final.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the court, and of the order of the court confirming the same; and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same at length in a book, to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy, made and certi-

Certified
copy of con-
firmed re-
port to be
filed in the
clerk's office

fied by the court, shall, in all courts and places, be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings, from the commencement thereof to the order of the court confirming the report of the jury, the common council to take possession of and convert the same to the uses for which it has been taken.

Lease, &c.,
discharge
on confirmation
of report
of jury.

Sec. 31. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged, only as to such part; and the court, upon the application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city commissioners to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter to be performed under such lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report, in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement.

Compensation
of jury.

Sec. 32. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings, under this chapter, in such court, at any time before the final confirmation of the report of the jury; and after the final confirmation of the report of the jury, the common council shall, by a ma-

majority vote of the common council elect, decide whether they will pay the same or not; and if they decide not to pay the same, all further proceedings shall be abandoned, but said council shall pay all costs which have accrued to such time.

Sec 9. That sections two and six, of chapter twelve of said Sections amended] act, be and the same are hereby amended so as to read as follows:

Sec. 2. The common council shall have power annually to Annual city tax. levy, assess and collect taxes, not exceeding one-half of one per cent. on the assessed value of all real and personal estate in said city made taxable by the laws of this State, in order to defray the expenses, and for the purpose for which the general fund, contingent fund, fire department fund, poor fund, general road fund are constituted, as above.

Sec. 6. The common council shall annually levy, assess and Interest fund tax] collect, on the assessed value of all the real and personal estate in said city made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued or to accrue on the funded debt of said city, and of the bonds of the board of education of said city for the year for which such taxes are levied; also, taxes for the purposes of the sinking funds, and also taxes for the purpose of paying such funded debt or bonds when they become due.

Sec. 10. That sections twelve, fourteen, fifteen, nineteen and Sections amended. twenty-one, of chapter thirteen of said act, be and the same are hereby amended so as to read as follows:

Sec. 12. After the assessment rolls shall have been fully and Clerk to prepare tax rolls. finally confirmed, as provided in the preceding section, it shall be the duty of the city clerk to cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named, or lots or property described, upon and according to the aggregate valuation such person or lots or property shall have been assessed in said assessment rolls, or book prepared for that purpose, to be known as the tax roll for each ward, in separate columns,

Delivery of
roll to treas-
urer.

showing the amount of highway, sewer, school and city taxes assessed to each person or lots or property in each year; and the city clerk shall cause the said rolls or book to be completed and delivered to the city treasurer on or before third Monday of June, who shall give a receipt therefor, and be charged therewith, and who shall retain said rolls or book in his office until such day as shall be designated by the common council, but not exceeding sixty days in each year, during which time any person assessed therein may pay the amount of taxes assessed against each person respectively to said treasurer, who shall receive and give a receipt therefor, and mark the same paid upon the proper roll; and after the expiration of the time for the payment of taxes to the treasurer, as aforesaid, the treasurer shall then cause to be made out copies of the taxes remaining due and unpaid on such assessment rolls for each ward, and warrants authorizing the collection thereof, together with such percentage as shall have been fixed by the common council, as compensation for the collection of such taxes or assessments, and to be stated in such warrants, may be issued and annexed to each tax or assessment roll, signed by the city clerk and under the corporate seal of the city, directed to the proper collector of the city, and made returnable upon such day as shall have been designated by the common council, commanding him to collect from the persons named in the assessment rolls the assessment or taxes therein specified and set forth as due from such persons, and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant or lessee, refusing or neglecting to pay the same, whenever and wherever the same may be found within the limits of said city, and to pay over and account for the taxes or assessments then collected, according to law. The treasurer shall charge the amount of taxes remaining unpaid upon said rolls to the collector or collectors of said city receiving the same, respectively, and shall also take a receipt therefor. Warrants for the collection of taxes or assessments may be extended or renewed from time to time, as the common council shall direct.

Warrants to
issue for col-
lection of
unpaid taxes.

Sec. 14. Every assessment or tax lawfully levied or imposed by the authority of the common council, on any lands, tenements, hereditaments or premises whatsoever in said city, shall be and remain a lien upon such lands, tenements, hereditaments or premises, from the time of making such assessment, or imposing such tax, until paid, and the owner or occupants of, or parties in interest in said real estate, shall be liable, on demand, to pay every such tax or assessment; and if there be default in paying the same, or any part thereof, or if such person or persons be non-residents of said city, and goods and chattels cannot be found out of which to collect such assessment or tax by levy and sale, hereinbefore provided, it shall be lawful for said council to cause a notice to be published in the official newspaper of said city for four successive weeks, requiring the owners, or occupants of, or parties in interest in such lands, tenements, hereditaments or premises, to pay such assessment or tax, and that if default be made in making such payment, such real estate will be leased at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the cost and charges of such sale.

Assessment to be a lien upon property.

Notice of sale.

Sec. 15. If the owners or occupants, or parties in interest in such real estate, do not pay such assessment or tax, with the costs and charges, within the period above prescribed for the publication of said notice, then the said common council shall have power, without any further notice, to cause such real estate to be leased at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs and charges, and to direct the execution of a proper certificate of such lease to the purchaser thereof; and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the city clerk shall, in the name of and for the city of Port Huron, execute and deliver to such purchaser, or his assignee, a proper lease or conveyance of such

Real estate to be leased for unpaid taxes.

Certificate of lease

real estate for the term for which the same was sold, which deed shall in all courts be *prima facie* evidence of the regularity of all the proceedings under which the sale was made, and said lease was executed, up to the date of the lease; and any person who shall, under such lease, enter into such real estate and erect or place any building or building materials thereon, or otherwise improve the same, shall have the right, at any time within three months after the expiration of said term, or in case the person shall be ousted before the expiration of said term by any person claiming adversely to said lease, then within three months after trial, judgment of ouster or ejection, to remove said building or building materials, or other improvements, from said real estate; but in case that the improvements made thereon are of such nature that they cannot be removed, then the value thereof shall be appraised, and such valuation paid to such person ejected or ousted from said real estate.

Right of purchaser.

Sec. 19. Any person who shall at such sale purchase for a term of years any lots, grounds or wharves, shall have the right to remove any building or building materials, or other improvements, or other personal property erected or deposited by or belonging to him and situated on said lots, grounds or wharves, at any time within three months after the expiration of the term of time for which the same were sold, as specified in section fifteen of this chapter.

Clerk to bid for real estate in certain cases.

Sec. 21. It shall be the duty of the city clerk to bid in for the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser should refuse or neglect to pay the sum or sums bid by him, within the time and under the regulations prescribed by the common council, such bid shall enure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the city clerk, and all bids enuring as aforesaid to the use and benefit of the corporation, conveyances or certificates of sale may be executed by the city clerk to the corporation, acknowledged, attested and

recorded in the same manner as provided in other cases of sale for assessments or taxes.

Sec. 11. That section sixteen of chapter fourteen of said act ^{Repeal and amendment.} be and the same is hereby repealed, and that section eighteen, of said chapter fourteen, be and the same is hereby amended so as to read as follows:

Sec. 18. The justices of the peace in the said city, exercising ^{Justices of the peace.} civil jurisdiction, shall be deemed justices of the peace of the county of Saint Clair, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace.

Sec. 12. This act shall take immediate effect.

Approved March 16, 1861.

[No. 244]

AN ACT to incorporate the village of Decatur.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country, situate within the township of Decatur, ^{Boundaries.} in the county of Van Buren, described as follows, viz: Commencing at a point ten (10) chains north of the north-west angle of the north-east quarter ($\frac{1}{4}$) of section twenty (20), in the township of Decatur; thence ten (10) chains east; thence seventy (70) chains south; thence ninety chains and forty-three (43) links west; thence seventy chains north; thence eighty-one (81) chains and forty-three links east, to the place of beginning, including one square mile, be and the same is hereby constituted a town corporate by the name and title of the village of Decatur.

Sec. 2. The inhabitants of said village having the qualification of electors under the constitution of the State of Michigan, ^{Annual election.} shall meet at such place in said village as the present clerk of the present village of Decatur shall designate, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place, within the limits of said incorporation, as the recorder shall designate, and then and

there proceed, by plurality of votes, to elect by ballot, from among the qualified electors residing in said village, one president, six trustees, one recorder and one treasurer, who shall, except the trustees, hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation, for that, shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described; also, that the trustees elected at the first election under this act, shall hold their offices, three of them for one year, and three of them for two years, to be determined by lot at the first meeting of the common council held subsequent to said election. At each election after the first, but three trustees shall be elected annually, who shall hold their offices for two years and until their successors are elected and qualified.

Officers to be elected.

Terms of office.

Proviso.

Trustees, term.

First election.

Subsequent elections.

Time of opening and closing polls.

Poll list.

Canvass.

Sec. 3. At the first election to be holden under this act, two or more of the present trustees and the clerk of said village shall be the judges of the election, and shall canvass the votes and certify the result of the election to the president and trustees of the present corporation of said village, who shall canvass the said certificates and declare the result of said election in the same manner that the common council are required to do by this act; and at all subsequent elections holden under this act, two or more of the trustees and the recorder of said village shall be judges of said elections; and further, the poll of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer, and that the name of each elector voting at such election shall be written in the poll list to be kept at such election by the officers holding the same, and the said officers shall proceed publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officers holding such election shall draw out and

destroy, unopened, so many of the ballots as shall amount to the excess, and if two or more ballots shall be found rolled or folded up together, they shall not be estimated; and the officers holding such election shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same on the following day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after the completion of the said canvass, and the estimation of the votes of said election, at which last mentioned period the said president and trustees of the present corporation after the first election, and the common council of said corporation after all subsequent elections, shall proceed to canvass said returns and shall declare the result of said election, and cause a true record thereof to be made; and in case it shall at any time happen that two or more persons shall receive, for the same office, the same number of votes, the president, in presence of the common council, shall then determine the election between the persons who have received an equal number of votes by casting lots upon their names.

Certificate
of election.

Sec. 4. It shall be the duty of the clerk of said village, for the first election under this act, and the recorder for all subsequent elections, to give ten days public notice in writing, posting said notices in three public places in said village, of the time and place of holding all elections, or by publishing the same at least one week previous to such election in a newspaper published in said village; and any person offering to vote at any such election shall, if required by any person who is qualified to vote thereat, take the oath required by law in like case at other elections in this State.

Notice of
elections.

Oath of elec-
tors.

Sec. 5. It shall be the duty of the clerk after the first, and of the recorder after all other elections, as soon as is practicable, and within five days after the closing of the polls of any election, to notify the several officers elect of their election; and the officers

Notice to
persons
elected.

so elected and notified as aforesaid, shall, within ten days after receiving such notice, take the constitutional oath or affirmation before any justice of the peace for said county of Van Buren, or other office authorized by law to administer oaths in said county, to support the constitution of the United States and of this State, and faithfully and impartially to discharge and execute the duties of their respective offices; a certificate of which, from the officer administering the same, shall be filed by such officer elect, within the said ten days, with the said clerk or recorder, as the case may be.

Oath of office.
Only corporate

Sec 6 The president, trustees and recorder of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Decatur, and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and defending and being defended in all courts of record and any other court or place whatsoever, and may have a common seal and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for the use of said corporation; but when any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of such corporation, or at his usual place of abode therein, whose duty it shall be forthwith to inform the president and trustees: *Provided*, The first process shall be a summons, and a copy thereof be left with the recorder, as aforesaid, at least six days before the return day thereof.

Common seal
Capable of holding property, &c

Process against, how served.

Quorum of common council.

Sec. 7. A majority of said officers constituting the common council as aforesaid, shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as the president, or in his

absence, the recorder may appoint; and it shall be the duty of Duty of pre-
sident. the president to preside at all the meetings of the common council, and it shall also be the duty of the recorder to attend all Of recorder. such meetings and keep a fair and accurate record of their proceedings, but in the absence of either of such president and recorder, the quorum present shall supply their places *pro tempore* from other members of said council present; and the common council shall have power to impose, levy and collect such Fines for
non-attendance
of members,
&c. fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, or any officer elected under this act, other than the members of the common council, and to impose fines for non attendance: *Provided*, No such fine shall exceed five dollars for one offense.

Sec. 8. In case of the death or resignation or removal of two Vacancies,
how filled. or more of the members of the common council, such death resignation or removal be announced by the president or recorder to the members of the said council, who shall cause, as soon thereafter as may be, and order publication of notice of an election to fill such vacancies, and fix the time and place for holding such election; and the same notice shall be given of such election, and the same shall be conducted in the same manner as is provided for annual elections, which election shall be ordered to be held at any time within thirty days and not less than five days after such vacancy shall have occurred; and in case of the like vacancy in the office of marshal, treasurer, assessor or any office appointative by said council, the vacancy so occasioned shall be filled by appointment for the remainder of the term by said council, and all officers so elected or appointed shall be notified and qualified as hereinbefore prescribed, and perform the duties of their respective offices, and the common council shall have power to remove at pleasure the incumbent of any office Remove which is filled by appointment only.

Sec. 9. The marshal and treasurer shall respectively, before Bound of
marshal and
treasurer. they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the du-

ties devolving upon and the trusts reposed in them, as the common council shall direct and require.

Powers of common council to pass ordinances, &c. Sec. 10. The common council shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the purposes following: for defining

Duties, &c. of officers. the powers, duties and compensation of the recorder, treasurer, marshal, assessor, and such other officers or servants as may be appointed by the common council; relating to the time and

Working streets, &c. manner of working the streets, lanes and alleys of said village; relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine

Gaming. of persons occasioning the same; to suppress all games of

Billiards. chance or hazard; to license showmen; to suppress billiard tables, and all other gaming tables kept for hire, gain or reward,

Assessing taxes. in said village; relative to the time and manner of assessing, levying and collecting poll tax, and all other taxes in said vil-

Riots. lage; for the suppression of riots and gambling, and for the punishment thereof; for the apprehension and punishment of all

Vagrants. Intoxicating liquors. vagrants, drunkards and idle persons; to suppress the vending or giving away of spirituous or intoxicating liquors, contrary

Immoderate driving. Encumbering streets, &c. to law; to prevent and punish immoderate driving in the streets of said village; to prevent the encumbering of the streets, side-

Wood, hay. walks, alleys, or public grounds or squares; to regulate the manner of measuring fire-wood, and the weighing hay, and

Sewers. to prescribe the stand for carters and carts, and for wood, hay and produce for sale in said village; relative to sewers and res-

Gunpowder. ervoires; relative to the keeping and sale of gunpowder in said

Fire-buckets village; to compel the owners of all buildings to procure and keep in readiness such number of fire-buckets as shall be ordered

Fire arms by the common council for the protection of the village, the inhabitants thereof, and their property against fire and injuries by fire, and relative to persons violating public peace; relative

Running at large of animals. to shooting guns and arms within the limits of said village; relative to calling of meetings of the electors of said village; to prohibit and restrain the running at large in said village of horses, cattle, mules, swine, sheep, geese, and all other animals

and fowls; to regulate and establish a pound for said village; Pound.
 for grading streets, alleys and ditches, and paving them, and Grading streets, &c.
 causing side-walks to be made, and the common council may
 cause the expenses of such making of said side-walks to be as-
 sessed on lots or premises adjoining such improvements, or by
 general assessment or otherwise, as they may direct; to pre-
 scribe the manner in which stoves, with their pipes, should be put
 up, and chimneys built, to guard against fires; to prohibit and Chimneys, &c.
 prevent the running at large of dogs, to require them to be Dogs.
 muzzled, and to authorize their destruction when running at
 large in violation of any ordinance of the common council; also
 such by-laws and ordinances as may be deemed, by the common
 council, expedient or necessary for preventing and suppressing
 all disorderly and bad houses; and said council shall have the Disorderly houses.
 power to make all the by-laws and ordinances as to the said General powers.
 council shall seem necessary for the safety and good govern-
 ment of said village and the inhabitants thereof, and to impose
 all fines, penalties and forfeitures on all persons offending against
 the rules, by-laws and ordinances, made as aforesaid: *Provid-* Proviso.
ing always, Such rules, by-laws and ordinances shall not be re-
 pugnant to the constitution and laws of the United States or of
 this State: *And provided also,* That no such rule, by-law or ordi-
 nance of said corporation shall have any effect until the same
 shall have been published two weeks successively in a news- Publication of ordinance.
 paper published in said village of Decatur, or by written notices see.
 posted in three of the most public places in said village two
 weeks before the time for the same to take effect; and an affida-
 vit of said publication or posting of the same, attached to the
 same, or entered at large upon the records of such corporation
 by the recorder, shall be deemed *prima facie* evidence of such
 publication or posting.

Sec. 11. The justices of the peace of the township of Decatur Justices of the peace, powers and duties.
 is hereby authorized and empowered to inquire of, hear, try
 and determine, in a summary manner, all the offences which
 shall be committed within the limits of said village, against
 any of the by-laws, ordinances and regulations that shall be

Right of jury.

made, ordained or established by the said common council, in pursuance of the power granted them in this act, and punish the offender or offenders as by the said by-laws, ordinances or regulations shall be prescribed or directed: *Provided always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by a jury.

