

Duty of clerk and register. 43. The said clerks and registers shall, respectively, number every such instrument which shall be filed in their offices, and shall enter in books to be provided by them, alphabetically, the names of all the parties to such instruments, with the number endorsed thereon opposite to each name, which entry shall be repeated alphabetically under the name of every party thereto.

Fees. 44. For services under this division of this act, the clerks and registers shall be entitled to receive the following fees: for filing each instrument or copy, six cents; for entering the same in a book as aforesaid, six cents for every party to such instrument; for searching for each paper, six cents, and for certified copies of such instruments or copies, the like fees as are allowed by law to clerks of counties for copies and certificates of records kept by them.

P. L. 1875, p. 32.

#### Supplement.

Approved, March 17, 1875.

Fees for registering mortgages. 45. SEC. 1. That from and after the passage of this act, the clerks and registers of the several counties of this state shall charge the sum of seventy-five cents for the registration of each and every mortgage by them registered.

## Municipal Corporations.

### I. ASSESSMENTS FOR IMPROVEMENTS, TAXES, &C.

1. Rate of interest on unpaid taxes. Redemption of land sold.
2. Notices of filing reports of assessments to state character of work for which assessment made.
3. Notices heretofore published in conformity with act declared sufficient.
4. Farm lands in cities, not laid out in lots, to be assessed by the acre.
5. Rate of interest on unpaid assessments may be reduced. Redemption of land sold.
6. Proceedings for the apportionment of assessments and water rents on application by person interested.
7. Upon approval of apportionment, map and report to be filed by city clerk.
8. Power to apportion, in whom vested.
9. Proceedings when any owners of land to be affected do not join in the application.
10. Assessments for streets and sewers to be made in proportion to benefit received.
11. Proceedings for making reassessments when assessments for benefits have been set aside.

### II. BONDED INDEBTEDNESS.

12. Bonds authorized to pay floating debts of cities—Limitation as to amount.
13. Construction of word debt or indebtedness in charter.
14. Certificate of guarantee to be placed on certain bonds, for payment of which, city is liable.
15. Commissioners of sinking funds, having funds to pay bonds, payable out of said money, authorized to redeem same before maturity.
16. Appropriation of surplus.
17. Payment of unpaid indebtedness in excess of appropriations, how provided for.
18. Additional issue of water bonds authorized in certain cities.
19. Cities may borrow money and issue bonds in anticipation of collection of taxes in arrears.
20. Moneys received on account of said taxes pledged for the payment of such bonds.
21. Interest, how paid; surplus, how applied.
22. Act not to apply to cities whose bonded debt is limited by charter.

23. Cities may issue bonds not exceeding amount of tax liens purchased.
24. Moneys received on account of redemption of real estate, pledged to payment of such bonds.
25. Interest to be paid; surplus, how applied.
26. Act not to apply to certain cities.
27. When assessment has been made for an amount less than the total cost of an improvement, bonds may be issued for amount of cost assessed.
28. Bonds authorized for amounts expended in excess of appropriation.
29. When bonds have been authorized for erection of school house, location may be changed and additional bonds issued.
30. Ordinance may be passed authorizing the taking of bonds of owners of land for payment of assessments for benefits.
31. Where an award of damages has been paid, bond to be given for difference between award and assessment.
32. City may issue bonds to pay costs, &c., of improvements for which persons assessed have given bonds.
33. Not to affect any law heretofore passed relating to bonds.

### III. OFFICERS.

34. Term of office of recorders in certain towns.
35. Office of street commissioner abolished in certain towns.
36. In certain cities common council may appoint collector of taxes for each ward.

### IV. WATER WORKS.

37. Authority and power to purchase and own water works, etc.
38. Proceedings in case of disagreement between city and owners as to purchase.
39. Proceedings in case of appeal.
40. Appointment of engineer, surveyors, officers, agents, &c.
41. Advertisement for proposals to be made, when expenditure exceeds a certain sum.
42. Contracts to be in writing.
43. May borrow money and issue bonds.
44. Treasurer to keep books of account.

45. Legislative body of city to make rules and regulations.  
 46. Water rents a lien.  
 47. Owners of buildings along line of pipe laid may be charged as for single hydrant.  
 48. Moneys for water rents, how applied.  
 49. Proceedings in case receipts are less than expenditures. Deficiency raised by tax.  
 50. Additional sum may be raised to cover loss.  
 51. Penalty for injury to property or works.  
 52. Provisions of this act inoperative until assented to by a majority of legal voters of a city.

### I. Assessments for improvements, taxes, &c.

#### An act relative to past due taxes in the cities of this state, and to the payment thereof.

Approved April 11, 1876. P. L. 1876, p. 97.

WHEREAS, in consequence of depression in business, taxes, in many of the cities in this state, have not been paid, and by reason of such default, large rates of interest and excessive penalties have been imposed thereon, and thereby the collection of said taxes in a great degree prevented; therefore,

1. That it shall be lawful for the board of aldermen or common council of any incorporated city of this state to authorize and direct the collector or receiver of taxes, and other proper officer or officers of such city to receive and collect upon all taxes remaining due and unpaid, in whole or in part, in such city, on the first day of May, eighteen hundred and seventy-five, and which shall be paid on or before the first day of December, eighteen hundred and seventy-six, interest not to exceed the rate of twelve per centum per annum, from the fifteenth day of October, in the year in which such taxes were assessed, and in such case no other interest or penalties on such taxes paid within the time aforesaid, shall be collected; but in case of sales of land for taxes previously made the costs of advertising and auctioneers' fees shall be charged and collected on property which has been sold for any of such taxes; and upon the payment of such taxes and interest and costs as aforesaid, at or before the time before mentioned, the proper officers or authorities of said cities shall respectively cancel and surrender any certificate of sale of property which may have been sold for such taxes, and which shall then be held by any of said cities; the boards of aldermen or common councils respectively of said cities may determine by a general order or resolution what rate of interest, not less than seven nor more than twelve per centum per annum, shall be paid on such past due taxes as aforesaid.

Boards of aldermen and common councils may direct collectors to receive interest on unpaid taxes not to exceed twelve per cent. and no other interest or penalty.

Rate of interest to be fixed by order or resolution.

