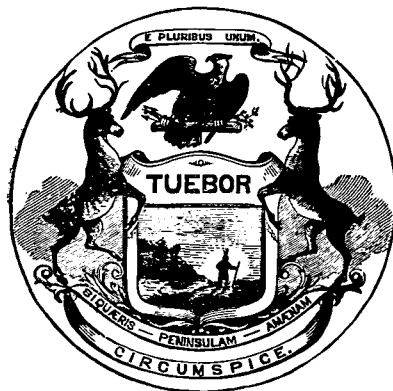


LOCAL ACTS
OF
THE LEGISLATURE

OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1897

WITH AN APPENDIX



BY AUTHORITY

LANSING, MICH.
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1897

[No. 464.]

AN ACT to provide for the straightening, opening, deepening and widening of Mud creek in Hebron township, Cheboygan county, and authorizing the Board of Control of State Swamp Lands to make an appropriation of State swamp lands for said purpose.

Board of control authorized to appropriate swamp lands.

Time for selecting.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of straightening, opening, deepening and widening Mud creek in Hebron township, Cheboygan county, for the purpose of drainage and the benefit of the public health, the Board of Control of State Swamp Lands is hereby authorized and empowered to appropriate not to exceed five sections of State swamp lands, if upon examination said board of control shall deem such appropriation advisable or necessary. And said lands shall be selected within sixty days after this act takes effect, and no swamp land scrip shall issue therefor, and said lands shall be taken from the market for the purposes of this act and shall be used for no other purpose.

Approved June 2, 1897.

[No. 465.]

AN ACT to revise and amend the charter of the city of Saginaw as existing under an act entitled "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw, under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw, and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," and acts supplementary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.

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|-------|--|
| TITLE | I. INCORPORATION. |
| | II. OFFICERS—WHO ELECTED; WHO APPOINTED; QUALIFICATION; OATH; REMOVAL; VACANCY; ELECTIONS; HOW CONDUCTED, ETC. |
| | III. COMMON COUNCIL—WHO SHALL CONSTITUTE: POWERS; DUTIES; PROCEEDINGS. |

TITLE	IV. OFFICERS—THEIR RIGHTS; POWERS AND DUTIES.
	V. TAXES; FUNDS; REVENUES; EXPENDITURES.
	VI. STREET AND PUBLIC IMPROVEMENTS.
	VII. FIRE DEPARTMENT.
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	IX. PUBLIC HEALTH.
	X. SEWERS; CONSTRUCTION; MAINTENANCE, ASSESSMENTS.
	XI. POLICE DEPARTMENT.
	XII. BOARD OF PUBLIC WORKS.
	XIII. RECORDER'S COURT.
	XIV. POLICE COURT.
	XV. JUSTICE COURT.
	XVI. APPROPRIATION OF PRIVATE PROPERTY.
	XVII. MISCELLANEOUS.
	XVIII. BOARD OF ESTIMATES.
	XIX. LIGHTING.

TITLE I.

INCORPORATION.

SECTION 1. *The People of the State of Michigan enact, That* as much of section seven, in town twelve north, range five east, as lies south and east of the center line of Saginaw river, shall be and it is hereby annexed to the city of Saginaw, as now constituted for all municipal purposes, upon the terms and conditions following:

First, The territory hereby annexed, together with said city as now constituted, shall be known and designated as the city of Saginaw, and as such shall have all powers, rights and privileges hereinafter enumerated. The boundaries of said city shall be as follows, viz.: Commencing at the center of the Saginaw river on the east and west quarter line of section thirteen, in township twelve north, of range four east, in the county of Saginaw and State of Michigan; thence west along the quarter line of sections thirteen, fourteen and fifteen to the west line of said section fifteen, in said township, thence south on the west lines of sections fifteen, twenty-two, twenty-seven and thirty-four, in said township, and along the west line of section three in township eleven north, of range four east, in said county of Saginaw, to the center of the Tittabawassee river, thence easterly along the center of said river, to a point intersected by the east and west quarter line of section two, in said township eleven north, of range four east, thence east along said quarter line to the east line of said section, thence north along the east line of said section two to the northeast corner thereof, thence east along the north line of section one, in said township, to the southwest corner of section thirty-one in township twelve north, of range five

Territory to be annexed to city of Saginaw.

Territory to be known as city of Saginaw.

Boundaries.

east, in said county, thence north along the west line of said section thirty-one to the northwest corner thereof; thence east on the north line of said section thirty-one to the northeast corner thereof, thence north along the east line of sections thirty, nineteen, eighteen and seven, in said last named township, to the center of the Saginaw river, thence southerly along the center of the said Saginaw river to the place of beginning;

Title to all property, etc., to be vested in city of Saginaw as consolidated.

Second, All the property, real and personal, rights, credits, choses in action and other assets of every description now belonging to said city of Saginaw and to East Saginaw, or to any corporate board thereof, shall belong to and the title thereof is transferred to and vested in the said city of Saginaw, as so consolidated, except as hereinafter provided;

Suits not to be abated.

Third, All suits and proceedings now pending for or against said city of East Saginaw or Saginaw, shall not be abated, but may be prosecuted to a conclusion in the name of or against the city of Saginaw.

Shall have corporate powers.

SEC. 2. Said consolidated city of Saginaw may in its corporate name sue and be sued in any court of competent jurisdiction, have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any property, real or personal, for all the purposes of its incorporation.

Division into wards.

SEC. 3. The territory comprising said city shall be divided into fifteen wards. Wards first to ninth, inclusive, are located upon the east, and wards tenth to fifteenth, inclusive, are located upon the west side of the center line of Saginaw river. The particular boundaries of said wards upon the east side of the center line of said Saginaw river shall be as follows:

Boundaries of wards on east side of river.

First ward.

All that part of said city east of the center line of Saginaw river lying north of the center line of Carlisle street, extended to the center line of Saginaw river, shall constitute the *first ward*.

Second ward.

All that part of the city east of the center line of Saginaw river, lying between the center lines of Carlisle and Johnson streets, extended to the center line of Saginaw river, shall constitute the *second ward*.

Third ward.

All that portion of the city east of the center line of Saginaw river and west of the center line of Park street, lying between the center lines of Johnson and Janes streets, extended to the center line of Saginaw river, shall constitute the *third ward*.

Fourth ward.

All that portion of the city east of the center line of Park street, lying between the center lines of Johnson and Janes streets, shall constitute the *fourth ward*.

Fifth ward.

All that portion of the city east of the center line of the Saginaw river, lying between the center line of Janes street, extended to the center line of Saginaw river and the center line of Walnut street, and the center line of Hoyt street, extended from the center line of Walnut street to the center line of the Saginaw river, shall constitute the *fifth ward*.

The sixth ward shall consist of so much of said territory as lies east of the center line of the Saginaw river, west of the center line of Sheridan avenue, south of the fifth ward, and north of a line drawn by commencing at the center of the Flint & Pere Marquette belt line track, where the same crosses Sheridan avenue, and running thence west and southwesterly along the center of said belt line track to the intersection of the line between lots thirteen and seventeen of the James Riley reservation; thence west on said dividing line to the center of Mackinaw street; thence northwesterly along the center line of Mackinaw street to the center of Saginaw river. Sixth ward.

All that portion of the city lying east of Sheridan avenue and south of the fifth ward, shall constitute the *seventh ward*. Seventh ward.

The eighth ward shall consist of so much of said territory as lies south of the sixth ward and north of a line drawn by commencing at the quarter post on the east line of section thirty-six, and running thence west on the quarter line to the center of Williamson street, thence northwesterly along the center of Williamson street to its intersection with the center of Gallagher street; thence westerly on the center line of Gallagher street to the center of Washington avenue, thence northerly along the center of Washington avenue and Mackinaw street to the center of Center street, thence westerly along the center of Center street to the west line of Inglehart street, thence north thirty-three feet to the north line of Center street, thence by a right angle to Inglehart street, westerly to the center of Saginaw river. Eighth ward.

And all of said territory lying south of the eighth ward and east of the center line of Saginaw river, shall constitute the *ninth ward*. Ninth ward.

The particular boundaries of the wards upon the west side of the center line of said Saginaw river shall be as follows: Boundaries of wards west of river.

All that part of the city west of the center line of Saginaw river and east of the center of Barnard street, lying north of the east and west quarter lines of sections twenty-three and twenty-four, shall constitute the *tenth ward*. Tenth ward.

All that part of the city west and north of the center line of Saginaw river lying between the tenth ward and a line commencing on the north city line at the center of Bay street, thence south along the center line of Bay street to the quarter line of section twenty-three, thence east along said quarter line to the center line of Madison street; thence along the center line of Madison street, extended to the center line of Saginaw river, shall constitute the *eleventh ward*. Eleventh ward.

All that part of said city west and north of the center line of Saginaw river, lying between said eleventh ward and a line commencing at the center of section fifteen, thence south along the quarter line to the center of Court street, then easterly along the center of Court street, extended Twelfth ward.

to the center of Saginaw river, shall constitute the *twelfth ward*.

Thirteenth ward.

All that part of the city west and north of the center line of the Saginaw river lying between the said twelfth ward and the center of Mackinaw street, shall constitute the *thirteenth ward*.

Fourteenth ward.

All that part of the city west and north of the center line of the Saginaw river lying between the said thirteenth ward and a line commencing on the west city line in the center of [Gratiot] Gration street, thence east on the center of Gratiot street to the center of Bullock street; thence south on the center line of Bullock street to the center of Waller street, thence southeasterly in the center of Waller street, extended to the center of Saginaw river, shall constitute the *fourteenth ward*.

Fifteenth ward.

All that part of the city west of the center line of the Saginaw river and lying south of the fourteenth ward, shall constitute the *fifteenth ward*.

TITLE II.

OFFICERS—WHO ELECTED; WHO APPOINTED; QUALIFICATION; OATH; REMOVAL; VACANCY; ELECTIONS; HOW CONDUCTED, ETC.

Officers elected.

SECTION 1. The following officers of the city of Saginaw shall be elected at the annual city election by the qualified electors of the whole city, voting in their respective wards and election districts on a general ticket, viz.: One mayor, one recorder, one treasurer, one police judge and one justice of the peace. The following officers of the corporation shall be elected at said election on a ward ticket in each ward and election district by the qualified voters thereof, viz.: Two aldermen, two school inspectors one supervisor and one constable: *Provided*, No school inspector shall be elected within the western taxing district on such ward ticket.

Proviso.

Qualification of officers.

SEC. 2. No person shall be eligible to either of said elective offices unless he shall then be a citizen and resident of said city, nor shall he be eligible to any such office for any ward or district, unless he shall then be a citizen and resident of such ward or district; and when any officer elected or appointed for said city shall cease to reside in said city, or if elected or appointed for any ward or district, he shall cease to reside in such ward or district, his office shall thereby become vacant.

Election, when held.

SEC. 3. An election shall be held in each ward and election district annually, on the first Monday in April in each year, at such places as the common council shall appoint, by a notice published at least six days previous to the election, in a newspaper printed in said city, or by posting printed notices

Notice.

of the holding of said election in at least three of the most public places in each ward and election district at least six days previous to said election.

SEC. 4. The following shall be the term of office of the several officers, who shall in all cases hold office until their successor is elected and qualified, viz.: Mayor, two years; treasurer, two years; recorder, four years; police judge, three years; justice of the peace, four years; aldermen, school inspectors and supervisors, two years; constables, one year. Whenever there shall be a vacancy in the office of supervisor, or when the incumbent shall by sickness or from any other cause, be unable to perform the duties of such office, the common council of said city may make temporary appointment of a suitable person to fill such vacancy, and such person so appointed shall take the oath of office, as required by law, and shall continue to discharge such duties until the said office shall be filled by election, or until the disability aforesaid be removed.

Term of office
of certain
officers.

Council to ap-
point super-
visor to fill
vacancy.