Assessors to give notice of completion of roll.

Sec. 12. The liability to assessment and taxation of all personal property and real estate within the limits of said corporation, shall be assessed between the first and tenth days of May of each year; and whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in any newspaper published in said village, or cause such notice to be posted in three public places in said village, at least ten days before the time fixed by them to meet to hear objections to the assessment in said roll, and said notice shall state the time when and the place where said assessors will meet to hear the objections of any persons interested in the valuation so made by them; and the said assessors, at such meeting, on the application of any such person, considering himself or herself aggrieved, may review and reduce the valuation, and cancel [correct] such assessment, on sufficient cause being shown upon oath to the satisfaction of the said assessors: *Provided also*, All property, real and personal, within the limits of said village, except such as is exempted by general law, shall be liable to assessment and taxation under the provisions of this act.

Review of roll.

Poll tax.

Sec. 13. The common council shall have power and authority to levy and collect a capitation or poll tax upon persons in said village liable thereto, according to law; also, taxes on all real and personal estate or property within the limits of said village, which said common council shall deem necessary to defray the expenses of said corporation and improvements, and for working and keeping the streets in repair therein, done under the direction of said council: *Provided*, That the taxes

so assessed or levied, exclusive of taxes (assessed) for poll tax shall not in any one year exceed one-half of one per cent. upon the valuation of said real and personal property; and all taxes levied upon real estate, lands, tenements and hereditaments, or premises whatsoever, by said common council in said village, and all assessments imposed by said common council named for opening a street or alley, or grading or paving a street, or for making or repairing a side-walk, shall remain a lien on said lands, tenements and hereditaments, from the time of making such assessment, or imposing such tax, until paid; and it shall be the duty of the said common council, immediately after the assessors have completed the assessment roll, to estimate, apportion and set down, in a column for that purpose, opposite to the several sums set down as the polls and value of the real estate and personal estate in the assessment roll for the year, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seal of said common council, or a majority of the members of the same, directed to and requiring him to collect from the several persons named in said roll the several sums mentioned therein, set opposite their respective names, as the tax, taxes or assessment, and authorizing him, in case any of them should neglect or refuse to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day to be therein named, not less than forty days from date of said warrant.

Taxes to be a lien on property.

Apportionment of taxes.

Warrant to be annexed to roll.

Sec. 14. The common council shall have power to appoint a marshal, street commissioners, assessors, fire-wardens, and all other officers necessary under the provisions of this act for said village, whose election is not herein provided for, to require of them such bonds for the faithful performance of their duties as

Appointment of certain officers.

Bonds of

Oath. they may deem necessary, and to dismiss them at pleasure; the officers so appointed, before entering upon the duties of their office, shall take and subscribe to the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Powers of marshal.

Sec. 15. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers and processes that may be lawfully delivered to him for service, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; he shall see that all the by-laws and ordinances of the common council are properly and efficiently enforced; he shall obey all lawful orders of the president and common council, and shall also attend the meetings of the common council, and may command aid and assistance of any and all persons in discharge of the duties imposed upon him by law; he shall also, under the direction of the common council, see to the making, grading and paving, repairing and opening of all streets, lanes, alleys and side-walks, within said village, unless the common council shall devolve the same upon one or more street commissioners, that they are authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the laws and ordinances of the village, and forthwith take such person before any justice of the peace of said village of Decatur, to be dealt with as the by-laws and ordinances or this act shall provide, and apprehend and imprison any person found drunk in the street until such person shall become sober; he shall pay over all moneys by him received by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct, and he shall perform all the duties that may be required of him by the by-laws, ordinances or resolutions passed by said common council.

Marshal to collect taxes

Sec. 16. The marshal, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon

each person taxed, if a resident of the village, at least once, and demand the payment of the taxes charged to him on said roll; and in case of refusal or neglect to pay such taxes, the marshal shall levy the same by distress and sale of the goods and chattels of every such person, whenever found within the village, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; the said marshal shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax roll into the office of the recorder, and in case any of the taxes mentioned in said roll, shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of taxes remaining due and unpaid, with a full and perfect description of such pieces, from said roll, and shall attach thereto affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to the person charged with, or liable to pay such tax.

Sec. 17. The treasurer of said village shall have the custody of all the money and evidences of value belonging to the said village; he shall keep an accurate account of receipts of moneys and expenditures thereof; he shall pay no money out of the treasury except in pursuance of and by authority of law, and upon order signed by the recorder and countersigned by the president, which shall specify the purpose for which the amount is to be paid; he shall keep an account accurately, and be charged with moneys received for each fund of the corporation, and shall pay every order out of the particular fund constituted or raised for the purposes for which such order was received, and having the name of such fund endorsed thereon by the recorder; he shall exhibit to the common council annually, and as often as they may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying

Levy and sale by distress.

Notice of sale.

Return unpaid taxes.

Treasurer to have custody of village money, &c.

Annual report of treasurer.

them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement showing a financial condition of the treasury, which account, report and statement, shall be filed in the office of the recorder.

Sale of real estate for taxes.

Sec. 18. The taxes upon real estate, with the special assessments for the purposes mentioned in section thirteen of this act, and assessed in manner hereinafter in this act provided, on the assessment roll, which, according to the return of the marshal upon said roll remains unpaid at the expiration of his warrant, and which, with the interest thereon, to be computed at fifteen per cent. per annum until paid, shall remain unpaid for one year from the date of the marshal's warrant aforesaid, the treasurer of said village shall collect by sale of the real estate charged with such taxes and assessment by sale of so much thereof at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes, assessments and interest, together with all charges thereon, first giving at least two months notice of the time and place of said sale by advertisement posted up in three public places in said village, or by causing the same to be published eight weeks successively in a newspaper printed in said village; and affidavit of said publication or posting of said notice, recorded in the manner prescribed in the twelfth section of this act, shall be deemed *prima facie* evidence of the fact of publication or posting of such notice.

Notice.

Common council may open streets &c.

Sec. 19. The common council shall have power and authority to lay out and establish, open, work, alter and discontinue such streets, lanes, alleys, highways, water-courses, ditches and bridges, within the limits of said village, as they may deem necessary for the public convenience, and if, in doing thereof, they shall require for such purpose the grounds of any person or persons, they shall give notice thereof, to the owner or parties interested, or his or their agent or representative, by personal service or by written notice posted up in three of the most public places in said village, at least three weeks previous

Proceedings when private property is taken.

to the meeting of the common council for the purposes aforesaid; and when said common council shall have made a determination upon the laying out, establishing, opening, making, altering or discontinuing such street, lane, alley, highway, water-course or bridge, and such person or persons shall claim damages in consequence of such determination, the said common council are hereby authorized to treat with, settle and adjust the damages thus claimed; and in case the common council shall fail to agree with such person as to such damage, or fail to adjust the same with him or her, the common council, or any such person, his or her agent or attorney, may file a petition setting forth the premises and facts in the case, with a justice of the peace in said village or said township of Decatur, who shall appoint a day not more than twelve days and not less than six days from the filing of said petition, with time for the hearing the same, and notice of such time and place of hearing shall be served upon the common council (if the petition is filed by other than such council) and upon the person or persons interested in the question of damage, if said petition is filed by such council, at least six days previous to the time of such hearing; and the said justice shall then proceed to hear and determine the question of damages aforesaid, unless a jury for that purpose shall be demanded, and if either party require it the said justice shall cause a jury of twelve men, unless a less number is agreed upon, disinterested freeholders, to be summoned to hear and determine the amount of damages to be allowed, and the verdict of the jury, or judgment, shall be conclusive as to the amount to be paid; and when the amount of said judgment or verdict shall be tendered to the person entitled to the same, after the right of appeal shall have expired, the right of way, or rights to the grounds in question, for the purposes aforesaid, shall be deemed to have passed to the said corporation; and if the person or persons interested as owners of the lands, and having a right to claim damages as aforesaid, are non-residents of the county of Van Buren, and personal service of such notice from said justice cannot be had upon

Damages.

Determination of damages.

Jury.

Tender of damages.

Notice to non resident claimants.

him or her at some place within thirty miles of the said village, then the said justice shall continue the time of said hearing to a day certain, not less than thirty nor more than ninety days, and cause notice of the pending of such question of damages to be posted up in three public places in said village, or to be published in a newspaper printed in said village at least four weeks preceding such postponed day; and if, by the verdict of said jury or the judgment of said justice, no damage shall be awarded to the claimant thereof, and the petition thereof had been filed by such claimant, said justice shall render judgment against said claimant for the costs of the proceedings before said justice, and the said justice shall have power to issue execution thereon: *Provided however*, Either party may appeal to the circuit court as in other cases, and in case of appeal the judgment of the court thereon shall be final; and if the claimant shall not recover judgment in the circuit court for greater damage than was rendered by the verdict of the jury or judgment of the justice appealed from by him, then costs of said appeal, and accrued in said circuit court, shall be paid by said claimant, and when the amount of said judgment in the said circuit court has been tendered or paid, the same right shall accrue to said corporation, as above specified, would accrue upon payment or tender of the same had not an appeal been taken.

When damages are not awarded claimant to pay costs.

Appeal.

Fire companies.

Sec. 20. The common council shall have authority to establish and organize all such fire companies, and hook and ladder companies, and provide or purchase for them proper engines and other instruments, and buy or construct buildings, and purchase grounds or land for such buildings as shall by them be deemed necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagration; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number shall not exceed fifty in the management of an engine; and fire, hose, hook and ladder companies, shall have power to appoint their own officers, pass by-laws for the organization and good

Firemen.

Proviso.

Officers of fire companies.

government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such companies, during their continuance as such, shall be exempt from serving as jurors, and working poll-tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engine, hose, ladders and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and repair.

Sec. 21. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Sec. 22. The common council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if not printed therein, then to be posted up in three public places in said village, a true statement of the receipts and expenditures of the preceding year.

Sec. 23. In all processes, prosecutions and other proceedings, wherein the common council shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village

Sec. 24. The said common council shall have power to make

Public health.

and enforce such rules, by-laws and ordinances as they shall think proper or deem necessary to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

Fines for non acceptance of office.

Sec. 25. Any person elected to any office in the said corporation, who has been duly notified of his said election, shall neglect or refuse to qualify within the time provided in this act, and cause the certificate of his official oath, not exempted from holding office, shall forfeit and pay the sum of five dollars.

Common council may build jail.

Sec. 26. The common council of said village shall have and possess full power and authority to provide by ordinance for the erection and maintenance of a house or jail within the limits

Who may be confined therein.

of said village, wherein may be confined drunkards, vagrants, disorderly or idle persons, persons violating the public peace, persons guilty of petty offenses, and persons violating any of the by-laws, ordinances or regulations of said corporation, for the violation of which persons guilty thereof may be imprisoned, and wherein may be imprisoned any person convicted of any offense committed within the limits of said corporation, for which such person is liable to be imprisoned in the common jail of said county of Van Buren, or arrested on a charge for such offense, and awaiting a trial therefor.

Compensation of officers.

Sec. 27. The recorder, treasurer, attorney, marshal, and all other officers of said village, shall receive such compensation for their services as the common council may deem right and proper; but the president and trustees shall receive no compensation for their services, but may, at their option, once in each year, provide a dinner or supper for themselves and other officers of the corporation, at the expense of said village

Public act.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take immediate effect.

Approved March 16, 1861.

[No. 245.]

AN ACT to organize the township of Hancock, in Houghton county.

SECTION 1. *The People of the State of Michigan enact,* That all that part of the township of Portage, known as fractional Boundaries. township fifty-six north, of range thirty-four west, and all that part of township fifty-five north, of range thirty-four west, lying north and east of Portage lake and creek, and all of township fifty-five north, of range thirty-three west, situated on the north side of Portage lake, except sections twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight, thirty-three, thirty-four, thirty-five, thirty-six, of range thirty-three west, and also township thirty-six north, of range thirty-three west, be and the same is hereby set off from the residue of said respective townships, and organize the same into a separate township by the name of Hancock.

Sec. 2. That the first election in said township of Hancock First elec- tion. Inspectors of election. shall be held at the hall of William Lapp; John Ryan, S. W. Hill and J. R. Ralson, are hereby constituted and appointed inspectors of the said first election, to be held at the said hall of William Lapp, in the village of Hancock, on the first Monday of May next, and the said election shall be conducted according to the law in such cases made and provided.

[This act is ordered to take immediate effect.]

Approved March 16, 1861.

[No. 246.]

AN ACT to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State.

SECTION 1. *The People of the State of Michigan enact,* There shall be erected and maintained in each dam across any Shutes to be main- tained in dams stream which by law is a public highway within this State, a sufficient shute or shutes to admit the free passage of fish in

Proceedings
on refusal of
owner to
comply.

such stream, during the months of March, April and May, in each year; and if the owner or occupant of any such dam shall neglect or refuse to construct and maintain such shute, the board of supervisors of any county in which such dam may be situate, are hereby authorized to cause to be erected and maintained such shute, at the expense of the owner or occupant of such dam, and may recover all the expenses of erecting such shute from such owner or occupant, by suit in the name of such board of supervisors, before any court of competent jurisdiction.

Approved March 16, 1861.

[No. 247.]

AN ACT to amend act No. two hundred and fifty-five of the laws of eighteen hundred and fifty-nine, approved February fifteenth, eighteen hundred and fifty-nine, entitled an act to provide for laying out and establishing a State road from Midland City, in the county of Midland, to St. Charles, in the county of Saginaw.

Repeal and
amendment.

SECTION 1. *The People of the State of Michigan enact, That* section four, of act number two hundred and fifty-five, of the laws of eighteen hundred and fifty-nine, approved February fifteenth, eighteen hundred and fifty-nine, entitled an act to provide for laying out and establishing a State road from Midland City, in the county of Midland, to St. Charles, in the county of Saginaw, be and the same is hereby repealed, and that section seven and section thirteen be and the same are hereby amended so as to read as follows:

Compensa-
tion of com-
missioners.

Sec. 7. The said commissioners shall be paid each the sum of one dollar and fifty cents per day for their services, out of the fund appropriated by law for the construction and improvement of said road.

List of lands
to be fur-
nished Co.
treasurer.

Sec. 13. It shall be the duty of said commissioners, as soon as practicable, after making a survey of said road, to make out a list of the non-resident lands coming within the provisions of this act, and deliver the same to the county treasurer of the county

in which said lands are situated; and thereupon said county treasurer shall place to the credit of said road all taxes assessed on the lands contained in said list as non-resident highway tax, for the year eighteen hundred and fifty-nine, and for two years next thereafter, which said tax shall constitute a highway fund, to be known and designated as the Midland City and St. Charles State road fund, which said fund shall be used in the construction and improvement of said road, and for no other purpose.

Sec. 2. That the following two sections be and the same are hereby added to said act, and numbered section fourteen and section fifteen:

Sec. 14. Harvey Lyon, of Midland City, B. G. Beden, of Ingersoll, and Orsamus Doty, of St. Charles, are hereby appointed special commissioners for the purpose of constructing and improving said road. Said special commissioners shall have power, and they are hereby authorized, if they shall deem it expedient, to re-survey and change the location of any portion of said road: *Provided*, If they shall do so, they shall, as soon thereafter as practicable, file a new list of the non-resident lands embraced in a section, any part of which section shall be within two miles of the center of said road, as surveyed and established by them, with the treasurer of the county in which such lands are situated; and the non-resident highway tax assessed on the lands embraced in such new list, shall constitute the Midland City and St. Charles State road fund, as aforesaid, and shall be appropriated and used as specified in the last preceding section.

Sec. 15. All expenses which may have accrued to the commissioners appointed by and under the act of eighteen hundred and fifty-nine, to which this is amendatory, or to persons in their employ, in laying out and establishing said road, shall be and the same are a valid claim against the Midland City and St. Charles State road fund, and all orders drawn by them for the payment thereof shall be paid by the treasurers of the counties in which said road is located, out of any moneys in their hands

belonging to said fund; and said road shall be and continue a valid road, as located by them, until its location shall be changed by the special commissioners, as provided in the last preceding section.

Approved March 16, 1861.

[No. 248.]

AN ACT to amend and add to chapter one hundred and thirty-two of the compiled laws, entitled of homestead exemption.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections three, four and five, of said chapter, be amended so that they shall read as follows:

Proceedings under levy when he makes a notice of sale.

Sec. 3. Whenever a levy shall be made upon, or any circuit court commissioner shall advertise for sale, under any decree upon the foreclosure of any mortgage, not valid as against the homestead, the lands and tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy, or at the time of such advertising for sale, what he regards as his homestead, with a description thereof, within the limits above prescribed, and the remainder alone shall be subject to sale under such levy or decree.

Duty of officer in levy in certain cases.