#### An act relating to notices of filing reports of assessments.

Approved April 13, 1876. P. L. 1876, p. 125.

2. SEC. 1. That in all cases where, under the provisions of any law of this state, notices of filing reports of assessments for benefits and of hearing objections thereto are required to be given, the said notices shall clearly state the character of the work and improvement for which such assessments have been made, and a description of the streets or avenues or particular sections thereof, which are included in said assessment; but the names of the owners of the lands so assessed and the map and street numbers shall not be required to be published, and two or more assessments may be included in one notice; *provided, however,* that in cases of non-resident property owners whose property is assessed, a copy of said notice shall be mailed to them, postage prepaid, at least five days prior to the confirmation of any assessment thereon if such non-resident property owner shall have filed in the office of the city clerk at any time prior to such assessment, his name and post office address.

Notices of filing reports to state character of work and improvement for which assessments have been made, etc.

Copy of notice to be mailed to non-resident owners.

3. SEC. 2. That all notices of assessment heretofore published in conformity with the provisions of the previous section of this act, since the first day of January, eighteen hundred and seventy-six, are hereby declared to be sufficient, and that this act shall take effect immediately.

Notices heretofore published in conformity with act declared sufficient.

#### An act to establish the method of assessing and rating farm lands within the limits of incorporated cities.

Approved April 21, 1876. P. L. 1876, p. 240.

4. SEC. 1. That all farms and tracts of farm lands containing five acres

Farm lands in incorporated cities, not laid out in city lots, to be assessed by the acre.

Cities to which act not to apply.

or more in one enclosure within the limits of the incorporated cities of this state, that have since the incorporation of said cities, respectively, been and still are used for farming or market gardening purposes and not otherwise, and that have not been laid out in city lots by the owner or owners thereof, and on which the owner or owners have not laid out or graded streets, shall for the purposes of taxation be rated and assessed at their true value by the acre, and not otherwise; *provided*, that this act shall not apply to any incorporated city containing between ten thousand and thirty thousand inhabitants, nor to any city containing over fifty thousand inhabitants according to the last state census.

**An act relating to arrears of taxes and assessments in cities, towns and townships.**

P. L. 1876, p. 278.

Approved April 21, 1876.

Board of aldermen, common council or board of finance may authorize receiving of interest not to exceed twelve per cent. on unpaid taxes and assessments.

No other penalties or interest to be collected.

Not to apply to cases provided for by sec. 1, *ante*

Only to apply to cases when land has been sold to city, town or township.

5. SEC. 1. That it shall be lawful for the board of aldermen or common council or board of finance of any incorporated city of this state, or the town council or township committee to authorize and direct the collector or receiver of taxes and other proper officer or officers of such city, town or township to receive and collect upon all taxes and assessments remaining due and unpaid in whole or in part in such city, town or township, on the date of the passage of this act, and which shall be paid on or before the first day of June, eighteen hundred and seventy-seven, interest not to exceed the rate of twelve per centum per annum from the fifteenth day of October in the year in which such taxes were assessed, or from the date of the confirmation of such assessment, and in such case no other interest or penalties on such taxes or assessments paid within the time aforesaid shall be collected; but in case of sales of land for taxes or assessments previously made, the costs of advertising and auctioneer's fees shall be charged and collected on property which has been sold for any of such taxes and assessments and upon the payment of such taxes or assessments and interest and costs as aforesaid at or before the time before mentioned, the proper officers or authorities of said cities, towns or townships shall respectively cancel and surrender any certificate of sale of property which may have been sold for such taxes or assessments and which shall then be held by any of said cities, towns or townships; the boards of aldermen or common councils respectively of said cities or said town council or township committee may determine by a general order or resolution what rate of interest not less than seven nor more than twelve per centum per annum shall be paid on such past due taxes or assessments as aforesaid; *provided, however*, that this act shall not apply to any of the cases provided for by an act entitled "An act relative to past due taxes in the cities of this state and to the payment thereof," passed at the present session of this legislature; *and provided further*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where land or real estate has been sold for such taxes or assessments and bought by any other person than said city, town or township or some officer thereof for the use of such city, town or township, nor shall any lien upon real estate for taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor be stayed or delayed by anything in this act contained.

**An act to authorize the apportionment of taxes, assessments and water rents.**

P. L. 1876, p. 291.

Approved April 21, 1876.

Proceedings for the apportionment of assessments and water rents upon application in writing by any person interested.

6. SEC. 1. That upon application in writing by any person interested to apportion any taxes, assessments or water rents, which have been or shall be laid upon any plot or parcel of land in any city, town or township, amongst any sub-divisions of such plot or parcel, accompanied by a map showing the sub-divisions desired, the officer or body to which such application shall be made as herein provided, shall have power to make a just apportionment of such taxes, assessments and water rents upon and among such sub-divisions or such other sub-divisions as it may deem just and proper, and also to apportion, in manner aforesaid, any taxes, assess-

ments and water rents for non-payment of which any plot or parcel of land has been or shall be sold under the laws relating to such sale, with expenses of sale, in cases where such land has been or shall be bought by the treasurer or other officers of such city, town or township, for the use and benefit thereof, or by such city, town or township.

7. SEC. 2. That upon the approval of such apportionment by the mayor or passage over his veto, if application was made to the body hereinafter mentioned, where such lands lie in a city, the city clerk shall file the map and report of the officer, board or council showing such apportionment, and upon the adoption of such apportionment by the council or other governing municipal authority of any town, or by the township committee of any township, the clerk of such town or township shall file the map and report showing such apportionment, and upon such filing the said taxes, assessments or water rents as so apportioned, shall be and remain a lien upon such sub-divisions in the same manner as if such taxes, assessments or water rents had been originally laid or assessed upon such sub-divisions in the separate amounts so apportioned, and upon payment to the proper officer of the amount so apportioned to any sub-division, with interest and penalties added at the same rates as were chargeable on the original taxes, assessments or water rents respectively, and in case of sale with the proportion of expenses of sale added, such sub-division shall be discharged from all lien or liability under such taxes, assessments and water rents and from the effect of such sale therefor.

Upon approval of apportionment, map and report to be filed by city clerk.