SEC. 5. The common council shall, at the first regular meeting in the month of January, A. D. eighteen hundred and ninety-three, or as soon as may be thereafter, appoint by a ballot a city assessor, and at the third regular meeting after the annual elections, under the charter or as soon as may be thereafter, appoint by ballot one city attorney, one city physician, one comptroller, one city clerk, one director of the poor, and appoint all members of the board of public works, board of police commissioners, board of assessment and review; and board of estimates, as provided in this act. And as vacancies occur, fill the same by like appointment, who shall hold office as follows: City clerk, three years; city comptroller, three years; city assessor, three years; city attorney, three years, and director of the poor, two years; city physician, one year; the members of said several boards for the period stated in the other titles of this charter. All of the officers appointed under this section, and the city treasurer shall enter upon the duties of their offices on the first Monday of May, except the city assessor, who shall enter upon the duties of his office as soon as he is appointed and qualified: *Provided*, Nothing herein contained shall be construed as shortening the term of any officer now holding office, except as otherwise herein provided. The assessor and controller may each appoint a deputy, for whose acts they shall respectively be responsible, and who shall have the power to perform the duties of said officers respectively in case of the death, absence or disability of either of said officers. The common council may also appoint one keeper of the work house; alms house or hospital; an inspector of gas or gas meters, clerk of city markets or for city offices, inspectors of fire wood, hay or provisions, pound masters, sealers of weights and measures, weigh masters, harbor masters, fire wardens, scavengers, and such other officers

Officers to be
appointed by
council.

Terms of office.

Proviso.

Certain officers
may appoint
deputy.

Council may
appoint other
officers.

or boards of officers as are herein provided for or the common council may deem necessary, or which may be created by law or by the ordinances of said city, made pursuant to the provisions of this charter; and such appointment shall be made in such manner as the common council shall authorize and direct, and all such appointees shall hold their offices during the pleasure of the common council.

Their terms of office.

Council to fill vacancies.

SEC. 6. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation or removal of the incumbent, the common council may fill such vacancies by appointment upon the nomination by the mayor for the remainder of the unexpired term for which such officer was appointed.

Council may remove certain officers.

SEC. 7. All officers appointed by the common council, by virtue of the powers conferred by this act, may each be removed from office by the common council for incompetence, for official misconduct, or for the unfaithful and inefficient performances of the duties of his office, or for disobedience of the ordinances or resolutions of the common council lawfully made: *Provided*, That no officer who is required to be elected by ballot, or who is required by this act, or by the common council, to give bonds, shall be removed without reasonable notice of the charges against him, and an opportunity to be heard in his defense, in person and by counsel, nor without two-thirds of all the members elected to the common council, shall, after such notice and hearing, vote for such removal.

Proviso.

Registration of electors in the different wards.

SEC. 8. On the third Saturday preceding the general election held in November, and the third Saturday preceding the annual city election and the general spring election held in April in said city, a registration shall be made in each ward and election district, in the manner hereinafter provided in sections twelve, thirteen, fourteen and fifteen of title seventeen of this act, of all the qualified electors resident therein not already registered. On the day of election, held by virtue of this act, the polls shall be opened in each ward and election district thereof, at the several places designated by the common council, at seven o'clock in the morning, and shall be kept open, without intermission or adjournment, until five o'clock in the afternoon, at which hour they shall be finally closed.

Polls to be open when.

Who declared to be electors.

SEC. 9. The inhabitants of the said city being 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 each 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, or at any time hereafter, provided by the general laws of this State, unless such person shall claim to be an elector under the proviso named in section twenty-six of this title, and in that case the (oath) vote shall be varied according

to that proviso, which oath shall be administered to him by one of the inspectors of election.

SEC. 10. There shall be a board of inspectors of election in each ward or in case of the division of any ward into election districts, then in each of said districts. Said board shall be composed of four members, to consist of the supervisor and aldermen of each ward, when eligible, and not prevented for any reason from serving, and citizens of said ward to be selected in the manner herein provided; at least one week prior to any municipal, general or special election, the common council shall designate such a number of citizens of each ward, as shall, together with the supervisor and aldermen thereof, who are eligible and intend to serve, constitute four inspectors for each district or each ward not divided into districts. At the hour for opening the [polls] poles at any such election, the electors of the district or ward present at any [polling] polling precinct, shall in the absence of any of the said inspectors herein provided for, choose *viva voce*, such number of electors of said ward or district to serve as inspectors as shall with the said inspectors, appointed by the common council, supervisors and aldermen present, constitute such board of four inspectors, who shall be the inspectors of election for that district or ward during that election. The supervisor of the ward, if present, shall act as chairman of said board, but if not present the board shall select one of their own number as chairman. Said board shall also choose one of their own number to act as clerk and shall appoint one other elector as second clerk of said board. Each of said persons so appointed as inspectors of election and clerk, shall take the constitutional oath of office; each of said board shall be authorized to administer such oath or any oath required to be taken by any person at said election. In case of the inability of any of said inspectors to serve during the time of said election, the vacancy on said board may be filled by *viva voce* vote of the electors present. Said inspectors and clerks of election shall receive such compensation for their services as shall be fixed by the common council prior to said election.

Inspectors of election.

Manner of choosing.

Supervisor to act as chairman.

Clerk.

Inspectors to take constitutional oath.

Filling vacancy.

Compensation.

SEC. 11. At all elections held under this act the electors shall vote by ballot, to be prepared, printed and furnished in the manner, now or hereafter provided by the general laws of this State. Such elections shall be conducted as near as may be, in the manner now, or hereafter provided for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are or may hereafter be conferred by law upon inspectors of election in this State. The common council shall provide the

Vote by ballot.

Conduct of elections.

Ballot boxes.

necessary ballot boxes for each ward and election district, with locks, seals and keys, in which ballot boxes votes cast shall be deposited.

Election commissioners.

SEC. 12. The council shall at least ten days previous to any municipal election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such city for such election, and they shall perform such duties relative to the preparation and printing of ballots for city or ward elections, as are required by law or of the boards of election commissioners of counties. Said commissioners shall deliver the ballot boxes, keys and tickets at least one and not more than two days prior to an election to the inspectors of election of each ward or voting precinct in said city. Said inspectors shall be responsible for the safe keeping of the same.

Shall prepare ballots.

Commissioners to deliver ballot boxes, etc., to inspectors.

Term of office to be on ballot.

SEC. 13. 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 of votes.

SEC. 14. Immediately after the closing of the polls the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result; and shall on the same 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 as soon as completed, with the clerk of the city.

Deposit of ballots.

Poll list.

Manner of canvassing and counting.

SEC. 15. It shall be the duty of the inspectors of election, on receiving the votes, 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. The manner of canvassing and counting thereof shall be the same as is now or may hereafter be provided by the general laws of the State, for the [canvass] canvas and count of votes by inspectors of election.

In case of a tie vote.

SEC. 16. 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 shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take, at the meeting thereof provided for in section seventeen, as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put such ballots together

in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

SEC. 17. The common council of the preceding year shall convene on the Wednesday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, and the statements of votes filed with the clerk of the city by the inspectors of election shall be produced by said clerk, when when the common council shall forthwith 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 Saginaw. All officers elected, as herein-before provided, shall enter upon the duties of their respective offices on the tenth day next following such election, unless otherwise herein provided.

Council to meet and canvass votes.

SEC. 18. It shall be the duty of the clerk of said city as soon as practicable, and within two days after the meeting of the common council, as provided in the preceding section, to notify the officers, respectively, of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after such election, take the oath of 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 the city, and the justice of the peace and police judge shall also file their oath of office with the county clerk.

Clerk to notify officers of their election.

Oath to be taken

SEC. 19. Whenever a vacancy occurs in the office of mayor or 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 shall immediately appoint a special election to be held in the city or 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 occur in the said office of alderman within three months before the first Monday of April (in) of any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Special election to be called, when.

Proviso.

SEC. 20. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except mayor, alderman, and justice of the peace, and police judge, the common council may, upon the nomination by the mayor, fill such vacancy by the appointment of a suitable person, who is a citizen, and if appointed for a ward, who is also a resident of

Vacancies in other offices.

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 tenth day after the election next succeeding. If an elective office which shall have become vacant, was of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

City clerk to give notice of election.

SEC. 21. Whenever a special election is to be held, under the provisions of law, or by order of the common council, the city clerk shall cause to be delivered, to the inspectors of election, in the ward or wards where such officer is to be voted for, a notice signed by him, specifying the officer to be elected, and the day and place at which such election is to be held and the proceedings at such election shall be the same as at the annual charter election; such notice shall also be published in a newspaper of the city, at least once, or posted in three public places in the city or ward, as the case may be, before the day of such special election.

Person appointed to notify the clerk of his acceptance.

SEC. 22. Every person 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 notice in writing, signifying his acceptance of such office.

In case of neglect or refusal to take oath.

SEC. 23. If any person elected or appointed under this title, 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.

Clerk to deliver to council list of officers who have taken oath.

SEC. 24. 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 common council a list of the persons elected or appointed, and of the offices to which they are chosen, specifying such as have filed with him the oath of office, or notice of acceptance required by this act, and the official bond, if one is required, and such as shall have omitted to file the same within the time herein prescribed.

Resignations.

SEC. 25. Resignations by any officer authorized to be elected or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Where electors to vote.

SEC. 26. At all city elections, every elector shall vote in the ward and district where he shall have resided twenty days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: *Provided*, He shall have resided in said ward twenty days prior to such

Proviso.

removal. The residence of an elector, under this act, shall be the ward where he boards or takes his regular meals. Residence defined.

SEC. 27. At any election held under this act, if, from any cause, either or all of the inspectors of election shall fail to attend any such election at the appointed time and place, his or their place may be supplied for the time being, by the electors present, who shall elect any of their number, *viva voce*, who, when so elected, shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties. In case inspectors fail to attend election.

SEC. 28. The expenses of any election to be held as provided by this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city. Expense of election to be city charges.

SEC. 29. Any person elected to any office under this act, at 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 during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified. Incumbent to hold until his successor is elected and qualified.

TITLE III.

COMMON COUNCIL—WHO SHALL CONSTITUTE; POWERS; DUTIES; PROCEEDINGS.

SECTION 1. The mayor and aldermen of said city shall constitute 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 the mayor, or of his absence from the city, or inability to officiate) shall, by written notice, appoint, and which shall be served on the members in such a manner and for such a time as the common council may by ordinance direct. Council, time and place of meeting.

SEC. 2. The mayor shall preside at the meetings of the common council, and it shall be the duty of the common council on the third Monday in April in each year to elect one of their number president, who shall preside at the meetings of the common council in the absence of the mayor. The person elected president, shall be acting mayor in case of the absence from the city, or on account of the inability of the mayor to act: *Provided*, That in the absence of the mayor and president, the common council shall appoint one of their number, who shall preside. Mayor to preside. President to be elected. Proviso.

SEC. 3. No ordinance or resolution passed by the common council, authorizing any public improvement, or for or concerning the same; or for the payment of any money by the Mayor to have veto power.

treasurer, or the creation of an indebtedness or liability against the city, shall have any force or effect if the mayor, or other officer legally exercising the office of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds majority of all the members of the common council elect, exclusive of the mayor, or other officer, legally discharging the duties of mayor, and if so repassed, it shall go into effect according to the terms thereof. No ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until the expiration of twenty-four hours after its passage.

Duty of clerk. It shall be the duty of the city clerk to communicate to the common council, at the next meeting thereof, any paper that may be lodged with (him) pursuant to the provisions of this section.

Member to have one vote. SEC. 4. In all proceedings and meetings of the common council, each member present shall have one vote.

Council to prescribe rules and regulations. SEC. 5. The common council shall prescribe the rules for the transaction of its business, and for its proceedings, which rules shall have the effect of law, as to the regularity and the recording of said proceedings, and may prescribe in said rules, penalties for the non-performance of the duties of alderman, city clerk, or other officers of said common council. The sessions of the common council shall be public, except when the public interest shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the city clerk, and the same shall be open at all times to public inspection.

Sessions to be public.

Quorum. SEC. 6. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present, less than a quorum, may adjourn said meeting, to the next regular meeting, or to any time prior to the next regular meeting, and require the clerk to give notice thereof, as of special meetings, and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down or noticed for such regular meetings, or for any special or adjourned meeting; and no business or proceedings postponed, or set down, or noticed (for) any special, regular or adjourned meeting, shall lapse or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon at the next regular or adjourned or special meeting. No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services or labor authorized to be done, or material purchased, nor any contract awarded or let, nor any money appropriated to be paid for, or out of, or by means of any special assessment or tax, or from the city treasury,

Adjournments.

Majority of council necessary to do business.

Two-thirds necessary to pass over veto.

except by a majority vote of all the members elect of the common council: *Provided*, No member of the common council shall be excluded from voting upon any question of improvements, levying assessments or taxes, for any reason of personal or private interest in said improvement, assessment, taxes, or any property to be affected by it; nor shall such vote prejudice, void, or invalidate any action by the common council by reason or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for or against the same, by yeas and nays, shall be entered upon the record of the proceedings.

Proviso.

When yeas and nays to be entered on journal.