Sec. 4. If the plaintiff in execution, or complainant in said decree, shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy or advertising for sale shall cause the same to be surveyed, beginning at a point to be designated by the owner and set off in compact form, including the dwelling house and its appurtenances, to the amount specified in the first section of this act, and the expense of such survey shall be chargeable on the execution or decree, and collected thereupon.

How officer to sell and convey.

Sec. 5. After the survey shall have been made, the officer may sell the property levied upon or included in the decree, and not included in the set off, in the same manner as provided in other like cases for the sale of real estate; and in giving a deed of

the same he may describe it according to the original levy or as described in the decree, excepting therefrom by metes and bounds, according to the certificate of the survey, the quantity as set off as aforesaid.

Sec. 2. Whenever the homestead of any debtor in any such case, shall exceed in value the amount of fifteen hundred dollars, the debtor shall not for that reason lose the benefit intended to be secured to him or her by said chapter and act; but in all such cases, when in the opinions of the creditors or officer holding an execution or decree as aforesaid, against such householder, the premises claimed by him as exempt are worth more than fifteen hundred dollars, such officer shall summon six persons qualified to act as jurors, who shall upon oath, to be administered to them by said officer, appraise the said premises; and in case the value thereof shall be more than fifteen hundred dollars, and cannot be divided, they shall make and sign an appraisal of its value, and deliver the same to the officer, who shall deliver a copy thereof to the debtor, or to some of his family of suitable age to understand the nature thereof, with a notice thereto attached, that unless the said debtor shall pay the said officer the surplus, over and above the fifteen hundred dollars, or the amount due on said execution or decree, within sixty days thereafter, that such premises will be sold.

Proceedings when homestead exceeds in value \$1500.

Appraisal and notice of sale for surplus.

Sec. 3. In case such surplus, or the amount due on said execution or decree, shall not be paid within the sixty days, it shall be lawful for the officer to proceed to advertise and sell the said premises, and out of the proceeds of said sale to pay such debt or the said sum of fifteen hundred dollars, which shall be exempt from execution for one year thereafter, and apply the balance on said execution: *Provided however*, That no sale shall be made in the case last mentioned, unless a greater sum than fifteen hundred dollars shall be bid therefor, in which case the officer may return said execution for want of property, or report the facts to the court in which said decree was rendered, as the case may require: *And provided also*, That this and the

Officer to advertise and sell for surplus.

Proviso.

Proviso.

preceeding section shall not apply to any mortgage executed before this act shall take effect.

Approved March 16, 1861.

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[No. 249.]

AN ACT to amend act number one hundred and forty-four of the session laws of eighteen hundred and fifty-nine, being an act to amend act number twenty-one of session laws of eighteen hundred fifty-eight, it being an act to amend act number sixty-three of session laws of eighteen hundred and fifty-seven, entitled an act to lay out and establish a State road in the counties of Sanilac and Tuscola.

SECTION 1. *The People of the State of Michigan enact, That* section two of act number forty-four of the session laws of eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows: For the purpose of relieving the holders of orders drawn by the commissioner of said road on the county treasurer, there shall be appropriated all such of the non-resident highway tax as not otherwise appropriated for the year eighteen hundred and sixty-one, and four years thereafter, as may be collected upon any legal subdivision of land, an equal or greater part of which shall be within two lines running parallel with said road, one mile each way from the center of said road; and the whole of the non-resident highway taxes in township twelve north, of ranges twelve, thirteen and fourteen east, shall be appropriated for the payment of said orders during the full term, or until said orders are redeemed, and the balance, if any, may be appropriated for the improvement of said road in the manner aforesaid.

Approved March 16, 1861

[No. 250.]

AN ACT to amend sections one and two of an act entitled "an act to amend certain sections of an act to establish a house of correction for juvenile offenders, approved February tenth, eighteen hundred and fifty five," which act hereby amended was approved February tenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact,* That sections one and two of the act entitled "an act to amend certain sections of an act entitled an act to establish a house of correction for juvenile offenders, approved February tenth, eighteen hundred and fifty-five," which act is hereby amended was approved February tenth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Sec. 1. That sections ten and twelve of the act to establish a house of correction for juvenile offenders, [approved February tenth, eighteen hundred and fifty-five,] be and the same are hereby amended so as to read as follows:

Sec. 10. From and after the time said institution shall be ready for the reception of offenders, every male person under the age of sixteen years and over the age of seven years, who shall be convicted before any competent court or magistrate for any offense punishable by law by fine or imprisonment, or both, and who, in the opinion of such court or magistrate, would be a fit subject for commitment to the reform school, except in the case of offenses punishable by law with imprisonment for life, may be sentenced and committed by such court or magistrate to the reform school until he shall reach the age of twenty-one years, or until discharged by law or the provisions of this act; and every such court or magistrate shall certify to the superintendent of said reform school the age of all persons so committed, as near as can be ascertained by any competent evidence, with the cause of such commitment: *Provided,* That all judgments and commitments rendered and made under this act by police courts and justices of the peace, shall, upon a reviewal by the proper circuit or probate judge of the proceedings and testimony taken on the trial, be approved, and that if such sen-

Act amend-
ed.Certain of-
fenders to
be sentenced
till 21 years
of age.Age to be
certified.Reviewal of
judgment
by circuit
or probate
court.

tence be disapproved, such police court or justice is hereby authorized to pass sentence as in other cases punished by law.

Those committed to be disciplined, &c.

Sec. 12 Each and every boy under the age of sixteen years who shall be legally committed to said school, as provided in the foregoing section, shall be kept disciplined, instructed and employed, and governed under the direction of the board of control of said school, until he either be reformed and discharged, or be bound out by said board of control, or until he shall have arrived at the age of twenty-one years; but it shall be the duty of said board of control, and they shall have power to return any boy to the authorities of the county or city from which he shall have been received, who the said board of control may deem to be an improper subject for their care and management, or who shall be found to be incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof, or who, in their judgment, ought for any other cause to be returned from said school; and in every such case it shall be the duty of said board of control to transmit to the court or magistrate by whom the said boy was committed to said school, a statement of the reasons of said discharge, and it shall be the duty of the authorities of the city or county to whom said boy shall be returned, to produce such boy before the court or magistrate, or successor of such magistrate by whom such boy was committed, as soon as the same can reasonably be done; and such court or magistrate shall have power thereon to make such order, and have such proceedings as would have been legal in the first instance, and would have been made or had in case the boy had not been sent to the said reform school.

When board of control may return offenders.

Reason therefor to be transmitted.

Aud. Gen'l to draw warrant for current expenses.

Sec. 2. The Auditor General is hereby authorized and required to draw his warrant on the State Treasurer for such sums as the board of control of said house of correction shall from time to time direct, but such sums so drawn at any one time shall not exceed two thousand dollars, and no further sum shall be drawn until satisfactory vouchers are presented to and allowed by the board of State auditors for the amount pre-

viously drawn: *Provided*, That the amounts so drawn shall not in any case exceed the amount appropriated for that purpose.

Approved March 16, 1861.

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[No. 251.]

AN ACT to provide a military force.

Whereas, Certain States have resolved to secede from the federal Union, have forcibly seized upon the arsenals, forts, custom houses, navy yards and other public property of the general government, and have willfully fired upon and insulted the flag of the United States, and are now in continued defiance of the federal laws, by which open rebellion and a state of war actually exists; *And whereas*, This State, as one of the loyal States of the Union, ought to be prepared to meet this public emergency, and to aid in sustaining the American Union and the federal laws and authority; therefore,

SECTION 1. *The People of the State of Michigan enact*, That the Governor is hereby authorized and empowered to accept and muster into the military service of the State, the volunteer uniformed militia, and in case of deficiency in numbers of such volunteer uniformed militia, such of the enrolled militia as shall volunteer to be so mustered, and who, in conformity with the army regulations of the United States, would, in like cases, be musterable into the service of the United States, not to exceed twenty companies, which shall be organized into two regiments of ten companies each, by the commander-in-chief, who shall appoint and commission such field officers to each regiment as belong to a regiment of infantry in the United States service; the regiments so organized shall be subject, upon the order of the commander-in-chief, to be first used in case of actual hostilities, or to be transferred to the military service of the general government, whenever required by the President.

Sec. 2. Minors may be mustered on the written consent of their parents or guardians, and those having no parents or

Governor
authorized
to muster
two regi-
men's into
service.

Minors, how
mustered.

guardians may be mustered on the written consent of a justice of the peace of the township or city where, for the time being, said minor resides; the term of service shall be for at least three months, but for no longer a term than three years, or while the exigency for which they were called out shall exist, in the discretion of the Governor; but the Governor may disband one or both of such regiments, at any time after the expiration of three months, unless they shall have been previously mustered into the service of the United States, if, in his opinion, their services shall no longer be required either by the State or by the United States.

Term of service.

Governor may disband.

Persons mustered into service subject to army regulations.

The force to be drilled, &c.

Compensation.

Time book to be kept.

To be presented to military board.

Sec. 3. All and every person enlisted and mustered into said service, shall, so far as the same may be applicable, be subject to all the laws and regulations established for the government of the army of the United States and of this State.

Sec. 4. Such force shall be immediately put on a course of drill and instruction at such points, and devote such time to that object, as shall be directed by the commander-in-chief, and for that purpose shall meet for drill and instruction not more than ten days in each month, unless otherwise ordered; and each member shall receive pay at the rate of one dollar per day for the time actually employed in such military drill and exercises, and transportation to and from any regimental rendezvous ordered by the commander-in-chief, at the rate of five cents per mile.

Sec. 5. In order to settle and adjust the pay rolls, the captain or commanding officer of each company shall keep an accurate time book, setting forth the number of hours each member of his company has been engaged in drill and military exercises for each week, a copy of which, with an affidavit that the same is just and true, shall be transmitted to the Adjutant General, who shall lay the same before the State military board; upon the time tables so reported, the said board shall make up and adjust the amount severally due to each member of said companies, allowing for the number of hours actually employed, at the rate of eight hours for a days service; upon such adjust-

ment, approved by the commander-in-chief, payment thereof shall be made as the commander-in-chief shall direct; field and staff officers shall be paid for the time actually employed in military service at the same rate per day, and five cents per mile for actual travel under orders.

Sec. 6. The Governor is hereby empowered, through the proper military department, to purchase and distribute all necessary military stores, whether of subsistence, clothing, pay, medicines, field and camp equipage, arms, munitions and equipments, which shall be properly accounted for to the legislature; and at the disbanding of said force, he shall store the property of the State in as good condition as practicable at the seat of government, or at such other place as he may deem best. Such reports shall account for all moneys received and disbursed, description and cost of all articles purchased; he shall have power, through the proper military departments, to collect and distribute all arms and equipments, or any of the military property of this State, whether in the hands of volunteer companies or otherwise.

Sec. 7. All acts or parts of acts contravening this act are hereby repealed.

Sec. 8. This act shall take immediate effect.

Approved March 16, 1861.

[No. 252.]

AN ACT to restore certain sections of land to the township of Cottrelville, in the county of St. Clair.

SECTION 1. *The People of the State of Michigan enact, That sections five, six, seven, eight, seventeen, eighteen, nineteen and twenty, in the township of Ira, in the county of St. Clair, be and the same are hereby permanently attached to the township of Cottrelville. All acts or parts of acts contravening the provisions of this act are hereby repealed.*

Sec. 2. This act shall take effect immediately.

Approved March 16, 1861.

[No. 253.]

AN ACT to amend section two, of chapter one hundred and nineteen, of the revised statutes of eighteen hundred and forty-six, being section thirty-nine hundred and sixty-seven of the compiled laws.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section two, of chapter one hundred and nineteen, of the revised statutes of eighteen hundred and forty-six, being section thirty-nine hundred and sixty-seven of the compiled laws, be amended so as to read as follows:

Must be attorneys and counsellors at law.

Sec. 2. (3967) No person shall be elected a circuit court commissioner unless he be at the time an attorney and counsellor at law of the supreme court, except within and for the county of Chippewa.

Approved March 16, 1861.

[No. 254.]

AN ACT to appropriate twenty-five hundred acres of swamp lands to open and improve the State road from Mecosta county to the county seat of Oceana county.

Appropriation.

SECTION 1. *The People of the State of Michigan enact, That* an appropriation of twenty-five hundred acres of swamp land be and is hereby made for opening and improving the State road from the county of Mecosta to the county seat of Oceana county.

Notices of job letting.

Sec. 2. The commissioners having charge of said road shall, on or before the first day of July next, cause notices of the times and places of meeting to let the jobs on said road to be published in the Newaygo Republican, and continue the publication of said notices for at least four successive weeks previous to letting such jobs.

Who entitled to contract.

Sec. 3. The commissioners shall meet at the times and places designated in said notice, and shall then and there state the place of beginning, and proceed to let the same at public auction; and the person offering to make the greatest length of

road in the direction and in the manner indicated by said commissioners, for forty acres of land, and giving security good for the performance of the same, shall be deemed to be the successful bidder, and entitled to the contract.

Sec. 4. When any job shall be fully completed, according to the conditions of the contract, the commissioners shall give to the person doing such job a certificate to that effect, which certificate, on its presentation to the Commissioner of the State Land Office, shall entitle the person to whom it was given, or his assignee, to a patent of any vacant forty acres of swamp land.

Sec. 5. Said commissioners shall render a just and true account of their doings to the boards of supervisors of the counties of Mecosta, Newaygo and Oceana, at their annual meetings in October in each year, and a like account annually to the Commissioner of the State Land Office on the first day of November in each year.

Approved March 16, 1861.

[No. 255.]

AN ACT to amend an act entitled an act further to preserve the purity of elections, and guard against the abuses of the elective franchise, by a registration of electors.

SECTION 1. *The People of the State of Michigan enact, That* on the second Thursday, Friday and Saturday next preceding the general election, and on the second Thursday and Friday next preceding the day of the regular charter election of the city of Detroit, and not afterwards, the board of registration shall be in session at such places in the several wards and districts as they shall designate in their notices as prescribed by law, from nine o'clock in the forenoon until five o'clock in the afternoon, for the purpose of completing the list of qualified voters, in pursuance of said act, approved February fourteenth, eighteen hundred and fifty-nine; and any member of said board may administer an oath or affirmation to the applicant that he

shall true answers make to all questions put to him touching his qualifications as an elector.

Repeal.

Sec. 2. So much of sections one and five of the act aforesaid, approved February fourteenth, eighteen hundred and fifty-nine, as may be inconsistent with this act, and all other acts and parts of acts contravening the provisions of this act, are hereby

Proviso.

repealed: *Provided*, That this act shall apply and have force only in the city of Detroit, in the county of Wayne.

Approved March 16, 1861.

[No. 256.]

AN ACT to confer certain powers on the board of supervisors of the counties of Marquette and Delta.

Commissioner to prepare map.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Marquette are hereby authorized to appoint a commissioner to prepare a map of the counties of Marquette, Schoolcraft and Delta, as now existing, and for the purpose of naming or re-naming the geographical points or places, bays, streams or islands, which now have no names, or inappropriate and uncouth ones, which are undesirable to be perpetuated.

Commissioners to give notice of intended action.

Sec. 2. The said commissioner shall give public notice of his intended action, fixing a time and place when he will act, in one or more newspapers published in or near one of said counties, at least sixty days before he shall decide upon such names, for the purpose of having names proposed by any person or persons interested in particular localities, and shall complete the map within six months from the date of giving such notice.

Map to be submitted to board of supervisors.

The map aforesaid shall also, within that time, be submitted to the board of supervisors of the several counties then organized, and shall be subjected to their revisal and approval so far as their respective limits are concerned, and when thus revised and approved copies of said map shall be made and placed on file or exhibition in the office of the register of deeds in the respective counties, and from thenceforth the names therein set

orth shall be the legal names to designate the several geographical points or places, bays, streams or islands to which the names are respectively given, and may be used in all legal instruments and writings to describe the same.

Sec. 3. The commissioner shall not be entitled to any compensation for his services, but the board of supervisors may defray the expense of advertising, and of furnishing the copies of the maps aforesaid, as for other county incidental expenses.

Approved March 16, 1861.

[No. 257.]

AN ACT to provide for publishing the statistics of the State of Michigan, taken by authority of the United States, in the year one thousand eight hundred and sixty.

SECTION 1. *The People of the State of Michigan enact, That* the Secretary of State is hereby authorized and required to cause to be condensed, in proper form for publication, so much of the statistics of this State, taken by authority of the United States, in the year one thousand eight hundred and sixty, as hereinafter specified, to wit: So much as shows the number of dwelling houses, designating those in cities, the number of families, the number of persons, designating the colored, the number of deaf and dumb, blind and insane persons, the number of acres of improved and unimproved land, the aggregate value of real estate, and the aggregate value of farming implements and machinery, the number of each class of live stock, and the aggregate value thereof, the number of bushels of each kind of grain, the number of bushels of potatoes and clover seed, the number of pounds of wool, butter, cheese and maple sugar, value of orchard products, number of tons of hay, and value of home-made manufactures, the number and kind of mills and manufactories, the motive power and the value of products.