8. SEC. 3. That such powers to apportion shall be vested in and such application made to the mayor and common council, or board of aldermen or other chief municipal authority of the several cities and towns, and the township committees of the several townships; *provided, however*, that whenever there is or shall be in any city or town a board of finance and taxation, or any body possessing the general powers now exercised by such boards, the power of apportionment as aforesaid shall be vested in, and such application made to that board; *and provided further*, that wherever there is or shall be in any city an officer called a comptroller, the power of apportionment as aforesaid shall be vested in, and such application made to that officer.

Power to apportion to be in common councils, boards of aldermen and township committees.

Proviso.

9. SEC. 4. That when any of the owners of the lands to be affected by such apportionment shall not join in such application, then such comptroller, board, council or township committee shall direct notice to be given to such owner, if resident in such city, town or township, either personally or by leaving the same at his place of abode, and if not resident in such city, town or township, by advertisement for ten days in a newspaper published and circulating in such city, town or township, and if none is so published, then in the nearest newspaper published in the county, of the time and place where and when a hearing will be had upon such application before such comptroller, board, council or township committee, or a committee thereof, which notice, upon proof of service or publication thereof, shall be deemed sufficient, and said comptroller, board, council or township committee may thereupon make such apportionment.

Proceedings when any owners of land to be affected do not join in the application.

#### An act respecting assessments in cities.

Approved April 21, 1876.

P. L. 1876, p. 296.

10. SEC. 1. That hereafter in assessing the costs and expenses of street and sewer improvements in any city of this state, the commissioners of assessment in every city, or such city surveyor, person or other persons, as are or may be authorized by law in any city to make an assessment for such improvements, shall in the respective cities for which such commissioners of assessment, city surveyor, person or other persons are or may be lawfully appointed to make assessments, assess the cost and expense of all street and sewer improvements upon the land and real estate benefited by such improvements, and in proportion to the benefits thereby received, in making which said assessment hereby authorized for street or sewer improvements in any city of this state the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit received by each one of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited;

Assessments for street and sewer improvements to be made in proportion to the benefit received by each lot or parcel of land.

If total cost exceed aggregate benefits, remainder to be borne by city at large.

*provided*, that if the total cost and expense of an improvement exceed the aggregate amount of assessable benefits then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed and the remainder of such cost and expense shall be borne by the city at large and paid in the manner provided by law.

**An act relating to reassessments of benefits in cities.**

P. L. 1876, p. 378.

Approved April 21, 1876.

Proceedings for making re-assessment where assessments for benefits have been set aside only as to prosecutors of writ of certiorari.

11. SEC. 1. That where any assessment for benefits for local improvement heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of *certiorari* by any court of review the common council of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such reassessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefited by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire, and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said person or persons authorized to make said reassessment shall proceed in all respects as provided in respect to the original assessment; but in making such reassessment any tracts of land and real estate originally assessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed.

**II. Bonded indebtedness.**

**An act to authorize cities to issue bonds to pay their floating debts.**

P. L. 1876, p. 141.

Approved April 13, 1876.

Bonds authorized to be issued to pay the floating debt of cities.

12. SEC. 1. That it shall be lawful for each and every city in this state, whose charter or its supplements limit the amount of the bonded indebtedness of such city when it has not already issued bonds in the aggregate amount equal to the indebtedness allowed to be created by its charter and supplements thereto, to issue additional bonds in the aggregate to such an amount as will be equal to the difference between the amount already issued and the amount of indebtedness allowed to be created by its charter and supplements thereto, to be executed in the manner provided by its charter, and dispose of and sell the same, and from the proceeds arising from the sale thereof pay its floating debt as far as the proceeds thereof shall be available.

Limitation as to amount.

Construction of word debt or indebtedness in charters.

13. SEC. 2. That in construing the meaning of the word debt or indebtedness in the charter of any city in this state, where it has reference to the amount of debt which any such city may create, it shall be understood to mean and include the floating as well as the bonded or funded debt of said city already incurred.

**An act in respect to bonds guaranteed by cities.**

P. L. 1876, p. 142.

Approved April 13, 1876.

Certificate of guarantee to be placed on bonds of gas and water companies, by mayor and treasurer of cities, for payment of which the city is liable.

14. SEC. 1. That whenever the works of any gas or water company have been heretofore purchased by any city for the use of said city, and where the said city has been made heretofore liable, by contract or otherwise, for the bonds issued by the company, then it shall be the duty of the mayor and treasurer of said city, upon demand being made, to stamp or write upon the face of such bonds, the following certificate: "The principal and interest of this bond are guaranteed by the city of \_\_\_\_\_" the blank to be filled by the corporate name of the said city, and the said

mayor and treasurer shall sign the same in their official capacity and affix thereto the city seal.

**An act relative to the appropriation of money devoted to the sinking fund of certain cities in this state.**

Approved April 21, 1876. P. L. 1876, p. 244.

WHEREAS, there exist in certain cities in this state, by virtue of various legislative acts thereof, commissioners of sinking funds of said cities to whom are pledged and appropriated by said acts certain moneys for the payment of the principal and interest of the bonds authorized to be issued from time to time by the legislature of this state; and whereas, it may happen that the commissioners of any one of the sinking funds established as aforesaid have now, or may have hereafter funds in their possession sufficient to meet the said bonds payable, out of said money appropriated as aforesaid, together with interest thereon, before the maturity of the same, and upon payment thereof no means are now provided by law for the use and application of the said money so devoted as aforesaid to the commissioners of said sinking fund; therefore,

15. SEC. 1. That where the said commissioners of any sinking fund of any city in this state, have now or shall have hereafter funds in their possession sufficient to pay, before maturity, the bonds issued by authority of law, and payable out of said money pledged to said commissioners for the payment thereof, it shall be the duty of the said commissioners to cancel all bonds now in their possession, or which they may be able to procure, by purchase or exchange, of any one of the issues heretofore authorized by law, and not heretofore cancelled, and any surplus remaining in their hands after the bonds issued as aforesaid, with interest thereon, shall have been paid and cancelled, shall be devoted to such sinking fund of said city as the mayor and common council, or other governing body of said city, or any board of finance of any city where such a board exists, shall direct.

Commissioners of sinking fund having funds to pay bonds payable out of said money, authorized to redeem same before maturity.