SEC. 7. No member of the common council shall, during his continuance in office, be directly or indirectly interested as principal, surety or otherwise in any contract with the city, or with any public board thereof, over which the common council have any control; nor shall he be competent, during the term for which he shall have been elected, to hold any office, the appointment to which is made by the common council, and the salary, compensation or fees for which are payable out of the city treasury.

No member of council to be interested in contracts.

SEC. 8. The common council in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and they shall have (the) 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:

Council to have control of finances

To make laws, etc., relative to.

First, To prevent vice and immorality, to preserve peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages;

Vice.

Second, To restrain and prevent disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Disorderly houses.

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to forbid the selling or giving to be drunk any intoxicating liquors to any child or young person without the consent of his or her parents or guardian and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers;

Liquors.

Auctions.

Fourth, To prohibit, restrain, license and regulate all sports, exhibitions of all natural or artificial curiosities, caravans

Exhibitions.

of 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 offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city. To compel the owner, lessee or agent to remove buildings that are liable to fall by reason of being burnt, decayed or not properly erected;

Dangerous buildings to be removed

Location of slaughter houses.

Sixth, To direct the location of all slaughter houses, markets and buildings for storing gunpowder or other combustible materials, and to regulate the manner of keeping the same;

Firearms, combustibles.

Seventh, To regulate, restrain or prohibit the buying, selling, carrying and using of firearms, weapons, gunpowder, fire crackers or fireworks, manufactured or prepared therefrom, or from other combustible material, and the exhibition of fireworks, and the discharge of firearms, and the lights in barns, stables and other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys and other public places;

Encumbering streets.

Eighth, To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever;

Horse racing.

Ninth, To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street; and to prevent any person from leaving a horse or horses or other animal standing upon the streets of said city without being securely tied, held or fastened so as to prevent their escape;

Horses to be securely tied.

Railroad grades.

Tenth, To determine and designate the routes and grades of any railroad to be laid in said city, and to regulate the use of locomotives, engines and cars upon the railroads within the city; to compel such railroads to erect and maintain safety gates at street crossings;

Bathing.

Eleventh, To regulate, restrain or prohibit bathing in any public water, and to provide for (cleansing) cleaning Saginaw river of driftwood and other obstructions;

Drunkards, vagrants.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions for any purpose whatever;

Pounds.

Thirteenth, To establish one or more pounds, and to restrain, regulate or prohibit the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of their keeping and impounding;

Dogs and dog-fights.

Fourteenth, To regulate or prevent the running at large of dogs; to impose taxes upon the owners of dogs and to punish

dog fights and those engaged in aiding and abetting the same, in the streets and elsewhere in said city. To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses; to require them to be muzzled and to authorize the killing of dogs not licensed or running at large in violation of the ordinances of the city; and to authorize the killing of dogs impounded, which shall not be redeemed within the time prescribed by the ordinance regulating the same;

Licenses.

Fifteenth, To prohibit any person from bringing and depositing within the limits of said city any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction thereof, if any person shall have on his premises such substance 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;

Bringing or depositing dead carcasses.

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clean from snow, dirt, wood and all other obstructions;

Clearing sidewalks.

Seventeenth, To regulate or prohibit the ringing [of] bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city;

Bells, whistles.

Eighteenth, To regulate the burial of the dead and to compel the keeping and return of bills of mortality;

Burial of the dead.

Nineteenth, To establish, order, and regulate markets, to prohibit the forstalling the same, to regulate the vending of wood, meats, vegetables, fruit, 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;

Markets.

Proviso.

Twentieth, To establish, regulate and preserve public reservoirs, fountains, wells and pumps, and to prevent the waste of water;

Reservoirs.

Twenty-first, To adopt rules for the regulation of sextons and undertakers in burying the dead, to license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupes, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation;

Rules for the burying of the dead.

Solicitors for passengers.

Twenty-second, To regulate or prohibit runners, public porters, and all drivers of public conveyances for persons, from soliciting passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps;

Runners, porters.

Lighting streets.	<i>Twenty-third</i> , Concerning the lighting of streets, alleys, and public places, and the protection and safety of public lamps and lights;
Auctioneers, peddlers.	<i>Twenty-fourth</i> , To license and regulate auctioneers, hawkers, [peddlers,] peddling and pawnbrokers; and to regulate auctions, hawking, peddling, and pawnbrokerage, also the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever by hand, hand-cart, show-case, show-stands, or otherwise, in the public streets, also to license and regulate or suppress hucksters and bill posters;
Duties and compensation of officers.	<i>Twenty-fifth</i> , 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 prescribe 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;
Salubrity of streams.	<i>Twenty-sixth</i> , To preserve the salubrity of the waters of Saginaw river, or other streams within the limits of 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, and to assess upon and collect from the lots or grounds so drained, or filled, the entire expense thereof;
Stands for carriages.	<i>Twenty-seventh</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for 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;
Dock lines.	<i>Twenty-eighth</i> , To prescribe the line upon which docks shall be built in Saginaw river, and beyond which they shall not extend, and to enforce the same by a fine not exceeding five hundred dollars, and to regulate such docks and to compel the owners or occupants thereof to keep the same in repair;
Harbor masters.	<i>Twenty-ninth</i> , To appoint so many harbor masters as they deem necessary, and to prescribe their powers, duties and compensations;
Weights and measures.	<i>Thirtieth</i> , To prescribe the duties of sealers of weights and measures, and the penalty for using false weights and measures, and all laws of this State in relation to the sealers of weights and measures shall apply to said city; except as herein otherwise provided;
Revocation of license.	<i>Thirty-first</i> , To authorize the clerk to grant and issue licenses, and the mayor may revoke licenses as provided in section one, Title IV. of this act, in all cases when licenses may be granted under this act and the ordinances of the common council;
Licenses.	<i>Thirty-second</i> , To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this act and the ordinances of said city, also the time for which the licenses shall be granted, to require all

licenses to be countersigned by the mayor, to require (of) any or all person applying for a license, before the issuing thereof, the execution of a bond to the city in such sums as the common council may direct with one of more sufficient sureties, conditioned for the faithful observance of the charter and ordinances of the city, and otherwise conditioned as the common council may prescribe;

Thirty-third, To establish and maintain a public library, and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence, as the common council may deem to be for the public good; Public library.

Thirty-fourth, To require all persons before constructing, altering or enlarging any building or other structure within the limits of said city, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; Building permits.

Thirty-fifth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same; Lotteries.

Thirty-sixth, To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light, power and electric street railway poles and wires; Telegraph poles.

Thirty-seventh, To license and regulate the keepers of hotels, taverns, restaurants and other public houses, grocers and keepers of ordinaries, saloons and victualing, and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof; Hotels.

Thirty-eighth, To compel pawnbrokers, junk shop keepers and second hand dealers to keep a list of all goods purchased or received by them in the way of a pledge or security, and to compel them to deliver a written list each day to the chief of police, upon blanks furnished them by the city. Pawnbrokers.

SEC. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, prevent and remove all encroachments thereon, and exercise all other powers conferred upon them by this act, in relation to highways, the prevention of fires and the levying of taxes; they shall have power to advertise for proposals and contract for the lighting by gas, electric or other lights, of the streets, public buildings, parks and spaces, for the term of not less than one nor more than five years, under any one contract; or they may provide for the construction of works for lighting to be owned and operated by the city itself. They may also require transient traders and dealers to take out licenses. And in addition to all other powers hereinbefore granted, may make and enforce all such other and further ordinances, not inconsistent with the constitution or general laws of the State, Council to establish boundaries of streets.

May contract for lighting.

May pass all necessary ordinances.

as they shall deem the public safety and welfare of said city to require.

May prescribe
fines and pen-
alties.

SEC. 10. When by the provision of this act, the common council have authority to pass ordinances on any subject, they may prescribe a fine or penalty, not exceeding one hundred dollars (unless the imposition of a greater fine or penalty be herein otherwise provided) for a violation thereof, and may provide that the offenders, on failing to pay the fine or penalty imposed, shall be imprisoned in the county jail of Saginaw county, or the city prison, for any term not exceeding ninety days.

Publication of
ordinances.

SEC. 11. Whenever the common council are required by law to make publication of any notices, ordinances or resolutions or proceedings, 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.

Council may
hold suitable
grounds for
cemetery
purposes.

SEC. 12. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same 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 clerk, and countersigned by the controller.

Potter's field.

SEC. 13. The common council shall have power to purchase a potter's field, within or without the city limits, for the burial of the city poor, and make such rules and regulations concerning the same as they may deem necessary. The common council may construct, grade, gravel, pave, plank or repair any street, road or highway without the corporate limits of the city, leading to the cemetery owned by it and known as Oakwood cemetery, and may join with the township of Saginaw in constructing, grading, graveling, paving, planking or repairing from time to time any such street, road or highway leading to said cemetery, on such terms and conditions as may be agreed upon with the township board of said township. All sums expended by the common council upon such road or highway to be paid out of the general highway fund of the western taxing district. The common council shall also have power whenever, in their opinion, the necessities of the city require, to cause to be constructed by the board of public works of said city, a city almshouse, and a city market or markets, or other necessary public buildings; to acquire by purchase or otherwise, all necessary lands whereon to locate the same and to appoint the keepers, clerks, and necessary officers thereof, and may make such regulations concerning the same as the common council may think proper; but no such public building shall be constructed or built, until said common council shall be authorized to levy

Street to ceme-
tery.

How paid for.

Almshouse.

a tax therefor, as provided in section two of title five of this act.

SEC. 14. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, and saloon keepers and others as are now, or may hereafter be conferred by the general laws of this State upon township boards or upon the corporate authorities of cities and villages. The common council shall have power to regulate and license all taverns and houses of public entertainment, all [restaurants] restaurant and eating houses, in such sum or sums as the common council may direct or require. The common council may prohibit boxing or sparring for a purse, stake, trophy or reward, or when an admission is charged or paid to see such boxing or sparring.

Council to regulate taverns.

License taverns.

Prohibit boxing or sparring.

SEC. 15. During the month of July in each year, the controller, in addition to the duties herein prescribed, shall audit and settle the accounts of all officers and other persons having claims against the city, or accounts with it, and shall make 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 expenditures made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each, the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city, the amount of highway taxes and assessments, the amount of assessments for opening, paving, planking, repairing and altering streets and building and repairing bridges, the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of said city, and present the same to the common council of said city; the said statement shall be filed with the papers of the city, but it shall not be necessary to publish the same in full in the proceedings of the common council.

Auditing and settling accounts.

Annual financial statement.

To be filed.

SEC. 16. The common council of the city of Saginaw, shall have the sole and exclusive power, from time to time, to license, continue and regulate as many ferries across the Saginaw river, for the carriage and transportation of people, goods and chattels across the said river, and in such manner as shall appear to them most conducive to the public good.

Council to license ferries.

SEC. 17. The aldermen shall be allowed as compensation for their services, two dollars for actual attendance at each session of the council, and the mayor shall have an annual salary of one thousand dollars, to be certified by the clerk to the controller quarterly, and paid out of the general fund.

Compensation of officers.

SEC. 18. Any alderman who shall be absent from the sessions of the common council, without leave, for six consecutive weeks, shall be deemed to have resigned, and the office shall

When office of alderman deemed vacant.

be deemed vacant, and the common council may order a new election, to fill such vacancy, as in this act provided in case of vacancies.

Deposit of moneys. **Depository to give bond.** **Securities on, to justify.** **Justification shall equal penal sum.** **Oath administered by whom.** **Penalty for false swearing.** **What misdemeanor.**

SEC. 19. The common council shall have the power to direct the deposit of all moneys, bonds, papers and evidences of value in any bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest at a rate not exceeding eight per cent upon such moneys of the [corporation] corporations, deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund, unless herein otherwise provided for: *Provided*, That when the common council has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss. No such bond shall be received and accepted or approved by any officer, committee or said common council, unless the surety or sureties signing such bond shall first have justified their pecuniary responsibility over their signature, in writing, endorsed on said bond or attached thereto. And before any such bond shall be received and approved or accepted, the justification of the sureties thereof, shall in the aggregate, equal the penal sum of the bond, and show that the sureties thereon are worth in unincumbered property, not exempt from execution under the laws of this State, the penal sums thereof, after payment of all just debts, claims and liabilities. Such oath or justification shall be administered by some officer authorized by law to administer oaths, and any person knowingly or wilfully making any false statement of his pecuniary responsibility in such justification, shall be guilty of perjury, and liable upon conviction thereof, to the penalty for perjury. Any person or persons, receiving or accepting or approving any such bond without such justification, shall be guilty of a misdemeanor, and shall further be liable for all damages that may be sustained or incurred by the city by reason of such defective bond being accepted or approved.