Sec. 2. And when the statistics shall be so condensed, as above provided, the Secretary of State shall cause five thousand copies to be printed, and when published shall transmit two

copies to each organized township in this State, one copy for the use of the supervisor, and one for the township clerk, and shall also transmit one copy for each township and district library, and shall also transmit to the county clerk of each organized county in this State, seven copies for the use of the several county officers, and shall also transmit twenty copies to the mayor of each city, for the use of the city library. He shall also cause one hundred copies to be deposited in the State library of this State.

Compensation.

Sec. 3. The board of State auditors shall audit and allow such sums as they may deem proper for clerk hire in preparing the statistics for publication, and the amount by them certified to be due each individual shall be paid out of the State treasury on the warrant of the Auditor General.

Approved March 16, 1861.

[No. 258.]

AN ACT to prevent officers and clerks in the State land office and Auditor General's office from purchasing lands while in the employ of the State.

Certain persons prohibited from purchasing lands

SECTION 1. *The People of the State of Michigan enact, That* it shall be unlawful for any officer or clerk employed in the State land office, or in the office of the Auditor General of this State, during the term of his service, or within three months after the discontinuance of such service, to purchase, either directly or indirectly, from the State, at either of said offices, any lands for sale at said offices, or either of them.

Purchases to be void

Sec. 2. Any purchases made in violation of the first section of this act shall be void.

Approved March 16, 1861.

[No. 259.]

AN ACT to amend an act entitled an act to establish graded and high schools, approved February fourteenth, one thousand eight hundred and fifty-nine, being act number one hundred and sixty-one, session laws one thousand eight hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two and five, of the act entitled an act to establish graded and high schools, approved February fourteenth, one thousand eight hundred and fifty-nine, shall be amended to read as follows: Section amended.

Sec. 1. Any school district containing more than one hundred children between the ages of five and twenty years, may elect a district board consisting of six trustees: *Provided*, The district shall so determine at an annual meeting, by a vote of two-thirds of the legal voters attending such meeting: *Provided also*, That the intention to take such vote shall be expressed in the notice of such annual meeting. When such a change in the district board shall have been voted, the voters at such annual meeting shall proceed immediately to elect from the qualified voters of the district, two trustees for a term of one year, two for a term of two years, and two for a term of three years; and annually thereafter two trustees shall be elected, whose terms of office shall be three years, and until their successors shall have been elected, and filed their acceptances. District board
Two thirds vote required
Notice.
Terms of office.

Sec. 2. Within ten days after their election, such trustees shall file with the director a written acceptance of the office to which they have been elected, and shall annually elect from their own number a moderator, a director and assessor, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such officers in the primary school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number, till the next annual meeting. Whenever, in any case, the trustees shall fail, through disa-

greement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report, shall appoint the said officers from the number of said trustees.

When school inspectors to appo. nt.

Sec. 5. Whenever two or more contiguous districts, having together more than two hundred children between the ages of five and twenty years, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing graded or high schools, under the provisions of this act, the school inspectors of the township or townships in which such districts may be situated, shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a board of trustees, as provided in section 1 of this act, and may do whatever business may be done at any annual meeting.

Union of districts.

Approved March 16, 1861.

[No. 260.]

AN ACT to amend chapter ten of the compiled laws in, relation to certain duties and compensation of county surveyors.

SECTION 1. *The People of the State of Michigan enact*, That chapter ten of the compiled laws be so amended that section one hundred shall read as follows:

Section amended.

Certain surveys to be recorded.

Sec. 100. Upon the application of any person, the county surveyor shall record, in a suitable book to be provided by him at the expense of the county, numbering it in the order of recording, the description of any survey made in his county, which shall set forth: The subdivision or subdivisions of the government survey upon which the survey was made; the date of making the survey, and the name of the person for whom it

Contents of survey.

Repealed
1869 p. 255

was made; and plainly describe all the outlines and corners of the subdivision, or [other] area thus described, in manner and form substantially as follows: beginning at a stake, corner, quarter or meandering stake, if it is one, and what one, and referring, by the usual abbreviation and figures, to such original bearing trees as were found, and to such others as were taken, and running,

First. In a given direction a given distance to a stake, naming it, if it is namable, and referring to bearing trees, as before;

Second. In a given direction a given distance to a stake, naming and referring as before;

And so on throughout the entire outline of the subdivision, or other area thus described, to the place of beginning; and further set forth: The quantity of land contained in the subdivision, or other area thus described; the variation of the compass, and that it has been allowed for in describing the outlines, and the name of the surveyor by whom the survey was made, and the name of his office, if he was the county surveyor or his deputy; to which book he shall make an index, referring to the number of each record, the name of the person for whom it was made, and the subdivision or subdivisions upon which the survey was made; he shall also, upon application, furnish copies of any records in his office. Index to record.

Sec. 2. And section one hundred six shall be so amended as to read as follows:

Sec. 106. The county surveyor shall be entitled to receive a compensation not exceeding three dollars a day for surveying, including the time necessary for traveling to and from the work, and ten cents a folio for recording descriptions, and twenty-five cents for each linear mile represented for recording plats, and the same fees for copies of such records; he shall not be liable to prosecution in an action of trespass for entering upon any lands in the discharge of his duties, and he shall adjudge his fees for serving, to be paid by all the parties interested therein in such manner as shall be just, and upon notice by the county surveyor that any such fees are due for sur- Compensation of surveyor. Not liable for trespass. Fees, how collected.

veying any land, the supervisor of the township shall assess the amount of said fees upon the said land, to be collected in the same manner as other taxes, and held subject to the order of the person named in the county surveyor's notice as being entitled to the same.

Approved March 16, 1861.

[No. 261.]

AN ACT to attach certain unorganized townships to the county of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* the territory designated on the United States surveys as townships fifty and fifty-one north, of range twenty-six west; townships fifty, fifty-one and fifty-two north, of range twenty-seven west; townships fifty, fifty-one and fifty-two north, of range twenty-eight west, and townships fifty, fifty-one and fifty-two north, of range twenty-nine west, be and the same are hereby attached to and made a part of the county of Marquette; and said territory shall be and constitute a part of the township of Marquette, in said county of Marquette, until otherwise ordered by the board of supervisors of said county.

Approved March 16, 1861.

[No. 262.]

AN ACT to attach the county of Manitou to the county of Mackinac for certain judicial purposes.

SECTION 1. *The People of the State of Michigan enact, That the* county of Manitou shall be and the same is hereby attached to the county of Mackinac for the purposes of the jurisdiction of the district court for the Upper Peninsula, sitting in said county, over the same, until other provision is made by law for holding a court in said county of Manitou, and said court shall have jurisdiction thereof.

Sec. 2. All process, writs, declarations and notices issued

from said district court, to be served upon persons residing in, Service and return of process, &c.
 or who may be found in the county of Manitou, shall be served
 by the sheriff of said county of Manitou, when by the practice
 of the court the same must be served by a sheriff, who shall
 make the return thereof to said court, and be subject to all the
 orders and directions thereof in the premises; and all persons
 committed for trial for offenses committed in said county of
 Manitou, cognizable by a circuit or district court, shall be taken
 before said district court sitting in the county of Mackinac, or
 recognized before a justice of the peace of said county of
 Manitou, with sufficient surety, to appear at the ensuing term
 of said district court in the county of Mackinac.

Sec. 8. The sheriff of Manitou county shall charge mileage Mileage of sheriff.
 from the county seat of said county only except for actual and
 necessary travel to the county of Mackinac.

Approved March 16, 1861.

[No. 263.]

AN ACT to provide for the floating of logs and timber in the
 streams of this State.

SECTION 1. *The People of the State of Michigan enact, That*
 if any person or persons shall put or cause to be put into any Proceedings upon obstruction of rivers by logs; &c.
 navigable river, creek or stream, any logs, timber or lumber,
 otherwise than a dam for the purpose of milling or use of ma-
 chinery, and shall not make adequate provisions, and put on
 sufficient force for breaking jams of such logs, timber and lum-
 ber, in or upon such rivers, creeks or streams, or for running or
 driving the same, or clearing the banks of the same, and thereby
 obstruct the floatage or navigation of such rivers, creeks or
 streams, it shall be lawful for any person floating or running
 logs or timber in such rivers, creeks or streams so obstructed,
 to cause such jams to be broken, and such logs, timber or lum-
 ber to be run, driven and cleared from such rivers, creeks or
 streams, at the charge and expense of the person or persons

Persons clearing the same to have lien on logs, &c.

owning said logs, timber and lumber; and said person or persons so causing such jams to be broken, or such logs, timber and lumber to be run, driven and cleared, shall hold possession of and have a lien upon such quantity of said logs, timber and lumber, as shall be sufficient to pay and satisfy all just and reasonable charges against the same, proportionate to their number, quantity, and the expense of running and clearing the same, as aforesaid. The account for such charges, if not paid on demand, or if the owner or agent cannot be found within the county, shall be filed with any justice of the peace in the proper county, who shall proceed to collect the same by an action of debt the same as in other cases, and when judgment is rendered for the amount of such claim, or any part thereof, shall issue execution, and the constable shall levy on and sell such logs, timber or lumber, or such portion as may be necessary to satisfy the judgment and costs, as in other cases: *Provided*, That service on the agent of the owner or owners shall be valid, the same as if served on him or them personally: *Provided further*, That when such owner or his agent cannot be found in the county, the claim shall be collected as in case of attachment on property of absent debtors.

Penalty for obstructing streams.

Sec. 2. Every person who shall willfully dam up such rivers, creeks or streams, or obstruct the navigation thereof, except for the purpose of milling or use of machinery, with intent to obstruct or hinder any person in the use thereof, as provided in this act, or who shall willfully cut, untie, loosen or cast off any rope, chain, pole, timber or pile, by which any boom containing any logs or timber shall be secured, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail of the proper county not exceeding sixty days, and by a fine not exceeding one hundred dollars, or both, at the discretion of the court before whom he is tried, for each offense.

Recovery of damages.

Sec. 3. Any person injured by any obstruction or injury upon a boom, as provided in the foregoing section, shall be entitled

to recover his damages of the person or persons causing such obstructions, in an action of trespass.

Sec. 4. It shall be lawful for any person having logs or timber in any stream navigable for registered water craft, to boom such logs or timber ^{Logs, &c., on navigable streams may be boomed.} along the shore, and to secure the booms by means of piles driven in the stream, or by chains, ropes, timber or traverse poles, made fast at points along the shore: *Provided*, That there shall be, at all times, sufficient channel left clear to allow of navigation by any craft or rafts usually navigating such streams. ^{Proviso.}

Approved March 16, 1861.

[No. 264.]

AN ACT to authorize proceedings by garnishment in the circuit courts and the district court of the Upper Peninsula.

SECTION 1. *The People of the State of Michigan enact*, That in all personal actions arising upon contract, brought in the several circuit courts, or district court of the Upper Peninsula, or municipal courts of civil jurisdiction, whether commenced by ^{In what cases writ of garnishment may issue.} *capias*, summons, declaration or writ of attachment, if the plaintiff, his agent or attorney, shall file with the clerk of the court, at the time of or after commencement of suit, an affidavit stating that he has good reason to believe and does believe that any person (naming him) has property, money, goods, chattels, credits and effects in his hands, or under his control, belonging to the defendant, or that such person is in anywise indebted to the principal defendant, whether such indebtedness be due or not, that the principal defendant (naming him) is justly indebted to the plaintiff in a given amount, over and above all legal set-offs, and that the plaintiff is justly apprehensive of the loss of the same, unless a writ of garnishment issue to the aforesaid person; a copy of the writ or declaration, and affidavit, shall be ^{Contents and service of writ.} attached to a writ of garnishment, to be issued by the clerk, sealed, tested and personally served in the same manner as writs of summons, and directed to the sheriff, reciting the com-

mencement of suit against the principal defendant, and the filing of the affidavit, (with a reference to the copies attached,) and thereupon commanding him to warn and garnish such person to attend before a circuit court commissioner, or the circuit judge at chambers, (giving his name and location of office,) upon a day named, not less than fourteen days from the date of issuing the same, at a fixed hour, to make disclosure touching his liability as garnishee of the principal defendant, naming him, as charged in said affidavit, and thenceforth to pay no money and deliver no property to the principal defendant, naming him, until discharged, and of said writ to make due return.

On return of writ, suit to be entered, and garnishee deemed liable to plaintiff.

Sec. 2. On the return of such writ of garnishment duly served, suit shall be entered and docketed as commenced against the person summoned, naming him, as garnishee; and from the time of service of the writ of garnishment, the garnishee shall be deemed liable to the plaintiff to the amount of the property, money, goods, chattels, credits and effects in his hands, or under his control, belonging to the principal defendant, or of any debts due or to become due from such garnishee to the principal defendant, or of any judgment in favor of the latter against the former.

Memorandum of officer.

Sec. 3. It shall be the duty of the officer serving the writ of garnishment, immediately after the service thereof, to deliver to the commissioner or judge named in the writ, a brief written or printed memorandum, subscribed by such officer, containing the title of the court and title of cause, the date and return day of the writ of garnishment, and the date of service, and in case of corporation the name and official character of the person served, and the return of such officer shall set forth the delivering of such memorandum.

Duty of court on receiving memorandum.

Sec. 4. It shall be the duty of the circuit court commissioner or judge, upon receiving such memorandum, to be present in his office at the return day of the writ of garnishment, to receive the disclosure of the garnishee, and perform such duties in connection therewith as are imposed upon him by this act,

and to file in the court issuing the writ of garnishment a report of the proceedings in his office in the premises, attaching to said report the memorandum, disclosure, and any schedule or inventory of property made as hereinafter provided.

Sec. 5. If such garnishee does not appear and make disclosure at the time and place at which the writ of garnishment duly served on him is returnable, or if a continuance be had, as provided in the next section, at the time of continuance, upon the filing of the report of the commissioners or judge to that effect, to be made within two days thereafter, the default of the garnishee, for want of appearance and disclosure, may be entered in the common rule book and made absolute, as now provided in personal actions, and the charge made in the affidavit shall be deemed to be true; and in case of final recovery against the principal defendant in the circuit or supreme court, judgment shall be rendered and execution issued against the garnishee, his goods and chattels, lands and tenements, for such amount as the plaintiff shall recover against the principal defendant; the default may be set aside upon payment of costs, making disclosure, and such other terms as the court may impose.

On non-appearance of defendant, default may be entered.

Execution against garnishee upon final judgment.

Sec. 6. If the commissioner or judge shall be satisfied, by the statement under oath of any credible person, that any garnishee shall not be able to attend in person at the time at which such process is returnable, or if the garnishee shall show other good and sufficient cause under oath, or if the official engagements of the commissioner or judge shall require it, a continuance may be had upon such terms as the commissioner or judge shall see fit; but no more than three continuances shall be had, nor shall any continuance be granted, except by consent, beyond the day previous to the first day of the first term at which the suit against the principal debtor may be noticed for trial.

Continuance may be granted.

Sec. 7. Upon his appearance, or at the time of adjournment, the garnishee shall answer, under oath, such oral or written interrogatories, touching his liability as such garnishee, as the plaintiff or commissioner, or judge, may put to him, and his answer shall be reduced to writing by the commissioner or judge,

Proceedings on examination.

and subscribed by the garnishee; and within five days thereafter such disclosure shall be attached to the report of the commissioner or judge, who shall state therein his opinion as to the chargeableness of the garnishee, to be filed as hereinbefore provided.

Notes, &c., of defendant held by garnishee to be delivered to receiver.

Sec. 8. If upon the disclosure, or the trial of the statutory issue hereinafter provided for, it shall appear that the garnishee had in his possession at the time of the service of the process upon him, or thereafter, any promissory note, bill of exchange, order, receipt, bond, or other written promise for the payment of money, or the delivery of property belonging to the principal defendant, the garnishee shall deliver the same to the commissioner or other person appointed by the judge or commissioner as a receiver, if by him or the courts so ordered; and it shall be his duty, under the direction of the court, to collect and apply the proceeds upon any execution in favor of the plaintiff and against the garnishee, and to pay him the surplus, if any.

Proceeds, how applied

Property subject to pledge held by garnishee to be delivered to receiver, &c.

Sec. 9. If it shall appear, as aforesaid, that the garnishee had in his possession, as aforesaid, any personal property of the principal defendant, and that the same is subject to any pledge, lien or mortgage, and at the time of the disclosure has not been sold by the garnishee, the same shall be delivered by the garnishee to the commissioner or receiver, if the commissioner or judge so order, to be by him disposed of under the direction of the court, if a greater amount than the incumbrance can be obtained therefor, and after paying the amount of such incumbrance, to apply the balance as aforesaid, or the plaintiff may be allowed by like order to pay or tender the amount due the garnishee.