16. SEC. 2. That after the accumulation of funds sufficient to pay all the said bonds authorized to be issued as aforesaid, by the said commissioners to whom the said moneys have been appropriated as aforesaid, it shall be lawful for the mayor and common council, or other governing body of said city, or any board of finance of any city where such board exists, by ordinance to appropriate any surplus remaining after providing for the payment of said bonds and the revenues before appropriated to the sinking fund thus discharged, to any other sinking fund of said city pledged for the payment of its obligations, and after the passage of such ordinance the revenues so appropriated shall not be diverted to any other use or purpose until there shall have accumulated sufficient moneys to pay the obligations to which such sinking fund was pledged, when the same shall be appropriated by ordinance as aforesaid to some other sinking fund of said city, so long as said city has any outstanding bonds for the payment of which a sinking fund exists.

Surplus remaining to be appropriated to any other sinking fund by governing body of city.

**An act respecting certain indebtedness in cities.**

Approved April 21, 1876. P. L. 1876, p. 273.

17. SEC. 1. That where any municipal board in any city containing a board of finance and taxation or a board of aldermen has incurred indebtedness during the fiscal year of such city ending in eighteen hundred and seventy-five, in excess of the appropriation made to such board for that fiscal year, and such indebtedness remains unpaid, it shall be lawful for the board of finance and taxation in such city, or where there is no such board, then for the board of aldermen to examine into such indebtedness and to allow and order paid so much thereof as in the judgment of the members of such board making the examination ought in justice to be paid; and said latter board is hereby authorized to borrow, in anticipation of taxes next thereafter to be levied in such city, sufficient money to pay and satisfy so much of said indebtedness as it may audit as just and order paid, and the amount thus borrowed shall be put in the tax levy next thereafter.

Payment of unpaid indebtedness in excess of appropriations how provided for.

**An act to authorize the issue of bonds for completing and extending water works in cities.**

P. L. 1876, p. 274.

Approved April 21, 1876.

Additional issue of water bonds authorized in cities having a population over one hundred thousand.

18. SEC. 1. That in any city in said state which by any last census made in this state under state or United States authority has or may have a population exceeding one hundred thousand, and in which there is or may be a board of water commissioners, it shall be lawful for the purpose of completing and extending works now in progress for supplying any such city with water, for said board to issue bonds in the name and under the seal of the mayor and common council of such city, to be denominated on their face "water bonds," in addition to any heretofore authorized by law, to an amount not exceeding two hundred and fifty thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding seven per centum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of said board, which bonds may be sold at public or private sale, for the best price they can obtain for the same; all bonds issued as aforesaid shall be signed by the members of the said board or a majority of them, and countersigned by the mayor of such city; and all the real estate within such city shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

**An act concerning cities.**

P. L. 1876, p. 275.

Approved April 21, 1876.

Cities may borrow money and issue bonds in anticipation of collection of taxes in arrear.

Limitation as to amount.

Proviso.

Moneys received on account of said taxes pledged for the payment of such bonds.

Interest, how paid; surplus applied to payment of bonds.

Act not to apply to cities whose bonded debt is limited by charter.

19. SEC. 1. That hereafter it shall be lawful for any city within this state, by and through its board of finance or finance department, from time to time to borrow money for the use of said city, in such sums as they may think best, in anticipation of the collection of taxes in arrears in such city, not to exceed, at any time, the amount thereof then in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department, such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided nevertheless*, that said bonds shall not be sold for less than ninety-five per centum of their par value.

20. SEC. 2. That all moneys received as principal and interest on account of said taxes in arrears, for the arrearage of which, bonds shall be issued by virtue of the provision of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities where such commissioners exist, for the payment of the principal and interest of the bonds hereby authorized to be issued.

21. SEC. 3. That it shall be the duty of the said commissioners of the sinking fund, or such board or department of any such city, to pay the interest on the above mentioned bonds, as the same may fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them, and applied to the payment of the said bonds as they shall fall due.

22. SEC. 4. That this act shall not apply to any city which has a limitation in its charter or supplements of the total amount of aggregate bonded indebtedness of such city so as to permit an increase of such aggregate bonded indebtedness of such city.

**An act authorizing the issue of tax arrearage bonds in cities.**

P. L. 1876, p. 276.

Approved April 21, 1876.

WHEREAS, a considerable proportion of the taxes levied annually upon the real estate in the several cities of this state remains unpaid at the close of each year; and *whereas*, it is the practice of the governing bodies of said cities, under the provisions of the several charters thereof, to cause to be

sold annually at public auction the various lots or parcels of real estate on which the taxes remain unpaid as aforesaid; *and whereas*, the said municipalities in the absence of purchasers are compelled to buy in annually the greater portion of the lots or parcels of real estate sold by the comptroller or other officer of said cities as aforesaid, in order to secure the payment of the taxes so remaining unpaid; *and whereas*, it is found by experience that a period of several years elapses before the said taxes are finally paid by the owners in the redemption of the property so sold; *and whereas*, up to the present time no provisions of law have been made for the means to carry or float the amount of the said unpaid taxes until they are ultimately refunded to the said cities by the owners of the property so sold annually as aforesaid, except by the issue of temporary loan bonds; therefore,

23. SEC. 1. That it shall be lawful for the department of finance under the control and with the consent of the governing body of any city in this state, or if there is no such department of finance, then the board of aldermen or board of councilmen, to issue bonds of the said city under the signature of the mayor and city clerk, with the corporate seal affixed, and countersigned by the comptroller or other financial officer for an amount not exceeding the amount of tax liens heretofore purchased by said municipalities, or which may hereafter be purchased by them at the sale of unpaid taxes, in such sums as they may deem best, payable at such time or times as they may designate, not longer than ten years, bearing interest at seven per centum per annum, payable semi-annually.

Cities may issue bonds not exceeding amount of tax liens purchased by said municipalities.

24. SEC. 2. That all moneys received as principal and interest on account of the redemption of real estate sold for taxes of one thousand eight hundred and seventy-five, and for each and every other year for the arrearage of which bonds shall be issued by virtue of the provision of this act are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; in cities where there are commissioners of the sinking fund, then they shall be pledged and appropriated to said commissioners for said purpose.