Council to have power to remove officers. **Reasons for expulsion to be entered upon record.**

SEC. 20. The common council shall have power to expel or remove from office any of its own members, or any other officer holding office by election, except the mayor, recorder and justice of the peace, for corrupt or wilful malfeasance or misfeasance in office, or for the wilful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reasons for such expulsion or removal shall be entered upon the records of the common council, with the names and votes of the members voting on the question. But no officer holding office by election shall be removed or expelled by said common council, unless first furnished with a

copy of the charges against him in writing, and be allowed to be heard in his defense, with aid of counsel; and for the purposes hereof the common council shall have power to issue subpoenas, to compel the attendance of witnesses, to examine witnesses upon oath, to be administered by the presiding officer, and to compel the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the case. If any such officer shall neglect to appear and answer to said charges, his default shall be deemed good cause for his removal from office.

Default shall be deemed cause for removal.

TITLE IV.

OFFICERS—THEIR RIGHTS, POWERS AND DUTIES.

SECTION 1. 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 by them, and in general to maintain the peace and good order and advance the prosperity of the city. The mayor shall be an *ex-officio* member of all the boards of the city of Saginaw, except the school boards, and it shall be his duty to attend all the meetings of said boards, and he shall have a right to speak on any and all matters that come before said boards, but he shall have no vote, except on the police board. The mayor may also 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, for any violation of the laws of the State or the ordinances of the common council, 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 causes, and on such hearing may annul such license, or suspend it for a 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 personally 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.

Duty of mayor to enforce ordinances, control officers, examine complaints for neglect of duty.

Determination of complaint to be filed with city clerk.

SEC. 2. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, unless the council otherwise order, in which case they shall be deposited as they may direct; and it shall be the duty of the officer with whom such bonds are deposited to deliver the same to his successor

All official bonds to be deposited with clerk.

Official bond of clerk to be filed with treasurer.

Duty of aldermen to attend meeting of council.

Who to be conservators of the public peace.

Duty of comptroller to keep financial accounts of corporation, countersign bonds.

Claims audited against city to be approved by council.

To keep account of taxes, receipts, expenditures.

To advertise for proposals for contracts on behalf of the city.

To sign all contracts and agreements in behalf of the city.

in office. The official bond of the clerk shall be deposited with the city treasurer.

SEC. 3. 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 president or common council; to order the arrest of all persons violating the criminal laws of this State, or the ordinances, by-laws, or police regulations; 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. The mayor, recorder and aldermen, by virtue of their respective offices, shall be conservators of the public peace.

SEC. 4. It shall be the duty of the controller to keep the financial accounts of said corporation, to countersign all cemetery deeds and orders upon the treasury, and sign all bonds and burial permits and all evidences of debt and transfer of property which the common council or corporation are authorized to issue or make, pledging the faith of said city; to receive all accounts and demands against said corporation, examine them in detail, audit or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, with the date of their allowance, and the funds out of which payable, and when so audited, to report the same to the common council, and when payment shall be duly authorized by the common council, to countersign and register the orders drawn therefor by the city clerk upon the city treasurer. No claim so audited shall be binding against the city until approved by vote of the common council. The controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account in proper books of all such bonds and the bonded indebtedness, for the information of the common council. He shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts and expenditures, and during the month of July in each year, shall make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto; the controller shall advertise and receive proposals for all contracts for and on behalf of the city, except as in this act otherwise provided, and the controller shall report his action thereon to the council. He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the common council, and make all purchases of materials, tools, books, stationery, apparatus, and property for the city or its officers, not otherwise

provided for herein, or ordered by the common council. He shall keep a record of all officers and employés of the city, and certify the pay rolls and wages of all such officers and persons to the common council. He shall be charged with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report the same when required by the council. It shall also be the duty of the controller to take and exercise a general supervision of the financial concerns of the corporation, to keep a complete set of books exhibiting the condition of the said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk nor countersigned by the controller against such fund until another appropriation shall have been made. The controller shall open an account with the city treasurer, in which he shall charge said city treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city, of whatever nature. He shall charge to the treasurer all taxes, which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys and property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener as the interest of the city and the safety of its property may require; and he shall give said treasurer and all other officers credits for all money disbursed, upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax rolls in said city, whether for State, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force and legal effect as warrants made by the supervisors of townships pursuant to the laws of the State. The controller shall also perform such other duties as are, or may be, prescribed by this act, or by the ordinances of the common council, not inconsistent herewith, and shall receive for his services such annual salary as the common council shall prescribe; and he shall give a bond, with sureties, in the sum of not less than five thousand dollars, for the faith-

To be charged with leasing, repairs, insurance and general supervision of the property of the city.

When funds or appropriation have been exhausted no further warrants shall be drawn.

Charge treasurer with all taxes placed in his hands for collection.

He shall attach warrants to tax roll.

Entitled to a seat in council, may speak on matters that come before council.

When absent from the city deputy to perform the duties of comptroller.

Duty of assessor to assess all property liable to taxation.

Make return of registration of births and deaths.

Make copy of annual assessment roll.

Roll to be delivered to treasurer for collection.

To make annual assessment.

Assessment to be spread on tax roll.

ful performance of the duties hereby imposed. He shall have a seat in the common council, and may speak upon all matters that come before the council, relating to the duties of his office, and serve upon committees thereof, but shall have no vote in said council. The controller shall also, on or before the third Monday in April in each year, submit to the common council a statement in detail of the amounts of money, which, in his opinion, it will be necessary to raise by taxation, for all city purposes, for the next fiscal year. In case of disqualification, inability or absence from the city of the controller, the deputy controller shall perform all the duties of the controller, and in case the office of the controller shall become vacant from any cause, such deputy shall act as controller until such vacancy shall be filled; and he shall perform such other duties as may be prescribed by law or any ordinance of the city, and shall have such salary as the common council shall fix.

SEC. 5. It shall be the duty of the assessor, annually, to assess all the property in said city, liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and he shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State, subject to the limitations contained in Title VI. The assessor shall also prepare and make the returns required by law relative to the registration of births and deaths in said city, and perform such other duties as this act imposes. In the year of eighteen hundred and ninety-seven it shall be the duty of the assessor to make a copy of the annual assessment roll, as finally confirmed, upon which he shall ratably assess the county and State taxes as provided by the general laws of this State. When said roll shall be completed, footed and balanced, the assessor shall deliver the same to the controller, who shall annex thereto a warrant directed to the treasurer commanding the collection of the taxes thereon assessed, and the returns to be made to the county treasurer, in like manner as the same is or may be by law required in warrants of township treasurers for the collection of the taxes in the townships of this State. The assessor shall, in the year eighteen hundred and ninety-eight, and each year thereafter, ratably assess in dollars and cents, the amount of State and county tax, the same to be placed in the city assessment roll, as confirmed by the board of review, in columns separate from the city tax, one column to be marked State and the other county tax; the same to be assessed as provided by the general laws of the State of Michigan, except when changed by the charter of the city of Saginaw. On the first Monday of November the treasurer of the city of Saginaw shall deliver to the city assessor the city tax roll, and the city assessor shall spread upon said city tax roll a copy

of said assessment roll, so far as it pertains to the State and county tax, the same to be placed in columns separate from the city tax, one column to be marked State tax, and the other county tax. When the same is completed, footed and balanced, the assessor shall attach his certificate to each of said books, certifying that the same is the State and county tax roll for the ward for which it was made. The assessor shall, on or before the third Monday in November, deliver said State and county tax roll to the city controller, who shall make entry of the same and of the totals of all taxes assessed thereon in reference to the State and county tax, on the books kept in his said office. And the said controller shall, on or before the first Monday in December, deposit said State and county tax roll with the city treasurer, and take his receipt therefor and charge him therewith. Before the controller delivers said State and county tax roll to the city treasurer, a warrant shall be issued and annexed to each of said books, signed by the controller, under the corporate seal of said city, directed to the said treasurer, commanding and authorizing him to collect from the persons named in each of said books, the State and county taxes and assessments therein set forth due from such persons; and the collection of said taxes and the return to the county treasurer, shall be in the same manner as taxes collected in the townships under the general laws of the State of Michigan. In case of disqualification, inability or absence from the city of the assessor, or vacancy in the office of assessor, the deputy assessor shall perform all the duties of the assessor, and in case the office of assessor shall become vacant from any cause, the deputy assessor shall act as assessor until such vacancy shall be filled, and he shall perform such duties as may be prescribed by law or any ordinance of the city. The assessor and his deputy shall each have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of the office, and shall receive such compensation for their services in the performances of the duties of such office, as the common council may determine, and the assessor shall be subject to removal for cause the same as other officers appointed by the common council. All abstracts of title belonging to the city, and all deeds, conveyances and evidences of title, and all assessment rolls, shall be kept in the assessor's office, and it shall be the duty of the assessor to keep a list and record of all real estate owned or controlled by the city, and said record shall be properly indexed. The assessor may have a seat in the common council and may speak on all matters relating to the duties of his office; but said assessor and said deputy assessor shall not receive, for any duties imposed, or for services rendered to said city beside their salaries, any fee or reward whatever which shall be paid out or withheld from the city treasury.

State and county tax roll to be delivered to city treasurer.

Collection of taxes to be the same as in townships.

Assessor to have deputy.

Assessor and deputy to have power to administer oaths.

Assessor to keep certain records.

May have seat in common council.

Clerk to keep the corporate seal and files of the city.

Shall publish the ordinances in the official paper.

Laws and regulations to be read as evidence in all courts of justice.

From copy certified by the clerk.

From the volume of ordinances.

From the official printed proceedings. Clerk to issue all licenses granted by the mayor.

No license shall be valid until attested by clerk.

He shall be clerk of recorder's court.

City clerk may appoint a deputy.

SEC. 6. The city clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the common council, and all boards that he may be clerk of, 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 and boards, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained. He shall publish all ordinances passed by the common council at least three times in the official paper of said city, and no ordinance shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record made by the clerk of the said city, or a copy of such record or entry duly certified to by him, shall be *prima facie* evidence of the time of such first publication. All laws, regulations, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body 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 Saginaw affixed;

Second, From the volume of ordinances printed by authority of the common council; or,

Third, From the volume of the official printed proceedings of the common council, signed by the clerk, with the seal of the city of Saginaw affixed. The clerk shall issue all licenses granted for any purpose whatever by the common council, and shall enter, in an appropriate book, the name of every person to whom a license is granted, and the number and date thereof, 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 attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury, for claims allowed by the common council. He shall sign all cemetery deeds and attest all contracts awarded by the board of public works, and countersign all bonds and other like evidences of debt. He shall keep a record of all bonds and other papers that he countersigns. He shall also act as clerk of the recorder's court, of the board of public works, the board of health, the board of estimates and the board of police commissioners of said city, and, when so required, of the standing or special committees of the common council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this act or the ordinance of the city. He may also appoint a deputy city clerk, for whose acts he shall be responsible. Such deputy shall

hold his office during the pleasure of the clerk, and may perform any act or duty devolving upon the city clerk, and in case the office of the city clerk shall become vacant, or his inability to act, such deputy shall act as clerk until such vacancy shall be filled, and he shall have such salary as the common council shall fix. All votes, ordinances, resolutions and proceedings of the common council shall, except as herein otherwise provided, be published at least once, by the city clerk, in the official paper of said city, within eight days after the session of the common council in which the same were had or passed.

Ordinances and resolution to be printed in the official paper.

SEC. 7. The treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of said city, levied by order or authority of the common council, board of education and union school district, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever, not herein otherwise provided for. He shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation. He shall deposit the moneys of the city under the direction of the common council, and the school moneys under the direction of the board of education and union school district, and shall keep an accurate account of the same and of all the receipts and expenditures thereof, and with every fund or appropriation thereof made by this act, or by the authority and direction of the common council or board of education of the city of Saginaw, east side. He shall pay no money out of the treasury, except in pursuance of, or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller; or of coupons and bonds regularly and lawfully issued by said corporation; or in case of school moneys belonging to the board of education of the city of Saginaw, east side, on orders drawn by the secretary and countersigned by the president of the board of education of the city of Saginaw, east side. He shall keep an accurate account of and report to the common council once in two weeks, a detailed statement of all taxes collected and money received, as well as moneys disbursed, and a trial balance thereof, a copy of which report shall be filed with the controller, and at the end of every quarter, shall make a full settlement with the controller and finance committee of the common council producing the vouchers of all transactions, which vouchers shall be cancelled by said controller and committee, and the result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same were issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn, as written

Treasurer to receive all moneys belonging to the city.