Garnishee refusing to deliver note, &c., held liable for amount of

Sec. 10. If, in either of the cases specified in the two preceding sections, the garnishee shall refuse to comply with the order of the judge or commissioner for delivering, such garnishee shall be held liable for the amount of the note, order, choses in action, or personal property, upon the report of the commis-

sioner of such refusal and amount, and judgment shall be rendered and execution issued accordingly, as upon default.

Sec. 11. In either of said cases the judge, commissioner, or receiver, shall add to his report a statement of any order made by him, and the delivering to him of any property or thing, with a description and valuation thereof, to be ascertained by appraisement or inquiry upon oath, or in such mode as the commissioner or judge shall direct, to his satisfaction.

Order for said delivery to be included in report.

Sec. 12. The affidavit for the writ of garnishment shall be held and considered as a declaration by the plaintiff in trover, against the garnishee as defendant, where the garnishee is chargeable for property and for money had and received, when he is chargeable upon indebtedness against the garnishee; and upon the filing of the commissioner's report, with a disclosure, the matter of the affidavit shall be held and considered as denied by the garnishee, if he shall file a notice with the clerk that he claims an issue, as on plea by him of the general issue; and thereupon a statutory issue shall be deemed framed for the trial of the question of the garnishee's liability to the plaintiff.

Issue, how made.

Sec. 13. Such statutory issue shall stand for trial, at the term at which the issue against the principal defendant shall be tried and finally disposed of, and if the latter issue be determined against the plaintiff at any time thereafter, upon motion of the garnishee, judgment shall be entered in his favor upon the statutory issue, and for costs against the plaintiff, reciting the framing of such issue and the judgment in favor of the principal defendant.

When issue to be tried.

Proceeding when original issue determined against plaintiff.

Sec. 14. If the plaintiff obtain judgment against the principal defendant, in the circuit court, and the latter does not, within two days thereafter, serve upon the garnishee notice of motion for new trial, or of his intention to remove the cause to the supreme court, the statutory issue shall stand for trial at that term of the court on the docket containing the suit in the order of formation of such issue: *Provided*, That in case the suit be on the court docket, and a jury be demanded by the garnishee, the court shall appoint a day for the jury trial of

When plaintiff recovers, the statutory issue to be tried at same time.

Provide.

such cases, unless the jury be dismissed, and in that event, the case shall stand on the jury docket of the next term: *Provided further*, That continuances may be applied for and granted, as in ordinary cases, and that the plaintiff shall cause the clerk to place the case on the docket in its proper position, and shall give notice thereof in writing to the garnishee at the same time.

Evidence on trial. Sec. 15. Upon the trial, the report or any other competent evidence supporting or controverting it, may be offered by the plaintiff, and the garnishee may offer any evidence not controverting the disclosure, or in the discretion of the court he may be allowed to show errors and mistakes in his disclosure, and may also show the amount of the judgment and costs against the principal defendant.

Amount of judgment against garnishee. Sec. 16. If by the verdict the garnishee be found liable, as such, for an amount equal to or greater than the judgment and costs against the principal defendant, judgment shall pass only for the latter amount; in other cases it shall pass for the amount of liability ascertained by the verdict.

Costs. Sec. 17. If on such trial judgment shall be rendered against the garnishee for a greater amount, or for other property than he would have been chargeable for on his disclosure, it shall carry full costs, otherwise the garnishee shall recover costs; execution shall issue as in ordinary cases.

When statutory issue to be tried after affirmance of original judgment by Supreme Court. Sec. 18. Whenever, in case of recovery by the plaintiff against the principal defendant, he shall have removed the same to the supreme court, and the judgment shall have been affirmed, the statutory issue, in garnishment, shall be tried at the end of the next court, or to the term to which the cause may be continued, or at the end of that which was in process of disposal at the time of the affirmance.

Proceeding when indebtedness of garnishee is at maturity. Sec. 19. When the garnishee shall be found indebted to the principal defendant, and the time of payment shall not have arrived, no judgment shall pass until after the time of maturity, which shall be named in the finding or verdict.

Sec. 20. When the garnishee shall be chargeable, by reason

of any goods or chattels, other than money, which he holds or is bound to deliver to the principal defendant, not subject to any lien, judgment shall be rendered and execution issued against the garnishee for so much thereof as may be necessary to satisfy the same, and he shall make delivery to the officer, who shall sell and apply and account for the proceeds as usual in ordinary executions.

Judgment against garnishee who holds property not subject to lien.

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Sec. 21. If the garnishee be found to be under contract for the delivery of any specific article to the principal defendant, or to make payment therein, judgment shall be rendered and execution issued against the garnishee for so much thereof as shall be necessary to satisfy such execution, which articles shall be paid and delivered to the plaintiff according to the contract.

When under contract for delivery of articles.

Sec. 22. When such specific goods were to be delivered to the principal defendant at a certain time and place, the garnishee shall not be compelled, by reason of the garnishment, to deliver at any other time and place, but may deliver as provided for in the contract, unless previously adjudged liable as garnishee.

When contract specifies time of delivery of articles.

Sec. 23. The plaintiff shall be deemed the agent of the principal defendant for the purpose of recovering the goods, chattels and articles mentioned in the two preceding sections, and may levy his execution thereon to the amount of his debt and costs; and if no division of such goods, chattels or articles can be made, the whole may be sold; and the property unsold, and the overplus of the proceeds of the property sold, shall be delivered by the officer to the principal defendant on demand.

Plaintiff deemed agent of principal defendant.

Sec. 24. If any person adjudged liable as garnishee for any goods, chattels or other property whatever, shall refuse to expose the same so that the plaintiff may levy his execution thereon, the court shall, on return thereof made by the officer, grant a rule upon such garnishee to show cause why execution should not issue against said garnishee, his own goods and estate; and upon due service of such rule, and no sufficient cause shown to the contrary, execution shall be issued against him for such sum as the court may adjudge.

Proceedings when garnishee refuses to expose articles for levy.

Bills of exchange, &c., deemed effects.

Proceedings on transfer of notes, &c.

Sec. 25. All bills of exchange and promissory notes in the hands of the garnishee at the time of the service of the writ of garnishment, shall be deemed effects under the provisions of this act; and if it shall appear, by the disclosure, that the garnishee at such time, or thereafter, and prior to the disclosure, is indebted to the principal defendant by such bill or negotiable promissory note, and made payable in this State, or the parties to which, at the time of making the same, resided in this State, the judge or commissioner may issue a citation requiring the principal defendant to appear before him and answer on oath all interrogatories respecting the possession, transfer, or other disposition of said bills of exchange or promissory notes, and such order may contain the name of any other person supposed to claim an interest in such paper, so that he may appear and show that the same was transferred to him in good faith, and for an adequate consideration, before the service of the writ of garnishment; and such citation shall be of ten days, and may be served by any person at least five days prior to the return day, and returned by affidavit, and shall be annexed to the commissioner's report.

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Sec. 26. The parties cited shall be examined in like manner as the garnishee, and if it shall not appear that the note or bill was so transferred, the maker or acceptor shall be charged as garnishee, and the payment of the judgment rendered against him shall be a discharge from the note, or such part thereof as is equal to the amount so paid by him, together with all costs taxed in his favor.

When parties refuse to appear on citation.

Sec. 27. If the principal defendant, or other party cited, shall refuse to appear upon such citation, upon the filing of the report he may be proceeded against as for a contempt, or brought before the court on a bench warrant, and fined in the discretion of the court, and held in custody until disclosure to the court, the same to be reduced to writing by the clerk and attached to the report.

Sec. 28. No disclosure, as answer of any person, or any other proceeding under the provisions of this act, shall be used in evi-

lence upon any criminal prosecution against such person, except upon a prosecution of the garnishee for perjury in making his disclosure.

Disclosures not to be used as evidence on criminal prosecution.

Sec. 29. If any person shall claim any property as aforesaid, in the hands of any garnishee, by assignment from the principal defendant, or otherwise, the court may permit or cause him to appear and maintain his right in such mode as the court shall direct. The testimony of the principal defendant, or of any competent witness, may be taken in such manner as the court shall direct, and attached to the disclosure, and the court may award such costs between such complainant, the plaintiff and the garnishee, as justice and equity may require.

Rights of persons claiming property in hands of garnishee.

Testimony of principal defendant.

Sec. 30. Any corporation, domestic or foreign, other than municipal, may be garnished under this act. If domestic, the writ of garnishment may be served upon the president, secretary, cashier or treasurer, superintendent or general agent, or such other officer as the corporation may appoint, or the court direct; and the officer served, and such other officer as the court or the commissioner may order, by rule or citation, as in cases hereinbefore provided for, shall make disclosure, and the same shall be considered the answer of the corporation.

Garnishee of corporations

Sec 31. If the plaintiff, in addition to the allegations hereinbefore required to be contained in the affidavit for the writ of garnishment, shall set forth in such affidavit that the principal defendant is a non-resident, or a foreign corporation created in any jurisdiction, (naming it,) the principal writ (or declaration) and affidavit may be filed of the day of issue, and the writ of garnishment may be served as in ordinary cases; and within sixty days after such service, the plaintiff shall cause to be delivered to such non-resident defendant, or to the president, secretary, cashier or treasurer of such foreign corporation, residing out of this State, or upon any officer, clerk or agent, residing or to be found within this State, a true copy of the principal writ, (or declaration,) affidavit and writ of garnishment, with return of service thereon, and with a written or printed notice attached, signed by the plaintiff, or his attorney,

Proceedings against non-residents.

and stating that said non-resident defendant or foreign corporation is notified to appear and defend within thirty days after such service, or default will be entered, and judgment taken; and upon filing an affidavit of such service, further proceedings to judgment may be had, as in ordinary personal actions.

Proceedings
against non-
residents.

Sec. 32. Whenever the action shall be commenced by writ of attachment against a non-resident defendant or foreign corporation, and a writ of garnishment shall issue, the same proceedings shall be had in respect to personal service upon the principal defendant, as are specified in the previous section.

Garnishee
may make
his disclo-
sures before
return day.

Sec. 33. If the garnishee is about to leave the State before the return day of the writ, or can show other good cause, he may apply to the judge or commissioner to take his disclosure, on oath, at any time previous to the return day, to be fixed by the judge or commissioner, upon notice to the plaintiff: *Provided,*

Provido.

The judge or commissioner shall be satisfied of the necessity and justice to both parties of such a course.

Amount of
judgment
against gar-
nishee.

Sec. 34. When the garnishee shall be adjudged liable as such, except when it is otherwise specially provided, judgment shall be rendered and execution issued against such garnishee, his own goods and estate, for the account of the judgment and costs against the principal defendant, if the garnishee's liability shall be for so much, otherwise for the amount thereof.

When gar-
nishee has
property by
void convey-
ance.

Sec. 35. If any person garnished shall have in his possession any of the property aforesaid of the principal defendant, which he holds by a conveyance or title that is void as to the creditors of the defendant, he may be adjudged liable as garnishee on amount of such property, although the principal defendant could not have maintained an action therefor against him.

More than
one may be
garnished
in same ac-
tion.

Sec. 36. Two or more persons, severally liable, may be garnished in the same action, and their disclosures and all other proceedings shall be several, and judgment shall be rendered for such sum as the court shall order, for or against each severally, and execution may issue accordingly.

Execution
against
principal de-
fendant.

Sec. 37. Execution may be issued by the court against the principal defendant for any balance due the plaintiff, on his

judgment against such defendant, beyond the amount for which the garnishee or garnishees shall be found liable; and further execution may be issued from time to time, against such defendant, or any garnishee, as the court may order, until the satisfaction of the judgment is full.

Sec. 38. The judgment against any person, as a garnishee, shall acquit and discharge such garnishee, his executors or administrators, from all demands by the principal defendant, his executors or administrators, for all such moneys or property, as aforesaid, paid or delivered by the garnishee by force of such payment; and if any garnishee shall be sued therefor, or for any thing done by virtue of the provisions of this chapter, he may, under the general issue, give the special matter in evidence.

Judgment against garnishee a discharge as against principal defendant.

Sec. 39. If any person named in the affidavit for the writ of garnishment, shall be stated to reside out of the county in which the suit in garnishment is brought, the writ of garnishment, or any execution against the garnishee, shall be directed to the sheriff of any county in this State in which such person may reside: *Provided*, That in such case the command of the writ shall be to warn and garnishee such person to attend before a circuit court judge or commissioner of the county in which such person may reside, and the subsequent proceedings shall be as in other cases.

Writ may be directed to sheriff of any county.

Provide.

Sec. 40. No person shall be adjudged a garnishee in either of the cases following, to wit:

Persons not adjudged a garnishee.

1. By reason of any money or thing received or collected by him as a sheriff or other officer, by force of an execution or other legal process in favor of the principal defendant;

2. By reason of any money in his hands as a public officer, for which he is accountable merely as such officer, to the principal defendant;

3. By reason of any money or other thing due from him to the principal defendant, unless it be at the time of the service of the writ of garnishment due or to become due, absolutely and without depending on any contingency; and nothing

in this act contained shall be applicable to any indebtedness of such garnishee to the principal defendant, for the personal labor of such defendant or his family, unless such indebtedness exceed the sum of twenty-five dollars, and in case of such excess only to the amount of such excess.

Garnishee to deduct demand against principal defendant.

Sec. 41. Every garnishee shall be allowed to deduct from the property in his hands all his demand against the principal defendant, of which he could have availed himself if he had not been garnished, whether by set-off at the trial or upon execution, and shall be liable for the balance only after adjustment of mutual demands: *Provided*, That in the adjustment no claims for unliquidated damages for wrongs or injuries shall be considered.

Proviso.

Costs of garnishee allowed.

Sec. 42. If the garnishee shall appear and make disclosure, as before provided, he shall be allowed his costs for trial and attendance as in case of a witness, and such further sum as the court shall think reasonable for his counsel fees and other necessary expenses; and in case he shall be adjudged liable, the same may be taxed and deducted from the property or money in his hands, and he shall be chargeable only for the balance, and if the garnishee shall be discharged, whether by reason of his having no money or property, or because the plaintiff shall not recover judgment against the principal defendant, or for any other cause, his said costs and charges shall be paid by the plaintiff, and the garnishee may have the same taxed, and judgment and execution therefor.

Penalty where garnishee falsely testifies.

Sec. 43. If any person summoned as a garnishee, or if any officer, agent or other person who shall appear and answer for a corporation so summoned, shall, upon his disclosure or examination on oath, knowingly and willfully answer falsely, he shall, out of his own goods and estate, pay to the plaintiff in garnishment, or to his executors and administrators, the full amount due on the judgment recovered therein, with interest, to be recovered in a special action on the case; and he shall, moreover, on conviction thereof upon indictment, be adjudged guilty of perjury.

Sec. 44. A failure to recover judgment against the principal defendant, or a satisfaction of such judgment, in any manner, shall be deemed a discontinuance of all proceedings against the garnishee.

What deemed a discontinuance against garnishee.

Sec. 45. Any judgment or final order in a suit in garnishment may be set aside or removed to the supreme court, in like manner and with the same effect as in other personal actions.

Renewal of judgment.

Sec. 46. Any party may have an order on the commissioner for amendment of his report, or for a further report upon the entry of a motion in the special motion book, the filing and service of affidavit and like notice, as in other cases; and upon like proceedings any party may have any other order on the commissioner to which he may be entitled, at any time, in the progress of the cause.

Order for amended report

Sec. 47. The fees of the sheriff and clerks shall be the same, as near as may be, as in other personal actions for the same or like duties. For service of the memorandum, the sheriff shall receive twenty-five per cent. The commissioner's fees shall be the same as prescribed in section 5643 of the compiled laws, for settling interrogatories, examining witnesses, making orders, issuing notices, administering oaths, and decision on habeas corpus, for the duties respectively analagous under this act.

Fees of officers.

Sec. 48. The supreme court may, in its discretion, prescribe rules of practice under this act, and until then the circuit courts may make rules therefor.

Court rules.

Approved March 16, 1861.

[No. 265.]

AN ACT to provide for the preservation of the Muskegon river improvement, and to authorize tolls for the same.

SECTION 1. *The People of the State of Michigan enact, That* for preserving and keeping in repair the Muskegon river improvement, in the county of Muskegon, the Governor is hereby authorized to appoint one commissioner, whose duty it shall be to take the general supervision of and keep in repair the said

Commissioner to be appointed.

Duties.

Annual estimate of repairs. Tolls. -Proviso.

improvement; and for this purpose he shall, on or before the first day of May next, and annually thereafter on or before the first day of April, make an estimate of the cost of all such repairs and superintendence for the ensuing year, and cause the same to be levied and collected, as tolls, upon the logs, lumber, timber and water-craft, passing through said improvement or canal: *Provided*, That for the year one thousand eight hundred and sixty-one he may levy and collect a sum not exceeding two cents a thousand feet on logs, lumber and timber, and such rates on other floating materials and water-craft as may be just and equitable.

Superintendent, duties. Annual report. Compensation.

Sec. 2. The commissioner shall also employ a competent man as superintendent, whose duty it shall be to collect the tolls and make the repairs, and do such work as may be directed by such commissioner. He shall annually, on or before the twentieth of December in each year, make to the commissioner a full statement, under oath, of all the tolls collected, and the amount expended. Said superintendent shall receive such compensation as the commissioner shall determine.