Moneys received on account of redemption of real estate pledged to payment of said bonds.

25. SEC. 3. That it shall be the duty of the said commissioners of the sinking fund of any such city, or other board performing their duties to pay the interest on the above mentioned bonds, as the same may fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them, and applied to the payment of the said bonds as they shall fall due; the board of aldermen or board of councilmen of any city where no commissioners of the sinking fund are in existence, may perform the duties of such commissioners, or designate by ordinance a board to perform such duties, and may appoint by resolution the members of such board.

Interest to be paid; surplus applied to payment of bonds.

26. SEC. 4. That the provisions of this act shall not extend to cities that already under their charters or the supplements thereto have power to issue bonds for the purposes mentioned in this act, and for the length of time herein provided, nor to any city by whose charter or the supplements thereto, there is a limit to the amount for which bonds may be issued.

Act not to apply to cities having power to issue such bonds or when amount of bonds is limited by charter.

**An act respecting bonds of cities, towns, townships and other incorporated places.**

Approved April 21, 1876.

P. L. 1876, p. 279.

27. SEC. 1. That in all cases where any commissioners of assessments, board of assessors, or other persons, having the power and authority by any act or acts of the legislature of this state, to assess the costs, damages and expenses of any improvement, upon the lands or upon the owner or owners thereof benefited by such improvement, shall assess or have assessed upon the same, an amount less than the total costs of any improvement now made, it shall be lawful for the city council, board of aldermen, township committee, or other corporate authority of any city, town, township or incorporated place in this state wherein such assessment was or shall be made to issue the corporate obligations of such city, town, township or incorporated place for the payment of the amount of the total costs of any such improvements, not assessed upon the lands or upon the owner or owners of lands benefited by said improvement, and to sell and dispose of such obligations at their market rates, but not at a discount

When assessment has been made for an amount less than total cost of an improvement, bonds may be issued for amount of cost not assessed.

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|---|---|
| Time of payment.  | greater than five per centum; such obligations to be made payable in not less than ten or more than forty years from the dates thereof respectively, and shall bear interest from the dates thereof at the rate of not over seven per centum per annum, payable semi-annually; and it shall be the duty of all such corporate authorities, and they are hereby required, to raise by special tax the amount of interest accruing and to accrue in each year upon said obligations, together with at least one per centum of the principal of said obligations, the amount raised in each year on account of the principal of said obligations to be deposited and held by the sinking fund commissioners or other similar body, if any, and if none, then by the legislative body of such corporation, as a sinking fund for the payment of the principal of said obligations, and to be used for no other purpose whatever.  |
| Interest to be raised by special tax.                             | 28. SEC. 2. That in cases where any city council, board of aldermen, township committee or other corporate authority of any city, town, township or other incorporated place in this state have heretofore expended moneys for purposes authorized by their respective acts of incorporation, in excess of the moneys appropriated for such purposes, it shall be lawful for such corporate authorities, or any of them, to issue the corporate obligations of such city, town, township or incorporated place for the amount so expended in excess of the appropriations, which obligations may be issued, sold and disposed of, and the principal and interest shall be made payable, and raised by tax, collected, deposited, held and paid in the manner required for the obligations mentioned in the first section of this act; <i>provided</i> , that nothing contained in this act shall authorize any common council in this state to fund their floating debt in excess of any restrictions as to the amount of debt they may create, contained in their charters or any supplements thereto. |
| Bonds authorized for amounts expended in excess of appropriation. |   |
| Proviso.  |   |

**An act concerning cities.**

P. L. 1876, p. 290.

Approved April 21, 1876.

29. SEC. 1. That wherever the mayor and council of any city in this state has been authorized by an act of the legislature to issue registered or coupon bonds, the net proceeds, or any portion of which, are to be applied to the payment of the cost of the erection and furnishing of a school house in any particular part of said city, such mayor and council are hereby authorized to use such net proceeds of said bonds for the payment of the cost of purchasing land and the erecting of a school house thereon and the furnishing of the same in a locality different from that now authorized by law in such cases, and the council or board of aldermen of any such city may pass an ordinance fixing such new locality and directing the purchase of the land and the erecting of a school house thereon and the furnishing of the same, and may in such ordinance provide for the issue of additional registered or coupon bonds to an amount equal to the value of any land purchased for such purpose, and may by ordinance provide by taxation for the payment of any such bonds and the interest thereon.

**An act relating to giving bonds for assessments in cities, and providing a mode of carrying the indebtedness thereby continued.**

P. L. 1876, p. 293.

Approved April 21, 1876.

30. SEC. 1. That whenever any assessment for benefits resulting from any improvement heretofore made or work heretofore done by order of the corporate authorities of any city in this state or any board or department thereof shall have been heretofore or shall be hereafter ratified and confirmed, and such proceedings taken in relation to the collection thereof as are now imposed by law, it shall be lawful for the board of finance in each city, or in the absence of such board then the board of aldermen, council, common council or other legislative body of any such city, by an ordinance prescribing a general and uniform rule in that respect, which ordinance shall be approved by the mayor or other chief executive officer of such city, or if such mayor or other chief executive officer shall neglect or refuse to approve such ordinance within ten days after the same shall have been presented to him shall be passed by two-thirds of all the