Also hold all notes, bonds, mortgages.

To pay no money unless authorized by law.

To keep account of taxes, moneys received, etc., and make a detailed statement to the council.

Bonds to be paid from funds raised for that purpose.

Treasurer's office to be in city hall; also books to be open for inspection.

City treasurer to collect state and county taxes, also highway, sewer and school taxes.

Treasurer to give receipts for all taxes collected.

Proviso.

Treasurer may appoint deputies.

To obey orders and resolutions of council.

Council to prescribe percentage to be added to all tax rolls.

upon the face thereof. The treasurer's office shall be in the city hall, where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any tax payer of said city, at reasonable hours in any week day, and where all bonds, coupons and warrants shall be presented for payment; and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands, and shall pay them only when presented at [this] his office, unless a different place be named in such bond or other demand. The city treasurer shall collect all the State and county taxes, assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act, or the laws of this State, as may be placed in his hands for collection, by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hands, the same as warrants made by the supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark same paid upon the proper rolls, and shall, on Monday of each second week, deposit with the controller a detailed statement of all the collections so made, and shall make due returns of all rolls and the uncollected taxes thereon, as required by the warrant of the controller, the provisions of this act and the laws of this State: *Provided*, That the returns of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one or more deputy treasurers, subject to the approval of the common council. Such appointment shall be in writing, and shall be filed with the clerk, and submitted to the council; such deputy shall have all the power and authority of the city treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy, and shall pay him for his services. The treasurer shall obey all the orders and resolutions of the common council, not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers, and property of every kind and description due and belonging to said corporation, on demand.

SEC. 8. The common council shall have power to prescribe the percentage to be added to all tax rolls not herein otherwise provided for, and direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds,

with such sureties and in such amounts as they deem proper, for the faithful performance of his duties as treasurer. The common council shall also have the power at any time during the term of office of said treasurer when they may deem the existing bond, furnished by said treasurer, or the sureties thereon, insufficient, to require the said treasurer to procure additional sureties, or to execute a new or additional bond to the city, in such sum and with such sureties as they may direct; and if the said treasurer shall not execute such new or additional bond, or procure such additional sureties as may be required upon any existing bond, within the period of ten days after service on him of a copy of the resolutions of the common council requiring the same, the council may declare such office vacant, and proceed to fill the same as hereinbefore provided. Said treasurer shall receive for his services, such annual salary as the common council may direct, not less than two thousand dollars nor more than three thousand five hundred dollars per annum, and in addition thereto such percentage for the collection of taxes as the common council shall prescribe.

When council may demand greater bond from city treasurer.

Compensation of treasurer.

SEC. 9. The city attorney shall be an attorney and counselor-at-law, in good standing and admitted to practice in all the courts of the State. He shall, on application of the common council, or of any officer of the city, furnish advice relative to all matters of law in the discharge of their duties, appear in behalf of the city, and of all public boards thereof, in all suits, and perform such other legal duties as may be prescribed by ordinance. The city attorney shall receive an annual salary, to be fixed by the common council, but shall not receive for any duties imposed, or services rendered to said city during the term of his office, besides his salary, any fee or reward whatever which shall be paid out or withheld from the treasury of said city, except for services as supervisor in attending the sessions of the board of supervisors, for which service, the same compensation shall be allowed as to other supervisors.

Powers and duties of city attorney.

Compensation of city attorney.

SEC. 10. The constables in the several wards shall possess the same powers and perform the same duties and obligations as constables of townships, and give like security; they shall obey the orders of the mayor, recorder and aldermen, or of any person legally exercising the criminal jurisdiction of judge or justice of the peace in said city, in enforcing the laws of the State and the ordinances of the said city, and in case of neglect or refusal so to do, they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Powers and duties of constables.

SEC. 11. The expense of 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 Saginaw, in the same manner as if such expenses had been incurred in any township of said county.

Expense of examining and committing offenders, how and by whom audited.

Supervisors of wards to be members of board of supervisors of Saginaw county.

SEC. 12. The supervisors of the several wards of said city shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided. The assessor, controller, city attorney, recorder and members of the board of assessment and review, shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation in said board, and as such supervisors, shall be entitled to receive the same compensation as other supervisors, for attendance upon said board.

Who to be members of board of supervisors.

Cemetery funds.

SEC. 13. The amount standing to the credit of the Forest Lawn Cemetery fund on the first day of April, eighteen hundred ninety-three, together with fifty per cent of all moneys which shall from time to time thereafter be received from the sale of lots and single graves in said cemetery, shall constitute a trust fund as hereinafter provided, the income of which, together with the remaining fifty per cent, shall be used for the general care and maintenance of said cemetery and for the purpose of properly caring for lots and single graves that have been sold in said cemetery. And the treasurer of said city is hereby authorized to accept from lot owners and others such sums as may be agreed upon, to be invested as hereinafter provided, the income thereof to be used only for the purpose of properly caring for such lots and single graves in Oakwood and Brady Hill cemeteries as contribution has been made for. The sums so contributed to be expended in said cemeteries respectively, shall constitute and shall be kept in separate funds. All moneys received for said purposes or for the use of said funds, shall be paid to the treasurer of said city, to the credit of said funds respectively, who shall deposit the same with the other moneys of said city and shall credit such trust funds with their proportionate share of the interest paid on city deposits. Such trust funds shall be invested only in the bonds of the city of Saginaw or any other good securities that are approved by the mayor, controller and treasurer of the city. The city treasurer shall be the custodian of said trust funds, and whenever he shall have an opportunity to invest the amount standing to the credit of said trust funds, he shall do so, upon the advice and written consent of the mayor and controller of said city. The warrant of the controller upon the city treasurer when countersigned by the mayor, shall be a sufficient voucher for the withdrawal of said money for the purpose of investment. Whenever any money is needed for the purpose of caring for said lots or graves, or for the general care and maintenance of said cemeteries, and there is any income available in the proper fund, the

Moneys for said funds to be paid to treasurer.

Trust funds, how to be invested.

Treasurer to invest such funds.

How money is drawn.

same, or so much thereof as may be required, shall be paid by the treasurer when allowed by the common council. The custodian of the above funds shall report to the common council at the close of each fiscal year the condition of said trust funds, and in what securities the same are invested, the amount of income derived during the year and the amount expended.

Custodian of funds to make annual report to council.

SEC. 14. The city physician, health officer and his assistants, fire wardens, pound masters, inspectors of firewood and hay, weigh masters, harbor masters and scavengers, shall perform such duties, and if required, shall file such securities as the common council shall order.

City officers shall perform orders of council.

SEC. 15. On or before the third Monday of April in each year the board of public works, the board of police commissioners and the committee on fire department of the common council, shall recommend to the common council the salary to be paid to the several officers and employes of said respective boards and departments for the ensuing year, and each of said boards and the committee on fire department shall also at the same time submit to the common council an estimate of the amount of money which, in their opinion, will be required to meet the expenses of their respective departments for the ensuing fiscal year. And the common council shall annually, at their first regular meeting in the month of May, or as soon hereafter as may be, determine or fix the salary or compensation to be paid to the several officers of said city. Said common council shall not increase the salaries of any of the officers recommended by any of the boards, but may decrease said salaries, and they may also from time to time establish fees and compensation of all officers appointed by them, whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury: *Provided*, That the salary of the officers elected by the people, and of those appointed or confirmed for a fixed term by the common council, shall not be reduced during their respective terms of office.

Certain boards to recommend salary of certain officers to council.

Council to annually fix salaries.

Proviso.

SEC. 16. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office all the books, papers, moneys and effects of said corporation in his possession or custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for the like offense, under the general laws of this State, now or hereafter in force, or applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Officer resigning, etc., to turn over papers.

Penalty for violation.

Further duties
of council to be
prescribed by
council.

SEC. 17. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, duties, power or liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient, and shall prescribe by resolution, by-law or ordinance.

TITLE V.

TAXES, FUNDS, REVENUES AND EXPENDITURES.

Resources, etc.,
of city to be
controlled by
common coun-
cil, to be de-
signated in the
following
funds

SECTION 1. The resources and moneys of the corporation shall be controlled by the common council as herein provided; and the said common council is hereby vested with the power to order assessments, direct the levying of taxes, and provide for the collection of the same, under the provisions and restrictions in this act contained; and all assessments, taxes and revenues of said corporation shall be paid into and form a part of one of the following named funds, viz:

General fund.

First, General fund, which shall be appropriated to defray the expenses of the city of Saginaw, for the payment of which out of some other fund, no provision is herein or otherwise made;

Highway fund.

Second, Highway fund, to defray the expenses of repairing paved, graded, planked and improved streets, and for the construction and repair of cross-walks, bridges, drains, culverts, the cleaning of streets, sidewalks, altering, repairing and cleaning sewers, drains, parks, public places, and such other general highway purposes as the common council may direct;

Fire depart-
ment fund

Third, Fire department fund, which shall be appropriated to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, paying the regularly appointed firemen of the city, and all other expense incident and necessary to the maintenance of the fire department of said city;

Sinking fund

Fourth, Sinking fund, to pay and discharge the principal and interest of the bonded indebtedness of the city, of every description, provision for the payment whereof is not otherwise made. To this fund shall be credited and paid, at the end of each fiscal year, all interest and penalties received on delinquent taxes and assessments;

Sewer fund

Fifth, Sewer fund, to defray the expenses of constructing the public sewers of the city;

Sewer bond
and interest
fund

Sixth, Sewer bond and interest fund, to redeem and pay the (sewer) bonded indebtedness of said city, and the interest thereon.

Street improve-
ment bond and
interest fund.

Seventh, Street improvement bond and interest fund, to pay all bonds, with interest thereon, issued in pursuance of section twenty, title VI of this charter;

Eighth, Poor department fund, to defray the expenses of providing for and taking care of the poor of the city; Poor department fund.

Ninth, Street improvement fund, to be assessed, levied and collected as hereinafter provided in title VI of this act: *Provided*, That where said several funds belong to the eastern or western taxing districts, as in this act provided, they shall be so kept and designated; Street improvement fund.

Tenth, Lighting fund, to defray the expenses of operating, maintaining and extending the lighting works of said city; Lighting fund.

Eleventh, Such other funds as are herein provided for or as the common council may constitute for special purposes, not inconsistent with the provisions of this act, not to be taken from any of the funds above provided for, except the general fund; Other funds.

Twelfth, Police department fund, to defray the expenses of maintaining the police department. Police department fund.

SEC. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the common council may, with the approval of the board of estimates, as in this charter provided, raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary for the several funds hereinbefore specified, not exceeding the following per cent on the valuation of the 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, for the following funds, viz: Authority of council to raise money.

General fund, including poor and police department, eleven-twentieths of one per cent. Limitation.

Highway fund, one-half of one per cent.

Lighting fund, one-fifth of one per cent.

Fire department fund, one-fourth of one per cent.

Sinking fund, one-tenth of one per cent.

If the common council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in each ward in said city, call a meeting of the tax paying electors of each ward of said city, to be held on a day designated in said notice, at some place designated in each election district of said city and the said taxpayers may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as shall be decided by a majority vote of all the taxpaying electors voting at such election, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this act: *Provided*, That the manner of voting at such meeting shall be by ballot, and that no person shall vote at such meetings who is not a taxpayer and elector in said city and a resident of the ward and district in When larger tax deemed expedient.

Public meeting.

Proviso.

Conduct of election. which he offers to vote, and who was not assessed on the last city tax roll; said election shall be conducted as far as possible in the manner provided for conducting general and special elections in said city, and the inspectors of such election shall have the power to require any person offering to vote thereat to be sworn as to his qualifications to vote at such meeting, and if such person should swear falsely in reference to his qualifications to vote at such election, he shall, upon conviction thereof, be deemed guilty of the crime of perjury and be punished herefor.

What moneys to be paid into general fund. SEC. 3. The moneys assessed by the common council, under the authority of this act, for licenses and permits, and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into the general fund of said city.