Report of commissioner. Compensation of commissioner.

Sec. 3. The commissioner shall annually, on or before the first day of January, make a full report of all his acts and doings, the amount of tolls collected, the manner in which the same have been expended, and the condition of the said improvement, and transmit the same to the Secretary of State. He shall receive the sum of two dollars per day for the time actually and necessarily employed, which, together with the salary of the superintendent and all other expenses, shall be paid from the tolls herein provided for; and no charge of any kind or nature shall be made against the State for any of said repairs or expenses.

Vacancy.

Sec. 4. In case of a vacancy in the office of commissioner, occasioned by the death, resignation, refusal to serve, removal from the State, or county in which such commissioner resided at the time of his appointment, such office shall be again filled by the Governor, by the appointment of some other person residing

in the county in which such commissioner shall have resided at the time of his appointment.

Sec. 5. All tolls established in pursuance of this act may be collected by said commissioner, in his name of office, before any court of competent jurisdiction.

Collection of
tolls.

Approved March 16, 1861.

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CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION relative to the furnishing of documents to members and officers of the legislature.

Resolved, By the Senate, (the House concurring,) That the Secretary of State be and is hereby authorized and directed to forward one copy of the laws and resolutions passed at the present session of the legislature, also one copy of the journals and documents of the Senate and House of Representatives, and joint documents of the Senate and House of Representatives, to each of the members and officers of the two houses, directed to the clerks of the several counties in which said members and officers reside, as soon as the same shall be printed, bound, and ready for delivery.

Approved March 7, 1861.

[No. 2.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That Aaron B. Turner, secretary of the Senate, and Edward W. Barber, clerk of the House of Representatives, be and they are hereby authorized and requested to compile and prepare for publication, and make indexes and superintend the publication of the journals and documents of the present legislature, and when completed and certified to by the Secretary of State, they shall be entitled to and receive for said services each the sum of three hundred dollars.

Approved March 14, 1861.

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JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION respecting the suit of the State of Michigan against the Phenix bank of the city of New York.

Whereas, There is now pending in the court of appeals of the State of New York, a cause wherein the people of this State are plaintiffs, appellants, and the Phenix bank of the city of New York is defendant, appellee, which suit was instituted in the superior court of the city of New York, to recover from said bank the sum of thirty-five thousand six hundred and three dollars and seventy-four cents, alleged to have been fraudulently obtained from the treasury of the State, in the month of December, A. D. one thousand eight hundred and fifty-four; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and he is hereby authorized, with the concurrence of the Attorney General, to engage the professional services of such counsel as he may think fit, to appear in said cause in behalf of this State, and to prosecute the same to a final decision.

Approved January 22, 1861.

[No. 2.]

JOINT RESOLUTION relative to the reciprocity treaty of June fifth, one thousand eight hundred and fifty-four.

Whereas, The government of the United States did, on the fifth day of June, one thousand eight hundred and fifty-four, conclude with the government of Great Britain, a treaty called

the "reciprocity treaty," for the avowed purpose of conferring privileges upon the people of both countries, which should be mutual and reciprocal, by the admission of certain enumerated articles, being the growth or produce of the British Colonies of North America, or of the United States, into each country free of duty;

And whereas, The practical working of the treaty has effected a great loss to the revenues of the United States, owing to the increase of free importations from the British Provinces;

And whereas, The importations from Canada, duty free, of lumber, flour, wheat and other products of Michigan, operate to the great disadvantage of her people, without rendering any equivalent;

And whereas, Since the concluding of such "reciprocity treaty," the Canadian Parliament has every year passed a new tariff act, imposing additional burdens upon importations from the United States, till in many cases they amount to practical prohibition;

And whereas, Experience has proven the treaty to be other than reciprocal, and seriously disadvantageous to the people of this State and of the United States; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable and proper means to procure such essential amendments to the "reciprocity treaty," so called, as will make it truly reciprocal, or to procure its abrogation.

Resolved, That the Governor be requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved January 22, 1861.

[No. 3.]

JOINT RESOLUTIONS on the state of the Union.

Whereas, Certain citizens of the United States are at this time in open rebellion against the government, and by overt acts threaten its peace and harmony, and to compass its final overthrow; therefore

Resolved, That the government of the United States is supreme, with full inherent powers of self-protection and defense.

Resolved, That Michigan adheres to the government, as ordained by the constitution, and for sustaining it intact hereby pledges and tenders to the general government all its military power and material resources.

Resolved, That concession and compromise are not to be entertained or offered to traitors, while the rights and interests of Union-loving citizens should be regarded and respected in every place and under all circumstances.

Resolved, That His Excellency, the Governor, be requested to forward a copy of these resolutions to our Senators and Representatives in Congress, and to the Governors of our sister States.

Approved February 2, 1861.

[No. 4.]

JOINT RESOLUTION.

Whereas, An effort is being made to secure the renewal of one of the patents of McCormick's reaping machines;

And whereas, The patentee has had an opportunity, during the lifetime of his patent, by the general and extensive introduction of the same into use, to secure ample reward for his invention;

And whereas, The interests of the grain-growing sections of the country demand that the said renewal of patent should not be granted; therefore

Resolved by the Senate and House of Representatives of the

JOINT RESOLUTIONS.

State of Michigan, That our Senators in Congress be instructed, and our Representatives be requested, to oppose the renewal of such patent.

Resolved, That the Governor be requested to forward a copy of the above preamble and joint resolution to our Senators and Representatives in Congress.

Approved February 6, 1861.

[No. 5.]

JOINT RESOLUTION for the transfer of certain scientific works from the State library to the library of the University.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State Librarian be and he is hereby directed to cause to be transferred to the library of the university, to be returned at any time upon the order of the legislature or Governor, any volumes or plates of the United States exploring expedition now in the State library, or that may be hereafter received by the same; and also any volumes of the natural history of New York which may hereafter be received by the State library, and also the remaining volumes of any other works, if any, which may heretofore have been ordered transferred in a similar way: *Provided*, No proceedings to transfer any book or other works under this resolution shall be had until the librarian of the university, or other person in charge of the university library, shall first receipt to the State Librarian for all books, maps, plates or other works now in the university library, naming them, and at any time heretofore transferred to the university library from the State library, and also for all books or other works contemplated to be transferred by this resolution, stating the same have been and are received, subject to be returned on the order of the legislature or Governor.

Approved February 14, 1861.

[No. 6.]

JOINT RESOLUTION authorizing the State Treasurer to provide for the interest due upon the bonds of the State in July and January next, and to pay the interest thereon, and upon the floating debt of the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be and he is hereby authorized to enter into an arrangement and agreement with any party or parties in New York, or elsewhere, to purchase the coupons of the bonds of the State to become due and payable in the months of July and January next, and hold them for such time and upon such rate of interest as may be agreed upon, and until there shall be funds in the treasury for their redemption and payment; and for the purpose of paying the interest upon the amount of coupons so held, and upon such other floating debt as it may be necessary to pay, the treasurer is hereby authorized to take from the general fund, at such time or times during the present year as the same may be required, a sum in all not exceeding twelve thousand dollars; and in like manner during the year eighteen hundred and sixty-two, an amount not exceeding fifteen thousand dollars; and the said treasurer is hereby authorized, should it become necessary, to pledge any of the specific taxes to accrue to the State for the redemption of said coupons.

Approved February 14, 1861.

[No. 7.]

JOINT RESOLUTION to provide for the printing and distribution of the report of the State Geologist.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State printer be authorized and directed to print and bind in a suitable manner, under the direction of Professor Winchell and Professor Miles, five thousand copies of the State geological report, and deliver the same in manner and number as follows: to the State Geologist, for dis-

JOINT RESOLUTIONS.

tribution by him among the public libraries of the United States and of foreign countries, and such persons as he may elect, five hundred copies; to the Assistant State Geologist, for distribution by him, two hundred copies; to the Superintendent of Public Instruction, for distribution among the township and district libraries of the State, a sufficient number to supply one copy to each of the same; to the publishers of each paper in the State, and to members and officers of the present legislature a copy each, and the remainder shall be delivered to the State library for the use of the State; and that two thousand additional copies be printed, in stitched form, for distribution by the members and officers of the legislature.

Approved February 14, 1861.

[No. 8.]

JOINT RESOLUTION relative to the publishing of a manual

Resolved, (the House of Representatives concurring,) That the committee on printing be instructed to prepare and cause to be published, with all possible dispatch, for the use of the two Houses of this and the next legislature, a manual, containing the rules of each House, joint rules, constitutions of the United States and the State of Michigan, and such other matter as is usually contained in such work, or that they may deem proper.

Approved March 4, 1861.

[No. 9:]

JOINT RESOLUTION relative to the Agricultural College.

Whereas, A bill is now pending before the legislature designed to create a State board of agriculture, and to re-organize the State agricultural college;

And whereas, Under existing laws the commencement of the next term should be on Wednesday, the twenty-seventh of the present month;

And whereas, Any immediate action under the present admin-

istration may be in conflict with the organization that may be adopted by pending legislation, and a different board of control created;

And whereas, Embarrassment and needless expense may be saved by a temporary postponement of the opening of the next term of the agricultural college; therefore

Resolved, That the commencement of the next term of the agricultural college be postponed till such time as the board in control of the institution, at the adjournment of the legislature, shall determine.

Approved March 4, 1861.

[No. 10.]

JOINT RESOLUTION authorizing the State Treasurer to charge certain items to suspense account.

Whereas, It appears from the report of the State Treasurer, at the close of the fiscal year ending November thirtieth, eighteen hundred and sixty, that the cash balance then in the treasury was one hundred and twenty-five thousand six hundred eighteen dollars and two cents;

And whereas, Fifty thousand dollars of this amount was in a certificate of deposit of E. H. Hazelton & Co., and said certificate is at present unavailable, and inasmuch as the cash account of the treasurer should only exhibit the amount of money actually available; therefore

Resolved by the Senate and House of Representatives, That the State Treasurer be and is hereby authorized to charge to suspense account the certificate of E. H. Hazelton & Co., for fifty thousand dollars, and also such other items transferred as cash by the late State Treasurer as may not be available as cash, and the said treasurer is hereby instructed to report to this legislature the amount of each item so transferred to suspense account.

Approved March 8, 1861.

JOINT RESOLUTIONS.

[No. 11.]

JOINT RESOLUTION to authorize the board of State auditors to audit and allow the claim of William Beard, in the matter of the improvement of navigation over the sand flats of the Muskegon river, and to authorize the Commissioner of the State Land Office to issue patents of State swamp land therefor.

Whereas, By an act of the legislature of eighteen hundred and fifty-seven, provision was made for the improvement of the sand flats of the Muskegon river, and under and by virtue of that act, commissioners were appointed to take charge of that work and let the same by contract, and by the same act fifty thousand dollars was appropriated for said purpose, and provisions were made that said work should not cost more than said fifty thousand dollars, and to be paid out of the internal improvement fund;

And whereas, Said commissioners did proceed to and did let said work to one John A. Brooks, for the sum of fifty thousand dollars, but said Brooks at the time was legally incapable of taking said contract, under a provision of the constitution prohibiting any member of the legislature from becoming interested, directly or indirectly, in any contract with the State, authorized by any law passed during the time for which he was elected, nor for one year thereafter;

And whereas, Said contract so entered into, was by said Brooks assigned to one William Beard, who, in good faith, went on and completed the said work to the full satisfaction and acceptance of the said commissioners and of the Governor, according to the terms of said act, and the same is of great value to the State and people thereof;

And whereas, Said Beard is justly entitled to compensation for the performance of said work, although said contract is void for the reason aforesaid, and can only obtain the same as and for a just claim;

And whereas, The internal improvement lands, out of which it was contemplated the aforesaid appropriation should be paid, had been entirely exhausted at the time of such appropriation;

Resolved by the Senate and House of Representatives of the State of Michigan, That the claim of William Beard is hereby referred to the board of State auditors to examine, audit and allow, at such an amount, not exceeding fifty thousand dollars, as they shall find justly and equitably due and owing to him, for work done and money expended in the improvement of navigation over the sand flats of Muskegon river, and upon the filing by the said William Beard, with said board of auditors, of a receipt in full of and for all claims and demands against the State of Michigan on account of said work, the Commissioner of the State Land Office shall issue to said Beard a patent or patents for such an amount of State swamp lands as shall be sufficient, at the minimum price of said lands, to satisfy the amount so allowed, said lands to be selected from any swamp lands subject to entry at the time of filing of such selections, the land hereby appropriated to be selected within six months from the date of the allowance of the claim: *Provided,* That said lands shall be selected in the counties of Muskegon, Newaygo, Mecosta, Osceola, Clare, Missaukee and Roscommon.

Resolved further, That unless the said Beard shall have adjusted and settled the unpaid balance of compensation and other expenses, under the provisions of section nine, of act one hundred and forty-seven, of the session laws of eighteen hundred and fifty-seven, and shall produce satisfactory evidence of such settlement, it shall be competent for the board of State auditors to audit and allow the same, and require it to be paid by the said Beard before he shall be entitled to the provisions and benefits of this resolution.

Approved March 9, 1861.

[No. 12.]

JOINT RESOLUTION.

Whereas, Francis A. Artault, a citizen of the county of Ontonagon, in the State of Michigan, is now employed as an agent

in the city of Paris, France, for the mining district association, for the purpose of encouraging emigration to their private interests, in the Upper Peninsula;

Be it therefore resolved, That the above named Francis A. Artault is hereby appointed resident agent for the Upper Peninsula of the State of Michigan; and the Governor is hereby authorized to forward to the above named Francis A. Artault a commission authorizing him to act as such emigrant agent, for the purpose of encouraging, by this means, emigration and capital from France and other parts of Europe to the Upper Peninsula, as well as other parts of Michigan: *Provided*, That no expense be incurred by the State on account of such appointment.

Approved March 11, 1861.

[No. 13.]

JOINT RESOLUTION appropriating the tolls of the St. Mary's canal to the payment of the amount due counties for taxes assessed on canal lands.

Whereas, The legislature, by an act supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February fifth, eighteen hundred and fifty-three, did authorize that the taxes on lands of the St. Mary's canal company might be remitted to the said company for a period of five years;

And whereas, The taxes thus remitted have been debited to the general fund, and credited to the counties in which the lands lie, for the purpose of reimbursing such counties; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the entire receipts from tolls on the St. Mary's ship canal for the year eighteen hundred and sixty two, and for such time thereafter as may be necessary, except such sums as may be required to pay the current expenses of said canal, and also the interest accruing upon the canal loans guaranteed by the State, shall be and the same are set apart for the purpose of reimbursing such sums as are due the several

counties on account of taxes remitted by the State on lands belonging to the St. Mary's falls ship canal company. The State Treasurer shall, on the first day of January, eighteen hundred and sixty-three, and annually thereafter, as long as there shall be any indebtedness to the counties on account of taxes remitted as aforesaid, proceed to divide the net amount received during the year from such tolls among the counties entitled to the same, in proportion to the amount due to each for principal and interest, the same to be paid without any deduction whatever, by the State Treasurer, upon the order of the county treasurers respectively, and countersigned by the clerk of the board of supervisors.

Approved March 11, 1861.

[No. 14.]

JOINT RESOLUTION for the relief of the Detroit locomotive works.

Whereas, The Detroit locomotive works, a corporation organized under the act entitled an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral, coals, silver and other ores, or for other manufacturing purposes, though exempt from State taxation, has always been locally assessed and has always paid the State taxes assessed upon its property;

Then be it resolved by the Senate and House of Representatives of the State of Michigan, That the specific taxes of the said company for the years eighteen hundred and fifty-six, (1856,) eighteen hundred and fifty-seven, (1857,) eighteen hundred and fifty eight, (1858,) eighteen hundred and fifty-nine (1859) and eighteen hundred and sixty, (1860,) be and the same are hereby remitted to it, and that hereafter the property of said company shall continue to be assessed like all other property of the State for all purposes, under the general laws of the State, as has been the case heretofore, and shall be subject to no other liability for taxes than is therein provided.

Approved March 12, 1861.

JOINT RESOLUTIONS.

[No. 15.]

JOINT RESOLUTION to provide for an amendment to the constitution relative to removals from office.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, to stand as section eight of article twelve:

The Governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office, and the acts of any public officer, elective or appointed, to remove from office for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following State officers, to wit: The Attorney General, State Treasurer, Commissioner of the Land Office, Secretary of State, Auditor General, Superintendent Public Instruction, or members of the State Board of Education, or any other officer of the State, except legislature and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and report the causes of such removal to the legislature at its next session.