members of such board, council or other legislative body of such city, with the approval of the board of finance in any city where such board exists, to authorize the comptroller or other financial officer of said city to take from any of the owners of the land and real estate so assessed as aforesaid, a bond to the said city in double the amount of the said assessment conditioned for the payment of such assessment in such times and manner as prescribed in said ordinance with interest from the date of said bond, upon the amount of said assessment at any time remaining unpaid, at the rate of seven per centum per annum, payable semi-annually, and after the adoption of such ordinance in manner aforesaid, upon said owner paying the cost and expenses of any sale for said assessments and interest on said assessments from the date of the ratification thereof to the date of entering into said bonds, at the rate now fixed by the charter of any such city, and giving to said city the bond prescribed by this act and such ordinance, it shall not be lawful for the said city to sell the land and real estate of the said owner entering into such bond for the payment of such assessment, unless failure be made in the payment of such assessment or any instalment thereof or interest on said assessment remaining at any time unpaid according to the condition of said bond; and in case failure be made to pay said assessment or any instalment thereof, interest thereon for thirty days after the same shall become due, the whole amount of the assessment and interest then remaining unpaid, may, at the option of said city, at the expiration of said thirty days, become and be due and payable, and the said city, upon failure in payment as aforesaid, may thereupon either sue said bond or sell said land and real estate for the amount of the assessment so remaining unpaid, the same as though said bond had not been given, and the amount realized by said suit or sale shall be placed to the credit of the commissioners of the sinking fund of said city, if any such exist, and if none then to the credit of said city to the proper account, or paid over to the holder or assignee of said bond, or to the legal representative of the said holder or assignee, if such bond has been assigned; *provided*, that the receiving said bond shall in no way affect or impair the lien of said city upon the land and real estate assessed during the time said obligation shall continue in force and unpaid, and during the said time sale may be made upon default as herein provided; *and provided further*, that any owner of property which has been heretofore assessed for benefits for any improvement shall enter into said bond within six months from the time such city shall determine to accept said bonds in settlement of said assessment in the manner herein prescribed, and that any owner of property whose land shall be hereafter assessed as aforesaid for work heretofore done, shall enter into said bond within sixty days from the first publication of the notice of said assessment now required by law to be published; *and provided further*, that no bond shall be taken by the comptroller, or other financial officer, in cases where a sale of the property heretofore assessed shall have taken place, and any person other than the said city by its corporate name or otherwise, or some officer thereof for the use of said city, has become the purchaser thereof; *and provided further*, that no bonds shall be taken under the provisions of this act for a longer time than ten years, nor for the payment of less than one-tenth of the principal of such bond in each year said bond shall run; *and provided further*, that the ordinance in this section mentioned may contain a provision that the whole or any part of the interest which shall have accrued on said assessments may be included in the principal of said bonds and in that case the owner may upon payment of the costs and expenses of any sale for said assessments, and of so much of said interest as is not so ordered to be included in said bond and giving bond as so prescribed, have the relief permitted by this act if otherwise within the provisions of this section, being liable, however, to sale in case of default in any payment as herein provided.

31. SEC. 2. That where any assessment has been made or shall be hereafter made in connection with any improvement heretofore made against any such owner, to whom, in the prosecution of such improvement, an award of damages has been or shall be made, and which said award has not been paid by the said city, the bond provided for in the foregoing

Interest

Not lawful to sell real estate of owner entering into such bond.

On failure to pay city may either sue on bond or sell real estate.

Taking of bond not to impair lien on land assessed.

Time within which bond to be given.

No bonds to be taken for longer time than ten years.

When an award of damages has been made, bond to be given for difference between award and assessment.

section of this act shall be given for the difference only between such award of damages and assessment for benefits, if said assessment exceed said award of damages, in which case the said owner shall give to the said city a proper receipt, and acquittance for the amount of said award of damages.

City may issue bonds to pay costs and expenses of improvements for which persons assessed have given bonds.

All moneys received in payment of assessments pledged to payment of such bonds.

Not to affect any law heretofore passed relating to bonds.

32. SEC. 3. That in order to meet the costs and expenses of said improvements for which persons assessed may, at the option of the governing power of any such city, give bonds as aforesaid, any such city may by resolution of the board or other body in such city now authorized to direct the issue of city bonds, issue its bonds under the signature of its mayor, with its corporate seal affixed, and countersigned by its comptroller or other financial officer, for such an amount as its said city shall have taken bonds for under the provisions of this act, which bonds of said city shall be payable at such time or times as they shall designate, not longer than ten years, bearing interest at seven per centum per annum, payable semi-annually, and that all moneys received in payment of the said assessments, for which the bonds of persons assessed shall be received as aforesaid, under the provisions of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities where such commissioners exist, or where no such commissioners exist, then the same are hereby pledged and appropriated as the board of finance, or if no such board, as the board of aldermen, council or other legislative body of said city may direct or determine for the payment of the principal and interest of said bonds hereby authorized; *provided further*, that the provisions of this section shall not apply to or affect any city which by its charter or the supplements thereto now has power to issue its bonds to provide for the costs and expenses of such improvements.

33. SEC. 4. That nothing in this act shall in any way affect or impair any law heretofore passed relating to the giving of bonds for assessments as herein provided to any municipal corporation in this state, and that this act shall take effect immediately.

### III. Officers.

#### An act concerning towns and townships in the state of New Jersey.

P. L. 1876, p. 89.

Approved April 10, 1876.

Term of office of recorders.

34. SEC. 1. That hereafter, in all incorporated towns of six thousand inhabitants or less, where recorders exercising judicial powers are elected, that the term of said office shall be two years.

Office of street commissioner abolished. Proviso.

35. SEC. 2. That in all incorporated towns of six thousand inhabitants or less, where the office of street commissioner has been created as an elective office, that the said office be and is hereby abolished; *provided, however*, that the town council may appoint by an ordinance a suitable person to perform the duties of street commissioner.

#### An act relative to the appointment of collectors of taxes in incorporated cities and towns.

P. L. 1876, p. 287.

Approved April 21, 1876.

Common council may appoint collector of taxes in each ward. Proviso.

36. SEC. 1. That the common council in each of the incorporated cities and towns of this state, containing, according to the United States census of eighteen hundred and seventy, not more than six thousand population, which are or may be divided into wards, may appoint one collector of taxes for each ward; *provided*, that this act shall not apply to any incorporated city or town in which the collectors are elected by the voters thereof.

### IV. Water works.

#### An act to enable cities to supply the inhabitants thereof with pure and wholesome water.

P. L. 1876, p. 366.

Approved April 21, 1876.

Authority and power to purchase and own water works, &c., for the purpose of supplying water, &c.