Council to submit estimates. SEC. 4. The common council, after revising, altering and approving the estimates submitted to it by the controller, as provided by section IV, title IV, shall on or before the first Monday in May transmit the same, together with an estimate of any other taxes approved by it, to be raised for the ensuing year, for the approval of said board of estimates, as provided in this charter, and all propositions and resolutions for the borrowing of any money on the credit of the city, or issuing any bonds, shall also in like manner be submitted to the board of estimates, except as herein otherwise provided. It shall be the duty of the common council, on or before the third Monday of May of each year, to determine by resolution the amount necessary to be raised by tax for city purposes, within said city for such year; which amount shall not for any purpose exceed the amount therefor approved by the board of estimates, except as in this charter otherwise provided; and it shall be the duty of the city clerk to certify the amount so to be raised to the assessor, who shall assess the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city.

Council to cause estimates to be made. SEC. 5. The assessment of the property and persons for the purpose of the city taxation shall, except when otherwise provided, be made in the same manner as is now, or may at any time hereafter be, required by the general tax laws of this State. The assessor may divide the assessment roll into separate books, one for each ward in said city, which books shall constitute for all purposes the assessment roll of said city, assessing real estate in the ward in which the same, or any part thereof, may be situate, and personal property in any ward of said city in the proper taxing district. Shares in banks or other corporations may be assessed in the ward in which the business of such bank or other corporation is conducted. The assessor shall prepare for said assessment roll a complete index, showing in alphabetical order, the names of all persons therein assessed for personal estate, with reference to the page and book where the assessment may be found.

Assessment of property for taxation.

He shall complete said roll on or before the last Monday of April, and submit the same at that time for the action of the board of review thereon.

SEC. 6. The common council shall appoint five qualified electors and taxpayers of said city, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, and annually thereafter appoint one such elector for the term of five years, who shall constitute the board of review of said city, and shall be entitled to such compensation for their services as members thereof as the common council may fix. The said board shall meet at the office of the city assessor on the last Monday of April in each year, at nine o'clock in the forenoon, and organize by electing one of their members president, and the assessor shall act as clerk of said board. The clerk of the city shall give notice of the time and place when and where said board of review will meet, and the length of time the same will remain in session for the review and correction of such assessment roll, by publication thereof in the official newspaper of the city, and by posting printed copies of the same in at least twenty public places in each ward of the city at least ten days prior to the time fixed for the commencement of its session. Said board shall thereupon proceed to fully review the annual assessment of the taxable property, real and personal of said city, made by the assessor and by him to be submitted to said board. The board shall have power and it shall be their duty to so alter, amend and correct said assessment of the persons and property on said roll as to equalize the same. They shall have the power to add to said assessment roll any person or property which may have been omitted therefrom, and to strike from said roll any property or person not subject to taxation: *Provided*, That no assessment shall be increased, nor person or property added to said roll, except upon notice to the person to be affected thereby, served in the case of a resident of the city personally, or by leaving the same at his usual place of abode twenty-four hours before any action is taken by the board in respect to such assessment, and in the case of a non-resident, by one publication in any daily newspaper published in said city. Said board shall keep a record of their proceedings, and no assessment shall be made or changed, except by a majority vote of said board, taken by ayes and nays, and entered at large upon the record.

Board of
review.

Meeting and
organization of.

Duty of clerk.

Powers and
duties of board.

Proviso.

Keep record.

SEC. 7. The said board shall continue in session from day to day, Sundays excepted, to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the city assessor, when and where any person desiring to do so, can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and their decision shall be final, unless the person affected thereby

Length of
session.

When decision
to be final.

shall within forty-eight hours after such decision, make and file with the city clerk his appeal therefrom to the common council, in writing, and state specially the grounds of appeal.

Further duties
of said board.

SEC. 8. It shall be the duty of said board, in order to familiarize themselves fully with the methods pursued in the making of said assessment roll, and with the valuation of all the respective lots and parcels of land embraced therein, to personally examine, as far as practicable, all the property described in said roll, with the value of which they are not already acquainted, and to this end, the afternoon of each day while the board shall remain in session, shall be spent in the examination of property and the detail work of correcting and equalizing the assessments in said roll, and may appoint committees from their own members, for the purpose of examining property described in such roll.

Assessment
roll to be ap-
proved by
board of
review.

SEC. 9. When the board shall have completed their review of said assessment roll, a majority of said board shall endorse upon each book thereof, and sign a statement to the effect that the same is the assessment roll for the ward for which it is made, as approved by the board of review. Said assessment roll so approved and certified, shall thereupon be delivered to the assessor of said city. And the assessor shall, on the third Monday in May, submit the said assessment roll, so corrected and certified, to the common council of said city; and the common council shall, at the same or an adjourned session, proceed to consider the special appeals, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment; and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it, with the record of their action thereon, to be returned to the city assessor. The city assessor shall thereupon proceed to ratably assess thereon in dollars and cents, the amount of taxes and assessments, authorized to be assessed and collected in said city, to each person named or lot described upon said assessment roll, showing in separate columns the amount of highway tax, school, sewer and other city taxes and assessments assessed to each person or lot, and when said roll has been completed, footed and balanced, the assessor shall, on or before the last Monday in June, make a copy of said assessment roll as completed. The same to be divided into separate books, one for each ward, which shall be known as the city tax roll, and the said assessor shall deliver the said tax roll to the controller, who shall make entry of the same and of the totals of all taxes assessed thereon on the books of said office, and the said controller shall, on or before the first Monday of July, deposit said tax roll with the city treasurer and take his receipt therefor and charge him therewith.

Council to con-
firm roll.

Assessor to
assess taxes.

Controller to
keep record of
taxes assessed.

SEC. 10. Before the controller delivers said tax roll to the treasurer, a warrant shall be issued and annexed to each of said books, (tax roll) signed by the controller under the corporate seal of said city directed to the treasurer, commanding and authorizing him to collect from the persons named in each of said books (said tax roll) the taxes and assessments therein set forth, due from such persons and unpaid on the first Monday of November next, together with interest at the rate of one per cent per month, from and after the first day of the preceding August, for the benefit of said city, together with such collection fee as the common council may, by resolution or ordinance prescribe, not exceeding three per cent, as compensation for the services of said treasurer in collecting the same, and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrants shall be returnable on the first day of March next ensuing: *Provided*, That if at any time after the first day of August, and before the first day of November next ensuing, the city treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until said first Monday in November, he may proceed to enforce its collection at any time, by distress and sale of the property of the person against whom such tax is assessed, or he may bring suit for collections of such tax, and if compelled to seize property or bring suit, he may add to such tax two and one-half per cent for collection fees.

Warrant to be issued commanding the treasurer to collect taxes.

Proviso.

SEC. 11. Upon the receipt of the tax roll by the treasurer, as hereinbefore provided, the taxes thereon shall become and be due and payable, and the treasurer shall forthwith, upon receipt of the said tax roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per centum upon all unpaid taxes will be made thereto on that day, and a like addition of one per centum will be made for each month thereafter, until the first day of March next following; and that the payment of all taxes remaining unpaid on the first Monday of November, will be enforced by levy and sale of any personal property which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax, the treasurer shall mark the same paid upon the proper roll, adding after the word "paid," the day and month when

When taxes due and payable.

Treasurer to give notice of receipt of tax roll.

Taxes paid to be marked on roll.

paid, but it shall not be necessary in the receipt for the taxes, unless demanded, to state all the several taxes in detail, but it shall be sufficient to state the total thereof, and (the) one per cent of any total represented by the several taxes upon the roll, with interest and charges, if any.

Power of treasurer to levy and sell property for taxes

SEC. 12. By virtue of the warrant by this act authorized to be issued by the controller, the city treasurer shall have power, and it shall be his duty to diligently search for and levy upon the personal property of persons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw county, and he shall have the same powers in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll as are now, or may at any time hereafter, be conferred upon township treasurers by the general laws of this State.

Taxes levied to be a lien.

SEC. 13. Every assessment or tax levied or imposed by the authority of the common council, or of this act, except when otherwise provided, shall constitute a charge against the person to whom assessed, from the date of the delivery of the tax roll to the city treasurer, and shall, together with all interest and charges, become and remain, until paid a lien upon the lands and tenements against which the same is assessed, from the date of such delivery, and all personal taxes so levied or imposed, shall also be a lien on all personal property of such persons so assessed, from and after the delivery of said tax roll to said city treasurer, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made thereafter, except when such property is actually sold in the regular course of trade. All proceedings for the levy and assessment of said taxes shall be presumed to be regular and valid. 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, including all taxes carried into said city tax roll from any special assessment roll, except as herein otherwise provided. The county treasurer of Saginaw county shall, on demand and as fast as the same are received, pay over to said city, the full amount of all city taxes returned delinquent for non-payment, received by such county treasurer, together with the interest and all the collection fee thereon, and he shall also, as soon as the same are received by the county, pay over unto said city the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes of said city, or of the former cities of Saginaw and East Saginaw.

County treasurer to pay over city taxes, etc., collected.

Controller to sell, assign lands.

SEC. 14. The controller of said city is hereby authorized, by proper deed of release, to sell, assign and transfer to any person or persons who shall pay the city treasurer the amount for which the same was sold, together with interest thereon,

all the claims which the cities of Saginaw or East Saginaw have acquired in and to any lands heretofore bid in for either of said cities under the provisions of the several charters thereof, or any laws of this State, and which have not been redeemed by the owner or other person interested therein, and all proceeds of such sale shall be credited by the treasurer to the proper fund of the taxing district wherein such lands are situated.

SEC. 15. The controller shall also have the authority and it shall be his duty, to execute and deliver to any person, his heirs or assigns, on the presentation of the proper certificate, a deed of conveyance of any lot or parcel of land described in said certificate, which shall heretofore have been bid off by said person at any sale for delinquent taxes held by the village of South Saginaw, and such deed or conveyance shall have the same force and effect as it would have had if executed by the proper officers of said village.

Deed of conveyance to be delivered on presentation of certificate

SEC. 16. Whenever any general tax either State, county or city, shall be held invalid by any court of competent jurisdiction, it shall be the duty of the city assessor, when notified of said fact by the common council, to re-assess the same in the next general assessment roll, if a city tax; and if a State or county tax, then in the State and county assessment roll. Said re-assessment shall be made in the same manner as original assessments are made. The same to be in a separate column in the assessment roll made for that purpose. If a personal tax, it shall be assessed as personal and if a real estate tax, then it shall be re-assessed to the real estate upon which the original assessment was made, and if said re-assessment is made, the lien shall continue upon said property the same as if said tax had not been set aside.

Proceedings when assessment is held invalid.

Re-assessment, how made.

SEC. 17. For public improvements and public buildings in said city other than the city hall, the common council may, if thereto authorized by a vote of the taxpayers of said city, as provided in section two, title V, of this act, borrow, on the faith of the city, a sum not exceeding one hundred thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the mayor and controller, and countersigned by the clerk, and in such forms and sums, not exceeding, in the aggregate, the said sum of one hundred 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 for less than their par value, and the avails thereof shall be applied only for the purpose of public improvement, and building school houses and other public buildings in said city.

Council may issue bonds.

Amount limited.

Bonds.

SEC. 18. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or

In what cases unlawful to borrow money.

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, 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 for the payment of money binding upon said city, the same shall be paid out of the sum raised by tax for such year, 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 same was borrowed, and for no other purpose whatsoever.

Property exempt from taxation not to be taxed.

SEC. 19. 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 grounds or buildings, shall be assessed for the ordinary city, State and county taxes.

What sums to be credited to sinking fund.

SEC. 20. The fund raised for the payment of the principal of the funded debt when due, and such other sums as the treasurer is by this act required to credit to the sinking fund except those raised for the payment of the interest of the funded debt shall be securely invested by the treasurer with the advice and the written consent of the mayor and controller, in the bonds of the United States, the State of Michigan, or of the city of Saginaw.

Orders for payment of money, what to specify.

SEC. 21. No money shall be drawn from the city treasury, unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions and orders, directing the payment of money shall specify the object and purpose of such payment, which shall be certified by the clerk and countersigned by the controller, before the same shall be paid by the treasurer.

Claims payment of.

To be accompanied by affidavit

SEC. 22. The common council shall possess the exclusive power to appropriate moneys and authorize the payment of claims and amounts chargeable against said corporation; but no unliquidated amount or claim shall be allowed or received for audit by the common council or controller, unless it be accompanied by the affidavit of the person rendering it, or some person acquainted with the facts, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to 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 such account or claim. It shall be sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against said city that it has never been presented to the controller or common council for audit and allowance; or if so presented, was rejected for want of such affidavit, or that the action or

What to be sufficient answer to action for collection of claim.

proceeding was brought before the common council had a reasonable time to investigate and pass upon it. All amounts due upon contracts, shall be audited according to the terms thereof, without unreasonable delay, but on the final settlement thereon, the contractor may be required to make the affidavit herein provided for, as in the case of other accounts.