Said amendment shall be submitted to the people of this State at the next general election, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State in the same manner that he is now by law required to do in case of an election of Governor and Lieutenant Governor; and the inspectors of elections in the several towns and cities in this State shall prepare a suitable box for the reception of ballots cast to and for said amendment. Each person voting for said amendment shall have written or printed on his ballot, the words "amendment relative to removals from office, yes," and each person voting against it, the words "amendment relative to removals from office, no." The ballots shall in all respects be canvassed and returns be made as in elections of Governor and Lieutenant Governor.

Approved March 15, 1861.

[No. 16.]

JOINT RESOLUTION authorizing the Commissioner of the Land Office to issue certificates of certain lands to Malcolm D. Carr and Darwin D. Carr.

Whereas, Malcolm D. Carr, of Putnam, in the county of Livingston, is the owner of all the rights conferred upon Joel Brooks by certificate number seven hundred twenty-six, issued by John D. Pierce, Superintendent of Public Instruction, bearing date August first, eighteen hundred and thirty-nine;

And whereas, Darwin D. Carr, of Putnam, in the county of Livingston, is the owner of all the rights conferred upon William H. Stevens by certificate number seven hundred and twenty-six, issued by John D. Pierce, Superintendent of Public Instruction, bearing date August first, eighteen hundred and forty; therefore

Resolved, That the Commissioner of the State Land Office, or the proper officer, be and he is hereby authorized and directed to execute and deliver to said Malcolm D. Carr and Darwin D. Carr each a certificate of said lands, upon sufficient proof to said officer that the right is equitably in them to said certificates.

Approved March 15, 1861.

[No. 17.]

JOINT RESOLUTION to provide for amendment of article fifteen, sections one, two and four; article thirteen, section six; article nineteen, section six, and article twenty, section two, of the constitution of the State of Michigan.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendments be and the same are hereby proposed to the constitution of the State of Michigan, that is to say:

That section one of article fifteen shall be amended so as to read as follows:

Sec. 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal pur-

poses. All laws passed pursuant to this section may be amended, altered or repealed. But the Legislature may, by a vote of two-thirds of the members elected to each House, create a single bank, with branches.

That section two, article fifteen, of said constitution, be so amended as to read as follows:

Sec. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State at a general election, and be approved by a majority of the votes cast thereon at such election.

That section four of article fifteen of said constitution be amended so as to read as follows:

Sec. 4. For all banks organized under general laws, the legislature shall provide for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer for the redemption of such bills or notes, in specie.

That section six of article thirteen be so amended as to read as follows:

Sec. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the supreme court, eight regents of the University, two of whom shall hold their office for two years, two for four years, two for six years and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a justice of the supreme court thereafter, there shall be elected two regents, whose term of office shall be eight years. When a vacancy shall occur in the office of regent, it shall be filled by appointment of the Governor. The regents thus elected shall constitute the board of regents of the university of Michigan.

That section six of article nineteen of said constitution be amended so as to read as follows:

Sec. 6. That elections for all district or county officers, State

Senators or Representatives, within the boundaries defined in this article, shall take place on the Tuesday succeeding the first Monday of November in the respective years in which they may be required; the county canvass shall be held on the first Monday thereafter, and the district canvass on the third Monday of said November.

That section two of article twenty of said constitution be so amended as to read as follows:

Sec. 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the legislature may by law provide, the question of the general revision of the constitution shall be submitted to the electors qualified to vote for members of the legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.

The above amendments to the constitution shall be submitted to the people at the next general election, as provided in section one of article twenty of the constitution, which said election will be held on the Tuesday succeeding the first Monday of November, eighteen hundred and sixty-two; and the Secretary of State is hereby required to give notice of the same, by transmitting to the sheriff of each organized county, by mail or otherwise, a notice in writing, or a printed circular, containing a statement of the several amendments hereby proposed; which sheriffs severally are hereby required, as soon as may be, after the receipt of such notice, to cause a notice in writing or printed to be delivered to the township clerk of each township, and to one of the inspectors of elections in each ward in any city, which notice shall contain in substance the notice so received by such sheriff, and the inspectors of election in the several townships and cities of the State shall prepare a suitable ballot box for the reception of ballots cast for and

against said amendments. Each person voting for such amendments shall have written or printed on his ballot, the words:

Amendment as to banks—Yes.

Amendment as to regents of university—Yes.

Amendment as to elections in Upper Peninsula—Yes.

Amendment as to amendments of constitution—Yes.

And those voting against said amendments:

Amendment as to banks—No.

Amendment as to regents of university—No.

Amendment as to elections in Upper Peninsula—No.

Amendment as to amendments of constitution—No.

Approved March 15, 1861.

[No. 18.]

JOINT RESOLUTION authorizing the common council of the city of Lansing to use a portion of a street therein for purposes of the fire department of said city.

Resolved by the Senate and House of Representatives of the State of Michigan, That whenever that part of Allegan street, in the city of Lansing, lying between Grand street and Grand River, shall be vacated according to law, the consent of the State is hereby given that the common council of said city may take and use that part of said street so vacated for the use of the fire department of said city, and for the erection of buildings thereon for that purpose.

Approved March 16, 1861.

[No. 19.]

JOINT RESOLUTION for the relief of Robert W. Cummings.

Whereas, It appears that Robert W. Cummings, as assignee of David L. Bently, has unjustly suffered considerable expense in prosecuting the writ of mandamus in the supreme court of this State, in the case of the people on the relation of said Cummings against the State Treasurer, decided in said court in No-

member, eighteen hundred and fifty-nine, in order to sustain his right to a parcel of swamp land in said proceedings mentioned; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors are hereby authorized and empowered to audit and allow to said Robert W. Cummings such sums of money as were actually and necessarily paid out, and the reasonable expense incurred by him in the prosecution of and hearing upon said writ of mandamus in said supreme court, not exceeding in all the sum of one hundred dollars, upon the proper vouchers, verified by affidavit to the satisfaction of said board; and on such allowance the Auditor General may issue his warrant on the State Treasurer, in favor of said Cummings, for the amount so audited and allowed, payable out of any moneys in the treasury not otherwise appropriated.

Approved March 16, 1861.

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LAWS OF MICHIGAN,

PASSED AT THE EXTRA SESSION, MAY, 1861.

[No. 1.]

AN ACT to amend an act entitled "an act to provide a military force," approved March sixteenth, eighteen hundred and sixty-one, and to add several sections thereto.

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "an act to provide a military force," approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Sec. 1. The Governor is hereby authorized and empowered to accept and muster into the military service of the State the volunteer militia, and in case of deficiency in numbers of such volunteer militia, such of the militia, subject to enrollment, as shall volunteer to be so mustered, and who, in conformity with the army regulations of the United States, would in like cases be musterable into the service of the United States, not to exceed one hundred companies, of not less than seventy-eight nor more than one hundred men each, as the Governor may direct. Such force may be organized into one division, not more than two brigades, and into regiments of ten companies each, by the commander-in-chief, who shall appoint and commission such general and field officers, and commission such staff and company officers as may be necessary to complete the organization of such force, and which shall be subject, upon the order of the commander-in-chief, to be first used in case of actual hostilities, or to be transferred to the military service of the general government whenever required by the President.

Section amended.

Governor authorized to muster the militia into service.

How organized.

Officers to be commissioned.

Sec. 2. That section two of said act be and the same is hereby amended so as to read as follows:

Minors, how mustered.

Sec. 2. Minors may be mustered on the written consent of their parents or guardians, and those having no parent or guardian may be mustered on the written consent of a justice of the peace of the township or city, where, for the time being, such minor resides. The term of service of such force shall be for three years, or while the exigency for which they were called out shall exist, in the discretion of the Governor. But the Governor may disband one or more or all of such regiments, at any time, if in his opinion their services are no longer required, either by the State or by the United States.

Term of service.

Governor may disband

Sec. 3. That section three of said act be and the same is hereby amended so as to read as follows:

Inspection of volunteers.

Sec. 3. All and every person enlisted and mustered into said service shall be inspected by the Inspector General of the State, or by such officer or officers, with the aid of a surgeon, as shall be designated by the commander-in-chief; they shall be mustered in the manner prescribed by the regulations for the army of the United States; they shall be subject to all the laws and regulations established for the government of the army of the United States and of this State; they shall take the oath hereinafter prescribed, and shall receive the same pay and emoluments as persons of the same rank and grade in the service of the United States.

How mustered.

Pay

Sec. 4. That section four of said act be and the same is hereby amended so as to read as follows:

Course of drill and instruction.

Sec. 4. Such part of such force as the Governor may deem expedient, in addition to, such as may have been mustered, shall be from time to time put on a course of drill and instruction by regiments, and shall be transported to and from any regimental rendezvous ordered by the commander-in-chief, at the expense of the State.

Sec. 5. That section five of said act be and the same is hereby repealed, and the following substituted in place thereof, as section five of said act:

Sec. 5. The Adjutant General and Quartermaster-General shall each receive such additional compensation for their services, while said force or any part thereof is in the service of the State, as shall from time to time be fixed by the State military board, subject to the approval of the commander-in-chief.

Compensation of Adjutant and Quartermaster General.

Sec. 6. That the following sections be added to and stand as sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of said act:

Sections added.

Sec. 7. The Adjutant General and Quartermaster-General shall each be empowered to employ such assistants in their respective departments as shall be authorized by the State military board, and said board shall fix the compensation of such assistants, subject to the approval of the commander-in-chief.

Assistants of Adjutant and Quartermaster General.

Sec. 8. When any person shall be mustered into the service of this State, under the provisions of this act, he shall take the following oath (or affirmation,) which shall be administered to him by the mustering officer, or by some other person authorized by law to administer oaths: "I, ——, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America, and to the State of Michigan; that I will serve them honestly and faithfully against all their enemies and opposers whatsoever, and that I will observe and obey the orders of the President of the United States, the Governor of this State, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States and of this State." The mustering officer, or the officer administering such oath or affirmation, shall certify, on the muster-roll, that the persons whose names appear thereon did take the said oath or affirmation, which certificate, signed by him, shall be sufficient evidence that the persons named therein did take the said oath or affirmation before him.

Oath of allegiance.

Certificate of oath.

Sec. 9. The Governor is hereby authorized and required to appoint a paymaster, who shall hold his office during the time the troops by this act provided are in the service of this State, unless sooner removed by the Governor, with the rank of colo-

Paymaster, compensation and duty.

nel, and the pay and allowances of a captain of artillery in the United States army, and whose duty it shall be to make payment to the troops mustered into the service of this State by virtue of this act.

Bond of paymaster.

Sec. 10. Before entering upon the duties of his office, such paymaster shall give a bond to the people of this State, with good and sufficient sureties, to be approved by the Governor and State Treasurer, in such sum as the Governor shall direct, and conditioned faithfully to account for all moneys and public property which he may receive from this State, or any officer thereof, and to discharge the duties of his office with fidelity.

Payment of troops.

Sec. 11. Payments shall be made to the State troops monthly, on muster and pay-rolls, in accordance with the system and regulations (as near as may be) adopted by the pay department of the United States army; and to that end, the State military board, with the approval of the Governor, is hereby authorized and empowered to make all needful rules and regulations, therein prescribing the mode in which said pay-rolls and payments thereon shall be made, and the manner in which such paymaster's accounts shall be kept, returned and settled.

Paymaster to make monthly estimates of expenses.

Sec. 12. The paymaster shall, previous to each monthly payment to be made to the State troops, make and certify, and file with the Auditor General, an accurate estimate, certified by the Governor, of the moneys which will be due to the State troops, and other necessary expenses required to be paid for military purposes, under the provisions of this act; upon receiving such estimate, the Auditor General shall draw his warrant upon the State Treasurer, payable out of the war fund, in favor of said paymaster, for the amount necessary to pay such sums, and the State Treasurer shall pay the same on presentation thereof. The paymaster shall account to the Auditor General, monthly, for all moneys received and disbursed, the same to be accompanied by the proper vouchers therefor, which said accounts shall be laid before the legislature at its next succeeding session.

Auditor General to draw warrant for amount of expenses.

Sec. 13. The commanding officer and field officers of each

regiment organized under the provisions of this act, are hereby required, immediately upon the organization of the regiment, to appoint a clergyman as chaplain of such regiment, who shall attend such regiment while under drill and instruction at the regimental rendezvous, and shall accompany such regiment when it shall be mustered into the service of the United States. Each chaplain so appointed and serving shall receive for his services while in rendezvous, and also while with such regiment in the service of the United States, the same rank, pay and emoluments as captain of infantry in the service of the United States, the same to be paid by the State paymaster, as in the case of military officers.

Chaplain,
duties.

Compensation.

Sec. 14. The Governor is hereby authorized to direct payment, by the proper officer, of the necessary expenses incurred in equipping and subsisting the company known as the "Coldwater light artillery," heretofore called into the service of the State, and may provide for keeping the same under drill and instruction until mustered into the service of the United States, or he may discharge the same, whenever, in his opinion, their services are no longer required.

Coldwater
light artillery.

Sec. 15. The officers, non-commissioned officers, musicians and privates of the military force mustered into the service of this State, by virtue of the provisions of this act, shall be subject to be tried by courts martial for all offenses prescribed in the laws of the United States, entitled "an act for establishing rules and articles for the government of the armies of the United States," and amendments thereto, known as "articles of war," provided that punishment by flogging or branding shall not in any case be inflicted. General and regimental courts martial shall be organized and governed, as near as may be, in conformity with the said articles of war, and the rules and regulations established for the government of the United States army. The commander-in-chief is hereby authorized to establish all necessary rules and regulations for the organization and government of such courts, and for carrying into effect their

Courts martial.

Rules and
regulations

decisions, in conformity, as near as may be, with said articles of war, and said laws and regulations of the United States.

Board of
Quartermaster General and
Regimental
Quartermaster.

Sec. 16. The Quartermaster-General and regimental quartermaster shall each give bonds to the people of the State, with good and sufficient sureties, to be approved by the Governor and State Treasurer, in such sum as the Governor shall direct, with like conditions as is provided in the bond to be executed by the paymaster, as above prescribed, and their accounts shall be kept and made out in the same manner, as near as may be, as is required by the system and regulations governing the Quartermaster-General's department in the army of the United States, and rendered monthly to the Auditor General.

Recruiting
offices.

Sec. 17. The Governor shall have power, and it shall be his duty, whenever it becomes necessary, in order to maintain the regiments of this State which may be in the service of the United States in full force, to establish one or more recruiting offices, under such regulations as he may think proper, for the enlistment of men to supply any deficiency which may at any time exist in their ranks, and to take all the necessary steps and measures to place the men so enlisted in their proper regiments.

Military contract board.

Sec. 18. The Governor is hereby authorized to select and appoint, from the commissioned officers of the military force by this act provided, three competent officers, who shall compose a board to be known as the military contract board. After such appointment, no contract on behalf of this State, for equipment, clothing, rations, or other supplies, or for labor or materials, for the furnishing or providing for the troops authorized by this act, shall be valid as against the State until the same shall be approved by a majority of said board.

All contracts to be approved by

Soldiers under orders for service exempt from arrest and execution.

Sec. 19. All officers, non-commissioned officers, musicians and privates, who may be mustered into the service of this State, or into the service of the government of the United States, while under orders for service either under authority of this State or the government of the United States, (in all cases except for treason, felony or breach of the peace,) shall be priv-

alleged from arrest and imprisonment from the time of their being mustered into service to the time of their discharge from such service, and during the same time their separate property shall be exempt from process by way of attachment or execution; and in case any such volunteer shall hold any lands purchased of the State, belonging to any of the trust funds of the State, or otherwise, he shall forfeit no right, nor shall his rights be in any way affected by reason of any failure to pay installments of principal or interest due upon said lands, for the purchase money agreed to be paid therefor; during the same period, provided the said installments shall be paid within one year after his discharge from said service; and no settler upon State swamp lands shall lose or forfeit any right by reason of having been mustered into service according to the provisions of this act

Privileges of volunteers holding lands purchased of the State.

Sec. 20. In addition to the one hundred companies otherwise provided for by this act, the Governor is authorized and empowered, in his discretion, to organize a company of engineers, or sappers and miners, to consist of not over one hundred men, with one captain, one first and two second lieutenants, and to muster the same into the service of the State in the manner provided for in this act: *Provided*, The Governor shall be informed by the war department of the United States that the said company will be accepted and mustered into the service of the United States.

Sappers and miners.

Sec. 21. Section six of said act shall stand as section twenty-one, and read as follows:

Sec. 21. The Governor is hereby empowered, through the proper military department, to purchase and distribute all necessary military stores, whether of subsistence, clothing, pay, medicine, field and camp equipage, arms, munitions and equipments, which shall be properly accounted for to the legislature, and at the disbanding of said force he shall store the property of the State in as good condition as practicable at the seat of government, or at such other place as he may deem best. Such reports shall account for all moneys received and disbursed,

Powers of the Governor relative to military stores, &c.

description and cost of all articles purchased. He shall have power, through the proper military departments, to collect and distribute all arms and equipments, or any of the military property of this State, whether in the hands of volunteer companies or otherwise.

Sec. 22. Section seven of said act shall stand as section twenty-two, and is hereby amended so as to read as follows:

Acts re-
pealed.