37. SEC. 1. That any city within this state be, and it is hereby authorized, in the manner hereinafter provided, to take and convey from such source or sources as may be practicable, into and through said city, such quantity of pure and wholesome water as may be required for domestic and other purposes by the inhabitants residing within the corporate limits of said

city; and to this end, the said city is hereby authorized and empowered, in the corporate name of said city, to purchase of any water company owning water works within said city, which said company is hereby authorized to sell and convey, all the real estate, personal property and works, and all the corporate rights, powers, franchises and privileges of said company, for such sum as may be mutually agreed upon by and between the said city and the said water company; and upon the due execution of the conveyance therefor, the said real estate, personal property and works, and corporate rights, powers, franchises and privileges shall pass to and vest in the said city in as full and ample manner as the same now are or heretofore have been held and enjoyed by the said water company; and that the said city may, in the name and in behalf of said city, purchase, take, hold and enjoy, and convey and dispose of all and such other real and personal estate as may be necessary for the purposes of this act, and may construct and maintain canals, aqueducts, reservoirs, basins, stand pipes, buildings, machinery, and appurtenances of every kind that may be necessary and useful for such purposes, with full power and authority to lay and relay water pipes under any avenue, road, railroad, highway, street, lane or alley within the said city.

38. SEC. 2. That in case of any disagreement between the said city and the said water company, or the owner of any other land or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to the said water company, or to such other owner; or in case any such owner shall be an infant, or a married woman, or *non compos mentis*, or absent from this state, the circuit court in and for the county wherein said city is situated, shall on application of either party, nominate and appoint three disinterested and competent persons, as commissioners to examine the real estate and personal property of the said water company, or any other land or water rights, and estimate the value thereof, or damages sustained thereby, and who shall, after reasonable notice to the parties of the time and place when and where they will be heard in relation to the matter, and after hearing and examining the parties and their respective witnesses, under oath or affirmation, and viewing the property, thereupon proceed without delay to make their report thereon, and deliver the same to the said court at the next term thereof which may be held in the said county.

Proceedings in case of any disagreement between city and owner or owners as to purchase.

39. SEC. 3. That whenever such report shall be confirmed by said court, the said city shall, within two months thereafter, in case of no appeal therefrom, or from the determination of said appeal, pay or cause to be paid to the said water company, or to such other owner (as the case may be), or to such person or persons as the said court may direct, the sum mentioned in said report as the value or damages therefor, in full compensation for the real and personal estate of water company aforesaid, or for any other property so required, or for the damages so sustained, as the case may be; and thereupon the said city shall become seized absolutely and in fee of said real and personal estate of the said water company, or of such other property so required, and shall be thence discharged from all further claims by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered; *provided, however*, that in case the said city, or the said water company, or owner or owners of the said lands or water works, shall be dissatisfied with the report of the said commissioners, and shall apply to the justice of the said circuit court at the same term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order, if required, a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or water works, and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then

Proceedings in case of appeal.

Proviso.

judgment thereon, with costs, shall be entered against the said city, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said city shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application to the court shall not prevent the said city from taking the said land upon the filing of the aforesaid report and tender of the sum awarded.

Proviso.

Appointment of engineers, surveyors, officers, agents, &c.

40. SEC. 4. That it shall be lawful for the said city, by its board of aldermen, council or other legislative body, to elect or appoint any and all engineers, surveyors, officers, agents, employes or committeemen that they may deem necessary or convenient for accomplishing the purposes contemplated by this act, to define their duties, regulate their compensation, and provide for their removal, and that the said engineers, surveyors, officers, agents, employes or committeemen so appointed or elected as aforesaid, are hereby authorized and empowered to enter upon any land or water for the purpose of making any and all surveys and examinations necessary under this act, and at all seasonable hours to enter any dwelling or other place where the water so furnished is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof, and the said engineers, surveyors, officers, agents, employes or committeemen shall have full power to examine all service pipes, stop cocks and other apparatus connected with the water supply or drainage works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed by the ordinance or ordinances of the said city regulating the same, and if any person or persons shall refuse to permit such examinations, or oppose or obstruct any such engineers, surveyors, officers, agents, employes or committeemen in performance of such duty, he, she or they so offending shall have the supply of water shut off, until the required examination is made, and such alterations and repairs as may be found necessary shall be completed.

Advertisement to be made for proposals for work when expenditure exceeds a certain sum.

41. SEC. 5. That whenever any work to be performed or materials to be furnished under the provisions of this act, may involve an expenditure of any sum exceeding five hundred dollars, the said board of aldermen, council or other legislative body of said city, shall designate a time when they will meet at their usual place of meeting, to receive proposals in writing, for doing such work or furnishing such materials, as the case may be, and shall thereupon order the clerk or some other officer of said city to give notice thereof, by advertisements put up in ten of the most public places of the said city, and by advertising the same in one or more newspapers printed and published in said city, at least two weeks before the time of such meeting, which advertisements shall specify the dimensions and quality of the work to be done, or materials to be furnished; that all such proposals shall be publicly opened in the presence of those who choose to attend, that not more than one proposal shall be received from any one person for the same contract, directly or indirectly, and that said body shall be empowered to reject any or all of said proposals, and to advertise for new proposals, and to accept such as shall in the opinion of a majority of said body be deemed most advantageous for said city; *provided*, the contract for such work and materials, when awarded, shall be awarded to the lowest bidder, and to enter into and compel the performance of all necessary and proper contracts for the doing of such work or furnishing such materials.

Proviso.

Contracts to be in writing. How executed.

42. SEC. 6. That all such contracts shall be in writing and of each contract two copies shall be taken, and each copy shall be read before the said body; and if approved by a majority of the whole number thereof, such approval shall be endorsed upon each of said copies by the president of the said body and be by him signed as such president, and then such contracts so approved, endorsed and signed shall be executed by the mayor of the said city on behalf of and in the name of the said city, and under the common seal thereof, and that one of said copies when fully executed by the parties thereto, shall be deposited with the treasurer of said city;

and that no party shall be allowed to enter upon any work or furnish any material until such contract shall have been so read, approved, endorsed, executed and deposited as aforesaid; and that every person who shall enter into any such contract with the said city, shall give satisfactory security for the faithful performance of his contract according to its terms, with at least two sureties, to be approved by said common council.

Contractor to give security.

43. SEC. 7. That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act and for the purchase of materials, the laying of pipes and mains in the said city and constructing all works necessary to the full accomplishment thereof and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

May borrow money and issue bonds.