Claims on contract, how settled.

SEC. 23. The common council may, whenever thereto authorized by vote of the electors of the city, as provided in section two of this title, levy such tax in any one year, or succession of years, as the electors of said city shall authorize, for the purpose of constructing a prison or workhouse, almshouse, bridge or bridges across the Saginaw river.

Council to levy tax as electors may authorize.

SEC. 24. The common council is hereby authorized to issue the bonds of said city to the amount of one hundred and twenty-five thousand dollars, for the purpose of raising money; first, to construct a bridge across the Saginaw river and the Emerson bayou, east from Court street and to procure the right of way therefor, and after that for the construction of a bridge across said river at such point in the first ward of the city as the common council may deem proper, and to procure the right of way therefor. And also for the construction of a bridge across said river, east from Perry street, and to procure the right of way therefor. Said bonds to be in such amounts and payable at such times and places and with such rate of interest, not exceeding six per cent per annum, as the common council may determine; and such bonds shall be issued and disposed of at the best obtainable price, not less than par, and the proceeds thereof shall be used for no other purpose.

Council may issue bonds for certain purposes.

Amount of bonds, and when payable.

SEC. 25. The common council of said city is hereby authorized to issue the bonds of said city to the amount of two hundred and twenty-five thousand dollars, said bonds to be in such amounts, payable at such times and places and with such rate of interest as the common council may determine, for the purpose of raising money to purchase a site for, and the construction of a city hall of said city, which city hall shall be located south of Atwater street, west of Franklin street, and east of the Saginaw river. Said bonds shall be issued and the proceeds thereof shall be used for no other purpose. It is made the duty of said common council to proceed immediately to procure such site and construct such city hall within said boundaries. All the offices of the city shall be located and kept, and all the city courts of the city shall be held in such city hall when completed.

Council to issue bonds to build city hall.

Proceeds of bonds to be used for no other purposes.

TITLE VI.

OF STREET AND PUBLIC IMPROVEMENTS.

Council to have power to lay out, widen, alter streets.

SECTION 1. The common council of the city of Saginaw shall have full power to lay out, open, widen, alter, close, fill in or grade, vacate or abolish any highway, streets, avenues, lanes, alleys, public grounds or spaces in said city.

To declare improvements necessary, how.

SEC. 2. When any improvement is to be made the common council shall so declare by resolution.

Power of council to lay out.

SEC. 3. The common council shall have the power to cause such of the streets and highways in said city, as shall have been used for six years or more as public highways or streets, and which are not sufficiently described or have not been duly recorded, to be ascertained, described and recorded in the office of the board of public works of said city, in the book of street records, and the recording of such highway, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council, and recorded in the book of street records, in the office of the board of public works, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground, therein described. And the board of public works is hereby empowered and it is made its duty to determine and establish the grade lines of all streets, highways, lanes, alleys, sidewalks and public grounds in said city, and when such grade is so established a record thereof shall be made in said book of street records or other book to be provided for that purpose, and when the grade lines of any street, highway, lane, alley or public ground has been so established and recorded, the same shall not be changed, except by the unanimous recommendation of said board, and the votes of two-thirds of the members of the common council, which change shall be recorded in the manner provided for recording the original grade line thereof. And no street shall be graded until the grade line thereof is so established.

Board of public works to establish grade of streets.

Lines to be recorded.

Power of council concerning sewers.

SEC. 4. The common council shall have the power to cause the common sewers, drains, vaults, arches and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city, to cause the grading, raising, leveling, repairing, paving, repaving, repairing or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk or crosswalk of said city, but all such improvements shall be done by the board of public works, as herein provided; but no such public improvement shall be made by paving in any way, except upon an affirmative vote of two-thirds of all the aldermen elect, unless a majority of the property owners having property fronting on the

place to be so improved, shall have petitioned the common council to make such improvement, in which case a majority vote of the council shall be sufficient to order the same.

SEC. 5. The common council may determine that the whole or any part of the expense, including costs of estimates, plans, surveys, assessments and other expenses incidental thereto of any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby, except where the improvement is made by paving or repaving between the street car tracks or railroad tracks and between the double tracks, curves and switches, and the paving required to be done by the street car companies or railroad companies on the outside of their tracks, the width provided for in their ordinances, the cost of which shall be assessed against said street car companies or railroad companies as a personal tax, and be placed in the special tax roll, the same as when any other special improvement is made. And the common council shall, either before or after the completion of such improvement, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed to said lands, except that portion to be paid for by said street car companies or railroad companies as above provided: *Provided, however,* that the assessments which may be levied upon any block or parcel of real estate, shall not exceed the benefit which it is especially deemed to have received by such improvement. Whenever any improvement is ordered in any street, except paving, repaving, planking or macadamizing, the board of public works shall have authority to determine whether such improvement shall be done by the city, under the direction and supervision of the board of public works, or whether bids shall be solicited and the improvement be let by contract. When such improvement is completed, or as soon thereafter as may be convenient, the board of public works shall prepare a detail statement of the cost of such improvement, showing the amount to be assessed on the property benefited, as provided by the resolution ordering the said improvement, and the amount of cost for paving between the street car tracks or railroad tracks, double tracks, switches, curves and the distance, if any, outside of its said tracks, as provided for by the ordinances of said city.

Council to determine expenses.

Proviso.

Board of public works to decide how improvement to be made.

Board to prepare statement of expense.

SEC. 6. The same shall be certified to the common council, and when such statement shall have been approved by the common council, as reported by the board of public works the common council shall then fix a taxing district showing the property benefited and the amount of said improvement and the same shall be certified to the city assessor, who shall proceed, without unnecessary delay, to make an assessment, according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property in said district, specially benefited, in proportion to

Council to approve statement and fix taxing districts.

Assessor to
make assess-
ment roll.

the benefit and advantage which each description of property is deemed to receive from the making of such improvement, subject to the limitation of actual benefit, as provided in the preceding section; and said city assessor shall make out an assessment roll, reciting in the heading thereof the improvement, and in the body of which shall be entered a description of the property assessed (except where the improvement is made by the city between the tracks, double tracks, curves and switches of the street car companies or railroad companies, and the space to be paved by said companies on the outside of their tracks, in which case the same shall be placed in the special assessment roll against said street car companies or railroad companies as a personal tax), the amount or amounts in dollars and cents assessed therein, and the names of the supposed owners thereof, when known, together with a diagram (which diagram shall be furnished by the city engineer), showing the property assessed and the names of the supposed owners thereof, written upon each description of property or parcel of land so specially assessed: *Provided*, In all cases where the ownership thereof is unknown to the city assessor, in lieu of the name of said owner, the words "non-resident" may be used; but no omission or mis-statement of the owner's name shall invalidate the assessment thereon.

Proviso.

Assessor to cer-
tify that assess-
ment has been
made to the
best of his
judgment.

SEC. 7. The city assessor shall certify upon said roll that he has made such assessment upon the property described, in accordance with the order of the common council relating thereto, and that said assessment contains a just and true assessment of the costs of such improvement (stating the sums thereof) and that the several amounts assessed against each description of property, have been set down to the best of his judgment of said assessor according to the benefit and advantage which each description of property is by him deemed to receive from the making of said improvement, and that each parcel thereof is benefited specially by such improvement to the amount of the assessment thereon; and that the amounts assessed to the street car company or companies, or railroad companies is the actual cost of paving or repaving (as the case may be) between the tracks, double tracks, switches, curves, and on the outside of the tracks of said street car or railroad company or companies.

When roll cer-
tified to be filed
with county
clerk.

SEC. 8. As soon as said roll is completed and certified to by the city assessor, it shall be filed with the city clerk, who shall number it as "special roll No.... for the year 18.... of the taxing district," and shall also endorse the date when so filed thereon, and report the same to the common council without unnecessary delay. The rolls for the various classes of improvements shall be distinguished by a letter prefixed to the number of the roll, as follows: For sidewalks "A," for sewers "B," for street improvements, payable in five years, "C," for street improvements payable in one

Rolls to be dis-
tinguished by
letters.

year "D," for private sewer connections "E," for private water connections "F," miscellaneous rolls "G."

SEC. 9. Upon such notice of the completion of such assessment, and filing of any special assessment roll, the common council shall cause notice to be given to all parties interested therein, reciting the names on said roll, by publication in a newspaper published in said city, for three successive issues of said newspaper, that the common council will at such time as they shall appoint, hear objections to and appeals from said assessment.

Council to give notice.

SEC. 10. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part or may set the same aside and direct a new assessment; or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may deem proper. And the common council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately.

Council to hear objections to assessment.

Council to confirm assessment roll.

SEC. 11. Every assessment roll so ratified and confirmed shall be final and conclusive, and within five days after the confirmation thereof, the controller shall deliver the same to the treasurer. Upon delivery of such roll to said treasurer, the taxes therein specified shall become and be due and payable, and shall constitute a lien upon the property in said roll described; and the treasurer shall forthwith give public notice of the delivery thereof to him by publication for three successive days in the official paper of the city. During the period of sixty days next after the receipt of roll, "A," "D," "E," "F" and "G," by the treasurer, any person may pay to the treasurer the amount of any taxes assessed on said roll, without interest, and by payment of the amount thereof, together with interest at the rate of one per cent per month, computed from the expiration of the said sixty days to the date of payment. The treasurer shall be charged with the amount of such roll, at the time of its delivery to him, and on or before May first next ensuing, he shall make and file, under oath, with said controller, a full and complete transcript of all parcels of real estate in said roll upon which taxes remain unpaid, together with the amount thereof, and shall, upon such return being made, together with the original rolls receive proper credit therefor upon the books of the controller. On or before the tenth day of May next following, the controller shall certify to the assessor the amount of such taxes, and a description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the

Assessment roll so ratified to be conclusive.

Taxes to be a lien on property.

When taxes may be paid.

Treasurer to be charged with amount charged on roll.

Controller to certify to the assessor the amount of taxes to be collected.

rate of one per centum per month, on all sums so uncollected and unpaid, computed from the expiration of said sixty days hereinbefore specified, to the first day of August in the year in which the same shall be placed by the assessor, as herein provided, in the tax roll next thereafter to be made in a column specifying the proper taxing district to which the same belongs, and such tax shall then be levied, collected and returned and the said premises may be sold for the non-payment thereof, as provided by law for (the) non-payment of other taxes.

Premises may be sold for the non-payment of taxes.

Owner to bear expense of public improvement.

SEC. 12. 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 every such assessment, made for the expenses of any public improvement in said city.

Agreement of landlord and tenant not to be impaired.

SEC. 13. 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.

Public improvement, what construed to include.

SEC. 14. The term improvement, as used in this act, shall be held and construed to include not only those set out and recited in the first section of this title, but the stumping, ditching, and grading of all public streets, highways, lanes and alleys, the construction of plank roads, the laying of pavements of wood or stone, including the crosswalks, flagging or macadamizing, with broken or pounded stone, of the streets or roadways of said city, the draining and filling of all the low lands and lots, and the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within said city.

What provisions to be matter of record.

SEC. 15. All proceedings of the common council, under the provisions of this title and title ten, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer or board of the common council of said city, nor because of any act not being done at the time or in the manner herein required, nor on account of the property having been assessed without the name of the owner, or in the name of any other person than the owner, or on account of the contract therefor having been let without a sufficient advertisement, or any advertisement for bidders, or on account of any other irregularities, informality or omission, or want of any matter of form or substance, in any proceeding that does not prejudice the property rights of the person whose property is taxed, and unless the party complaining of such failure, shall show affirmatively that he has been injured thereby; and all such proceedings shall be construed favorably by all courts of this State, and they shall be presumed to be legal and valid, until the contrary is affirmatively shown; and in case that any litigation may arise between the city and any person, out of pro-

ceedings under this title, the court shall require the complainants to furnish bonds with sufficient sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process of injunction against the said corporation. And in any case or proceedings involving the validity of said taxes and assessments, the same shall be held valid and sustained for such amount thereof as shall be found to be legally or equitably chargeable against the person or property against which the same is assessed. If two or more parcels of land are assessed together erroneously, the court before which such cause or proceeding is pending, shall, if practicable, ascertain the amount equitably chargeable against each, and sustain such tax or assessment against such parcel. And whenever necessary for the enforcement of such special assessment, it may be re-assessed as provided in section twenty-eight of this title.

Taxes and assessments to be held valid.