Sec. 22. All acts and parts of acts contravening the provisions of this act are hereby repealed, but nothing in this act shall be construed to affect anything which has been done under the act to which this act is amendatory, or any rights which have accrued thereunder.

Sec. 23. This act shall take immediate effect.

Approved May 10, 1861.

[No. 2.]

AN ACT to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States, or of this State.

Board of su-
pervisors to
provide for
the relief of
the families
of volun-
teers.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the boards of supervisors of each organized county, at their sessions to be held in the month of June, in the year eighteen hundred and sixty-one, and at each subsequent session, whenever necessary, to make adequate provision for all requisite relief and support of the families of the commissioned and non-commissioned officers, musicians and privates, enlisted from their counties, and mustered into the military service of the United States, or of this State; and for such purposes the said boards of supervisors are severally authorized to borrow [money,] at a rate of interest not exceeding ten per centum per annum, and to issue bonds or other securities for the sums borrowed, payable at some time therein to be mentioned, not exceeding one year from the date thereof, and to assess, levy and collect taxes upon all the real and personal property of said counties, not exempt from taxation, sufficient

Authorized
to borrow
money, &c.

to pay such moneys borrowed, and to provide the relief hereby authorized.

Sec. 2. It shall be the duty of the supervisor of each town-
 ship, and of each supervisor, alderman, or other officer repre-
 senting any city or ward upon the board of supervisors of his
 county, from time to time, to make diligent inquiry in regard
 to the necessities and relief required by the family of any such
 commissioned or non-commissioned officer, musician or private;
 and in conducting such inquiries, it shall be his duty to consult
 with any voluntary committees of citizens, who may have
 heretofore taken, or who shall hereafter take action upon the
 subject. It shall be his duty to afford such temporary relief as
 may from time to time be necessary, not exceeding the sum of
 fifteen dollars per month to any one family, and may give orders
 upon the county treasurer of his county, payable out of any
 moneys appropriated for that purpose, or out of any moneys
 not otherwise appropriated, in case no appropriation has been
 made to defray the expense of such relief. In case of the death,
 while in the service of the United States, or of this State, of
 any such commissioned or non-commissioned officer, musician
 or private, his family shall be entitled, for one year after his
 decease, to the same measure of relief herein provided for.

Supervisors
to make in-
quiry as to
the neces-
sities of fami-
lies.

Duty to af-
ford tempo-
rary relief.

Relief in
case of the
death of
volunteers.

Sec. 3. It shall be lawful for the board of supervisors of any
 county, at any meeting, to establish a separate fund, into which
 the moneys so borrowed, or collected by tax, shall be paid, and
 to direct the transfer of any moneys in the treasury not other-
 wise appropriated, at any time, to such fund; and it shall be
 the duty of such board to establish such separate fund when-
 ever the orders upon the general fund, issued in such county,
 have been, for the period of six months, at an average discount
 of ten per centum. Whenever such separate fund shall have
 been established, it shall be known as the "volunteers' family
 relief fund," and all orders thereafter drawn shall be drawn
 payable out of such fund, unless the said board shall otherwise
 direct.

Volunteers
family relief
fund.

Sec. 4. The said boards of supervisors are hereby authorized

Rules and regulations relative to expenditure of money.

to adopt and enforce such rules and regulations as shall secure, as well the ascertainment of the relief required as the proper expenditure of moneys for relief, and may require bonds or other securities from any agents or officers employed to disburse any moneys, or otherwise to afford relief, and may require such reports, under oath or otherwise, as shall be deemed proper.

Relief independent of that afforded poor persons.

Sec. 5. The relief hereby authorized to be afforded shall be and remain separate from, and independent of, the relief, temporary or otherwise, afforded to poor persons under existing laws.

Sec. 6. This act shall take effect on the first day of June, eighteen hundred and sixty-one.

Approved May 10, 1861.

[No. 3.]

AN ACT to make an appropriation to aid the Michigan State agricultural society.

Appropriation.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated, out of the treasury of this State, the sum of one thousand dollars each year for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, to the Michigan State agricultural society, for the payment of premiums, to be paid by the State Treasurer to the treasurer of said society, on the warrant of the Auditor General: *Provided, That* the treasurer of said society shall, on or before the fifteenth day of October, in each year, make, subscribe and deposit with the Auditor General, his affidavit that said society has raised for the year the sum of fifteen hundred dollars by voluntary subscription and fees of membership.

Proviso.

Approved May 10, 1861.

[No. 4.]

AN ACT to provide a tax for the interest on the war loan.

SECTION 1. *The People of the State of Michigan enact,* That there shall be levied upon the taxable property of the State, for Tax authorized. each of the years eighteen hundred and sixty one and eighteen hundred and sixty-two, in addition to all other taxes, the sum of seventy thousand dollars, and the same is hereby appropriated for the payment of the interest on the war loan of the State, if so much shall be required; if not, the balance shall be and the same is hereby appropriated to the payment, from time to time, of the principal of such loan, in the manner provided in an act entitled "an act authorizing a war loan," passed at this session of the legislature.

Sec. 2. The Auditor General shall apportion, each year, the Auditor General to make apportionment sums herein directed to be raised, among the several counties, in proportion to the taxable property therein, as may be determined by the State board of equalization, and the same shall be collected and returned as other State taxes are required to be by law.

Sec. 3. This act shall take immediate effect.

Approved May 10, 1861.

[No. 5.]

AN ACT authorizing a war loan.

Whereas, Our country has reached a crisis unprecedented in Preamble. its past history, and treason and civil war are raging within its borders; *And whereas,* Attempts are made, in large sections of the country, to break up and destroy the government, and it has become necessary for the several States to look to their own safety, as well as the defense and perpetuity of the Union and government of the nation; therefore

SECTION 1. *The People of the State of Michigan enact,* That the Governor and State Treasurer be and they are hereby Loan authorized. authorized and directed, in the name and behalf of the people of

the State, for the purpose of organizing the volunteer militia, repelling invasion, suppressing insurrection, or defending the State in time of war, to negotiate and contract for a loan or loans, for such sum or sums as may be necessary for the purposes herein specified, not exceeding one million of dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State at any time within or at the expiration of twenty-five years from the first day of January, eighteen hundred and sixty-one, at a rate of interest not exceeding seven per centum per annum, payable semi-annually, on the first day of January and July in each year; such loan shall be known as the war loan of the State of Michigan, and the bonds issued under this act shall be exempt from taxation; the proceeds of said bonds shall be known as the war fund, and shall be paid out in no other manner, and for no other purpose, than in this act specified. The treasurer is hereby authorized to advance such an amount from said fund as may be necessary for the payment of the interest to become due January first, eighteen hundred and sixty-two, on the bonds issued under this act, until such time as the tax authorized for that purpose shall have been collected and paid into the treasury.

When redeemable.

Bonds exempt from taxation.

Treasurer may advance the interest to become due Jan. 1, 1862

Issue of bonds authorized.

Where payable.

Sec. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums not less than fifty dollars each, to be signed by the Governor, and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. Both principal and interest of all bonds for a less sum than five hundred dollars each, shall be payable in the city of Detroit; the principal and interest of all bonds for the sum of five hundred dollars and over, shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and, when en-

dorsed by him, become negotiable, in such manner as the Governor and State Treasurer may deem proper.

Sec. 3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued upon proper vouchers of the paymaster of the volunteer militia, or Quartermaster-General of the State, certified by the Governor, for the purchase and distribution of all necessary military stores, whether of subsistence, clothing, pay, medicines, field and camp equipage, arms, munitions and equipments, for such companies of the volunteer militia of this State as may have been or shall be mustered into the service of the State or of the United States, under the provisions of any law of this State. Warrants may be issued by the Auditor General upon proper vouchers, certified by the Governor, for advances made by John Owen, as trustee, for expenditures already made for the purposes herein specified. Under this act the Governor may allow, on proper vouchers of commandants of companies, approved and certified by the military board, such necessary and proper expenses as have been in good faith made since April sixteenth, eighteen hundred and sixty-one, under the direction of the Governor and Adjutant General, for the organization and subsistence of such companies as have been or may be mustered into the service of the State, under any law of this State.

Money arising from the sale of the bonds to be paid into the State treasury.

Warrants may issue for advances made by John Owen as trustee.

Expenses since April 16, 1861, to be allowed.

Sec. 4. All claims and accounts accruing against the State, for expenses and disbursements authorized by this act, and which have already accrued, shall be presented within three months from the passage of this act; and all other claims shall be presented within three months of the accruing of the same, or the same shall be considered as donated to the State, and shall not thereafter be allowed, under any pretence whatever.

Accounts to be presented within three months.

Sec 5. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, which register shall contain the num-

Bonds to be numbered and registered.

Cancelment
and record
of paid up
bonds.

ber and amount of such bonds, the rate of interest thereon, and where payable. Whenever any such bond shall be paid, the same shall be instantly canceled by the treasurer or other person paying the same, with a canceling hammer; the Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made, as aforesaid, the bonds so paid shall also be canceled by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Secretary of State.

Tax for pay-
ment of
bonds.

Sec. 6. For the purpose of paying the bonds issued under this act, there shall be levied upon the taxable property of the State, in each year, commencing with the year eighteen hundred and sixty-one, a tax of one-sixteenth of one mill upon the dollar of all such property, in addition to all other taxes; the proceeds thereof shall constitute a sinking fund, and when collected shall be paid into the treasury and set apart to be applied to the payment of the bonds authorized to be issued by this act.

Treasurer to
make an-
nual pay-
ment on
bonds to the
extent of
money on
hand.

Sec. 7. It shall be the duty of the State Treasurer, on or before the first day of October in each year, commencing with the year eighteen hundred and sixty-two, to use the money in the treasury applicable to the payment of the bonds hereby authorized to be issued, for the payment of the said bonds in the manner following, viz: The treasurer shall cause numbers corresponding with the numbers of all bonds for a less sum than five hundred dollars each, to be placed in a box to be provided for that purpose, and shall, in the presence of the Governor and Auditor General, proceed to draw therefrom numbers of bonds equal in amount, as near as may be, to the money in the treasury applicable to the payment of said bonds; whereupon the treasurer shall, at least three months before the time of payment, cause the bonds corresponding to the numbers thus drawn to be advertised one week in two daily papers and for four weeks in the weekly editions of the same papers, in the

Time and
place of pay-
ment to be
advertised

city of Detroit, designating the time when and the place where said bonds shall be paid, and the interest cease upon the same; and whenever all such bonds, for sums less than five hundred dollars each, shall have been paid, the treasurer shall proceed in like manner to draw for and pay all bonds for sums of five hundred dollars and over, advertising in like manner, in one daily paper in each of the cities of New York and Detroit.

Sec. 8. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act. Faith of the State pledged.

Sec. 9. The board of State auditors are hereby authorized and directed to audit and allow interest to July first, eighteen hundred and sixty-one, at the rate of seven per centum per annum, on the receipts for money advanced to John Owen, as trustee, to be expended under the direction of the executive or other authority of the State, for military purposes, and also to audit and allow all necessary expenses of the Governor and treasurer in carrying out any of the provisions of this act, and for the interest and expenses so allowed the Auditor General shall issue warrants upon the war fund. Interest on receipts for money advanced to John Owen as trustee.

Sec. 10. This act shall take immediate effect.

Approved May 10, 1861.

[No. 6.]

AN ACT relative to the city of Pontiac.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled an act to incorporate the city of Pontiac, approved March 15, 1861, shall take effect and be in full force from and after the passage of this act; and the several persons who were elected on the first Monday of April, 1861, by the electors of said village, to the several offices of said city, shall be deemed to be the proper officers thereof, and shall forthwith enter upon the discharge of their respective duties, except such officers as by the provisions of said act of incorporation are to Act declared in full force. Election legalized.

enter upon the discharge of their duties on the fourth of July next, and shall continue in office until their successors shall have been duly elected and qualified, as provided in said act, and said election is hereby declared legal.

Sec. 2. This act shall take immediate effect.

Approved May 10, 1861.

[No. 7.]

AN ACT to extend the time to locate the twenty-five thousand acres of swamp land donated to the German-American seminary of the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That* the time for locating the twenty-five thousand acres of swamp land, donated to the German-American seminary of the city of Detroit, by act entitled an act to grant twenty-five thousand acres of swamp land to the German-American seminary of the city of Detroit, approved March 15, A. D. 1861, be extended for the period of two years from the time limited in and by said act.

Approved May 10, 1861.

[No. 8.]

AN ACT to authorize the board of State auditors to allow the claims of certain State officers in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* the board of State auditors are hereby authorized and empowered to audit and allow all equitable and necessary expenses incurred by the Governor and State Treasurer in negotiating any loan or loans authorized by the legislature of this State, and for mustering, arming and equipping all volunteer regiments or troops called into the field, or mustered into service by authority of the laws of this State, or the laws and authorities of the United States.

Sec. 2. Whenever any claim for such services shall be audited and allowed by said board, it shall be the duty of the Auditor

Expenses of Governor and Treasurer to be allowed in certain cases.
Amount so allowed, where chargeable.

General to draw his warrant therefor, which shall be payable **by** the treasurer, on presentation; and the amounts so allowed **and** paid shall be charged against the loan or fund, as specified **in** the said claim and warrant.

Sec. 3. This act shall take immediate effect.

Approved May 10, 1861.

[No. 9.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to revise the charter of the city of Detroit, approved February 5th, 1857, approved March 12th, 1861.

SECTION 1. *The People of the State of Michigan enact,* That section seventeen of an act entitled "an act to amend an act entitled an act to revise the charter of the city of Detroit, approved February 5th, 1857, approved March 12th, 1861, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 17. That section 18 be amended so as to read as follows: The collector for each ward shall collect all State and county taxes assessed and imposed upon the real and personal property of such ward, and such city, highway, sewer and school taxes as shall be placed in his hands for collection by the receiver of taxes, or other proper officer of said city, and shall account for and pay over the same as required by law, or by ordinance or resolution of the common council of said city. Collector to collect all taxes.

The director of the poor and constables shall have the power and perform the duties of such township officers, elected under the general laws of the State, subject to the provisions of this act. Director of the poor and constables, powers and duties of.

Sec. 2. This act shall take immediate effect.

Approved May 10, 1861.

[No. 10.]

AN ACT to provide for the payment of members and officers of the extra session of the legislature, for the year 1861.

Appropriation. SECTION 1. *The People of the State of Michigan enact, That* there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding six thousand dollars for the payment of the members and officers of the extra session of the legislature for the year 1861.

Compensation of members. Sec. 2. The compensation of the president and members of the Senate, and the speaker and members of the House of Representatives, shall be three dollars per day for actual attendance, and ten cents for every mile actually traveled in going to and returning from the place of meeting of the legislature, **Of officers.** on the usually traveled route. The compensation of the secretary, engrossing and enrolling clerk, and sergent-at-arms of the Senate, and their authorized assistants, and of the clerk and engrossing and enrolling clerk and sergent-at-arms of the House of Representatives, and their authorized assistants, shall be three dollars per day for actual attendance during the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting of the legislature, **Firemen.** on the usually traveled route. The compensation of the firemen of the Senate and of the House of Representatives, and of the messengers of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session, and the sum of four cents per mile in coming to and returning from the session of the legislature.

Certificate of dues. Sec. 3. Such sums as may be due, under the provisions of this act, to the secretary of the Senate and the clerk of the House of Representatives, shall be certified by the presiding officer of the respective houses, and countersigned by the Auditor General; such sums as may be due to the president of the Senate, and the speaker of the House of Representatives, shall be certified by the secretary and clerk of the respective houses, and countersigned by the Auditor General; and such sums as may be due the members and officers of either house shall be certi-

ed by the secretary or clerk, and countersigned by the presiding officers of the respective houses; and the State Treasurer, Payment upon the presentation of any such certificates, countersigned as aforesaid, shall pay the same.

Sec. 4. This act shall take immediate effect.

Approved May 10, 1861.

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RESOLUTIONS.

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[No. 1.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That the secretary of the Senate, and the clerk of the House of Representatives, be and are hereby authorized and requested to compile and prepare for publication, and make indexes and superintend the publication of the journals and documents of the present session of the legislature, and when done and certified to by the Secretary of the State they shall be entitled to receive for said services the sum of fifteen dollars each.

Approved May 10, 1861.

[No. 1.]

JOINT RESOLUTION relative to the printing of the journals, documents, and acts of the extra session of the legislature, for the year 1861.

1. *Resolved by the Senate and House of Representatives of the State of Michigan*, That the journals and documents of the extra session of the legislature, for the year 1861, be published and bound under the direction of the secretary of the Senate and clerk of the House, and that the same be bound with the journals of the regular session of the same year, and that the journal of the House be bound in two volumes.

2. *Resolved*, That the acts and joint resolutions passed at this extra session be published with the session laws of the regular session for the year 1861, and in the style of the State binding for the year 1859.

3. This resolution shall take immediate effect.

Approved May 10, 1861.

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