44. SEC. 8. That the treasurer of said city shall keep regular books of account, containing the receipts and expenditures under this act, and all such books shall be open at all times to the examination of any member of the legislative body of said city and of any person or persons appointed by said body for that purpose; that the said treasurer shall once at a time fixed by said body, in each and every year, make a detailed statement to the said body of such receipts and expenditures, an abstract of which shall be published with the annual statement of said treasurer.

Treasurer to keep regular books of account.

Annual statement to be made.

45. SEC. 9. That the said board of aldermen, council or other legislative body of said city shall have the power and they are hereby authorized to make, ordain and establish, all such ordinances, resolutions and regulations as said body may deem necessary and proper for the distribution, supply, use and protection of the said water and the safety, security and protection of the buildings, machinery, canals, aqueducts, reservoirs and other works and appurtenances thereto, and for fixing and collecting the water rents or prices for water, and for imposing penalties in addition to cutting off the water for the non-payment thereof, and that they may erect such number of public hydrants and fire plugs, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used.

Legislative body of city authorized to make rules and regulations.

46. SEC. 10. That the owner and occupier of any house, tenement, building or lot, shall each be liable for the payment or the price or rent as fixed by the said board of aldermen, council or other legislative body of said city for the use of the water by such owner or occupier, and such price or rent so fixed shall be a lien upon said house, tenement, building or lot, until the same shall be paid and satisfied; that said body shall have authority to require payment in advance for the use or rent of water furnished by said city in or upon any building, place or premises, and in case prompt payment of any water rent or rents shall not be made when the same become due, the water shall be shut off from such building, place or premises, and shall not be again supplied to said building, place or premises until such arrears with interest thereon shall be fully paid, and it shall and may be lawful for the said body to give notice for one month, by advertisements in a newspaper printed and published in said city,

Water rents to be a lien.

May require payment in advance.

requiring the owners or occupants of such houses, tenements or lots to pay such water rents so remaining due and unpaid thereon, and if the same are not paid, such houses, tenements and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term at which any person will offer to take the same in consideration of paying the amount of the water rent, with interest thereon due on the same, and the expenses of such advertisement and sale, and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such water taxes and the interest thereon and the expenses of the said advertisement, then it shall be lawful for the said body to cause such houses, tenements or lots to be sold at public auction for a term for the purposes and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, claiming under him or them, until his term shall be complete and ended; and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as when it came into his possession; and in addition to the remedies above provided, all water rents due, or to become due to the said city, may be collected and recovered in the name of the treasurer of said city in an action of debt, or, on the case, before any court of competent jurisdiction, against any person chargeable therewith.

Owners of buildings along line of pipe laid, may be charged as for a single hydrant.

47. SEC. 11. That the board of aldermen, council or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears.

Moneys for water rents how applied.

48. SEC. 12. That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first to the payment of the interest upon the debt created for the construction of the works, and next to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity.

Proceedings in case of receipts are less than expenditures.

49. SEC. 13. That the said board of aldermen, council or other legislative body of said city shall, on or before a certain day in each year, to be fixed by said body, by a committee to be appointed from the members thereof, cause a careful estimate to be made of the interest on the water debt and cost of managing and keeping in repair and operation of the works for the ensuing year, and of the amount to be received during the same year for the use of water and water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and such committee shall report the same in writing to said body, and said deficiency said city shall raise by tax as other city taxes are assessed, levied and collected, and said body shall, in case of any estimated deficiency, furnish a copy of such report to the board or officer who by law is required to make assessments of taxes in said city.

Deficiency to be raised by taxation.

May assess additional sum to cover losses, &c.

50. SEC. 14. That it shall be the duty of the said board or other officers of said city to add to the sum so reported three per centum to cover losses and contingencies, and to assess such sum so increased upon all the taxable property in said city in the same manner as other taxes are assessed, and said taxes shall be collected by the collector and other officers of said city,

who are by law required to collect taxes, and if not paid at the time required by law for the payment of other city taxes, shall be collected by warrant and by and in the same manner as other city taxes are collected in said city, and shall be a lien upon the property whereon the same are assessed in like manner.

51. SEC. 15. That if any person or persons shall maliciously or wilfully divert the water or any portions thereof from the said works, or shall pollute, corrupt or render impure the water in any reservoir, aqueduct, conduit or raceway erected, built or laid down under the provisions of this act, or shall destroy or injure any engine, machine, reservoir pipe, fire plug, hydrant or structure whatsoever, or other property used or required for procuring or distributing the water whereby the same may be obstructed or stopped, or shall wilfully or maliciously draw off or waste the water from any fire plug or hydrant, such person or persons and their aiders and abettors shall forfeit to the said city, to be recovered in the name of the treasurer of said city, in an action of trespass, in any court in this state having cognizance of the same, triple the amount of damages which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding one year, or both, at the discretion of the court.

Penalty for injury to property or works.

52. SEC. 16. That this act shall take effect immediately, but its provisions shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof voting at an election to be held in said city at any time to be fixed by the board of aldermen, council or other legislative body of said city, of which election the city clerk of said city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself, and set up in at least twenty public places in said city, and published in one or more newspapers printed therein, for at least six days previous to the day of such election; and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this city of the provisions of an act entitled 'An act to enable cities to supply the inhabitants thereof with pure and wholesome water,'" or "against the adoption for this city of the provisions of an act entitled 'An act to enable cities to supply the inhabitants thereof with pure and wholesome water,'" that the polls for such election shall be held at the usual places of holding the annual charter election in said city, and shall be opened at seven at o'clock in the forenoon, and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city regulating elections therein, and such officers shall return to the board of aldermen, council, or other legislative body of said city, a true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Provisions of act to remain inoperative in any city until assented to by a majority of the legal electors thereof.

## Names.

1. Application may be made to circuit court for order authorizing change of name.
2. Court on being satisfied there is no reasonable objection may make order.
3. Within ten days after order granted, copy to be published in paper printed in county, etc.
4. When act complied with applicant to be known by name authorized in order.
5. Suits or legal proceedings not to abate—may be amended in respect to name.
6. When act to take effect.

### An act to authorize persons to change their names.

P. L. 1876, p. 21.

Approved February 24, 1876.

1. That any person residing in any county in this state, may apply to the circuit court of such county for an order to authorize such applicant to assume another name; if said applicant be a minor, he shall apply by

Application may be made to circuit court for order authorizing change of name.