SEC. 16. The common council shall have power to require the owners or occupants of any lands in said city to build, repair, keep in repair, and rebuild, when necessary, all sidewalks in said city, and the common council may, by ordinance, prescribe the dimensions of all sidewalks to be built in said city, and of what material the same shall be constructed, repaired or rebuilt, and in such ordinance may fix the time within which the owner or occupant of any lands, in front of which any sidewalk is to be built, repaired or rebuilt, shall build the same, and the common council may prescribe such penalty for violation of such ordinance as they may deem proper, not exceeding the amount limited by this act.

Council to compel owner to build sidewalk.

SEC. 17. The building, repairing and rebuilding of all sidewalks in said city, shall be done under the direction of the board of public works of said city. If any person shall refuse or neglect to build, repair or rebuild any sidewalks in front of his or her premises, of such material and width in the time fixed by the ordinance of said city, the board of public works shall construct, repair or rebuild the same, and the cost and expense thereof shall be paid out of the highway fund of the proper taxing district of said city, and such cost and expense of building, repairing or rebuilding such walk shall be assessed upon the lands of such owner or occupant adjacent to such walk, in the same manner as provided for other public improvements. Nothing herein contained shall be construed as exempting any person from being prosecuted for violating any ordinance of said city relating to sidewalks. If the owner or occupant of any lands in said city shall neglect or refuse to comply with any order of said common council, or board of public works, concerning the repairing or rebuilding any sidewalk in said city, or if such owner or occupant shall suffer any sidewalk in front of his or their premises to be out of repair, so as not to be in a condition reasonably safe and fit for travel, such owner or occupant shall be liable to said

To be under direction of board of public works.

When board may construct.

Proceedings in case of neglect.

Proviso.

Provided,
further.

Failure to give
notice of injury
to be bar to
action.

Ditches and
gutters.

Resolutions
concerning to
be introduced
one week be-
fore passage.

Money may be
borrowed in an-
ticipation of
tax.

city for all damages and costs recovered from said city by reason of such sidewalk being out of repair, and such damages and costs may be recovered by said city, in any court of competent jurisdiction, with costs of suit, and any judgment recovered against said city shall be conclusive evidence of the liability of such owner or occupant to said city: *Provided*, That such owner or occupant shall be notified of the pendency of any suit brought against the city to recover such damages, and requested to assist in the defense thereof: *Provided*, *further*, That any person who is injured upon any of the public highways or streets of said city, by reason of the neglect to keep such public highways or streets, bridge or culvert on the same, in repair, and in a condition reasonably safe and fit for travel, shall within sixty days after receiving such injury, notify the common council of said city of the time and place where such injury was received, and the manner in which it was received, and the nature of the injury. The failure of any person so injured to give such notice within the time and in the manner above required, shall constitute a complete bar to any action against said city for any damages that might otherwise be recoverable against said city on account of such injury. No such action shall be maintained in any case unless the same be brought within one year after such injury shall be received.

SEC. 18. The common council of said city shall have power to compel the owners or occupants of any lands in said city, fronting on any street or streets in said city, to deepen or clean out the ditches and gutters at the sides of any and all streets in said city; and whenever the common council of said city shall determine that such ditches or gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the board of public works of said city to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter, in such manner as said board shall direct, within five days from the time of service of such notice, and in case any such owner or occupant shall refuse or neglect to comply with such notice, the work shall be done by the board of public works of said city, and such costs and expenses shall be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements. No resolution ordering the building, repairing or rebuilding of sidewalks in any street in said city, shall be passed by the common council until the expiration of at least one week after such resolution shall have been offered or introduced before said council.

SEC. 19. To meet the [expense] expenses of improving streets in said city, by paving, grading, graveling or otherwise, in anticipation of the collection of the assessments and taxes to defray the expense (and) cost thereof, the common council may, by resolution, with

the approval of the board of estimates, authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding one hundred and fifty thousand dollars in any one year, for such purpose, and to issue bonds of (said) city therefor, bearing interest at the rate not exceeding six per cent per annum, payable semi-annually, which shall be chargeable to and paid by the proper taxing district: *Provided*, That the total amount of bonds which the common council is thus authorized to issue, shall not exceed three hundred thousand dollars outstanding at any one time. The common council may, when any of the above improvements are made, authorize that the bonds for making said improvements shall run for a period of not less than five or more than ten years. And the amount of bonds which may be issued for such purpose shall be made payable in annual equal parts as ordered by the common council. The said bonds to be endorsed "street improvement bonds of the taxing district," and to be numbered or lettered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "street improvement fund," of the proper taxing district. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the re-issue of the same bonds or of bonds to take up said original bonds.

Proviso, limiting amount of bonds.

Payment of bonds.

SEC. 20. All the sections of this title relative to ascertaining and assessing the cost of street improvements, shall be applicable to the ascertainment of the cost of street improvements, paid for by proceeds of street improvement bonds, and the assessment of said cost upon the property benefited thereby, except that the assessment rolls shall be designated by the city clerk as street improvement rolls. Every assessment roll so ratified and confirmed, shall be final and conclusive, and when any such assessment shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping. And a copy of said roll as certified by the clerk of said city shall be deposited in the controller's office and retained by him. The assessor shall divide such assessment into five or more equal parts as the council shall determine, one of which, together with interest for one year, at a rate not exceeding six per cent per annum upon all sums remaining unassessed, shall be placed in the annual tax roll in the street improvement bond column of the proper taxing district thereof, upon and opposite the description of property described in said assessment roll, in each year thereafter, until the same is all assessed upon said annual tax roll, except where assessment is made against a street car company or railroad company as a personal tax.

Sections of this title to be applicable to what.

Assessment roll to be conclusive.

Assessor to divide assessment roll.

Assessment for
payment of
bonds.

SEC. 21. On or before the first Monday of May in each year, the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor, from the special assessments levied in the respective taxing districts, under the provisions of section twenty of this chapter, to meet and pay the street improvement bonds of said city, and the annual interest thereon, theretofore issued for the benefit of the separate taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall, with the approval of the board of estimates, cause the amounts so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon the real and personal property of the proper taxing district of said city; and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof, the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said street improvement bonds, and the principal of said bonds, as they shall fall due, or repayment to the city of the moneys advanced to pay the same, and for investment, as provided for in this act, and for no other purpose.

Taxes a lien on
property
assessed.

Sale of
premises for
non-payment.

Treasurer to
invest certain
moneys.

SEC. 22. After payment into the treasury of any money received for assessment or taxes under the street improvement system, the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest or bonds, during the current year, in bonds of the United States or of this State, or purchase therewith unmaturing street improvement bonds or other bonds of said city, as may be the most expedient or beneficial to the city.

Council to
assess non-
residents.

SEC. 23. The common council are hereby authorized to cause to be assessed upon the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, 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 non-payment of the same, as in relation to the assessments for public improvements in said city, except as the common council may otherwise determine or direct.

SEC. 24. When the treasurer shall have levied on 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, and make return of all money received therefrom, as is or may be required by the general laws of this State in the levy and sale of personal property for the non-payment of taxes by township treasurers.

Treasurer to advertise and sell personal property for taxes.

SEC. 25. The common council shall permit any person, who shall be the owner or agent of any tract, plat or addition within the limits of said city, to improve, grade, plank or pave any street lying within said tract, plat or addition, the cost of which, if improved by the order of the council, could be assessed against such lands: *Provided*, All such work shall be done under the superintendence of the board of public works, and shall, in all respects, conform to the established plan and grades for streets in said city.

Council to permit owner of plat to make improvements.

Proviso.

SEC. 26. Whenever any special assessment for the improvement of a street, or for any other public work, shall, in the opinion of the common council, be deemed invalid, the common council may vacate and set aside the same; and whenever any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, the common council may cause a new assessment to be made. Such new assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the assessor and controller to apply such assessment (upon the re-assessment) upon said lot or parcel, and to make a minute thereof upon the new assessment roll.

When special assessment deemed valid.

How new assessment made.

All the provisions of this act making special assessments a charge against the persons assessed, or a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall, in like manner, apply to such re-assessment. No judgment or decree, nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such an amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon. And no defect, irregularity or omission in the proceedings for making the improvement or doing public work, to pay for which such special assessment is made, which occurred either before or after the letting of the contract therefor, shall affect the right of the city to re-assess the same upon the property benefited: *Provided*, The improvement or public work has been actually done or the liability therefor incurred. The provisions of this section and of section fifteen,

Lien upon premises assessed not to be destroyed.

Right of city to re-assess shall not be neglected.

Proviso.

Applies to special assessments.

of this chapter, shall apply to special assessments heretofore made in said city, and in the former cities of Saginaw and East Saginaw, as well as to those which shall hereafter be made.

Council to provide for the raising and use of highway fund.

SEC. 27. The common council shall have power, by ordinance, to sub-divide the city into streets or highway districts, and to provide for the raising and expenditure of a highway fund in each district separately, and to restrict the expenditure in the separate districts for highway purposes to the amount raised within the limits thereof.

City to be divided into two taxing districts.

SEC. 28. The said city is hereby divided into two taxing districts, to be denominated "the eastern taxing district" and "the western taxing district," the boundary between which shall be the center line of the Saginaw river, for the assessment of taxes for the following purposes, viz.:

Construction, etc., of sewers.

First, The construction, maintenance and repair of sewers and drains;

Opening, etc., streets.

Second, The opening, extension, grading, turnpiking, graveling, planking, macadamizing, paving or other improvements of streets, alleys and public spaces;

Construction, etc., of sidewalks.

Third, The construction and repair of sidewalks, and the cleaning and deepening of street ditches;

Maintaining, etc., of water works.
Proviso.

Fourth, The maintaining and extending of the water works system, situated in each taxing district: *Provided, however*, That the expenses of all such purposes shall be paid by the taxing district in which the improvement exists or is made, and so much of the cost thereof, as under the provisions of this charter, is or may be apportioned to the property benefited, shall be assessed exclusively upon property within the taxing district wherein the improvement is made. Whenever, under the provisions of this charter, bonds may be issued to provide for the payment of such improvement, the same shall be issued in the name of the city of Saginaw, and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holder. The common council shall, however, at the time of the passage of the resolution authorizing the issue of such bonds, expressly state the amount and the number of bonds separately, which shall be issued to meet the cost of such improvements in the eastern district and in the western district respectively, and when sold, the proceeds of such bonds shall be paid into the appropriate separate funds of the eastern district and western district respectively, and shall be used only in the district for which the same are raised; and each taxing district shall stand charged with and shall pay to the city of Saginaw for all improvements made within its boundaries, and the bonds issued therefor, and shall not as a taxing district, be liable or pay for such improvements made in the other district, or the bonds issued therefor. To meet the cost of any said special improvement hereinbefore specified, and to enable the

Bonds to be issued in name of city of Saginaw.

Council to state number and amount of bonds.

Taxes and assessments to be raised to pay bonds.

city to pay the bonds issued therefor, or any other indebtedness incurred on account thereof, taxes and assessments shall be assessed, levied and collected in the manner provided in this charter, separately in said eastern district and said western district respectively, and when collected, shall be paid into the separate fund thereof, and be used and applied by the city in the extinguishment of the bonded or other indebtedness incurred in the making of said improvement within such district. If at the maturity of any bond issued by the city for such improvement, the separate special fund of the district to which it is chargeable shall be insufficient to pay the bond, the city shall advance to the special fund the additional amount required to meet the bond in full, and interest on such advance shall be charged to the special fund and credited to the city, at the rate of six per cent per annum, until the moneys so advanced are fully repaid, and the city shall be and is authorized from year to year to assess against and levy on all the taxable property within the proper taxing district, taxes to an amount sufficient to repay all such advances, with the interest thereon.

In case separate, special fund be insufficient to pay bond.

SEC. 29. All the present indebtedness, bonds or otherwise, of the former city of East Saginaw shall be exclusively charged upon and paid by the eastern taxing district; and all such present indebtedness of the former city of Saginaw, as it existed prior to the first Monday in March, eighteen hundred ninety, excepting the bonds issued for the construction of the Saginaw county court house, shall be exclusively charged upon and paid by the western taxing district. The payments of such indebtedness shall be provided for by taxes levied in the respective taxing districts, chargeable therefor at such times and in such amounts as the common council may by resolution direct; and all taxes or assessments collected in such respective taxing districts, shall be placed to the credit thereof in the proper fund of such district, and be used only for the purpose of paying and retiring the separate indebtedness thereof. The common council shall also have power, in its discretion, to re-issue bonds to retire all such indebtedness and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holders, and when issued, such bonds shall constitute a charge only on the district to pay the indebtedness for which the same were so issued.

What bonds to be charged to eastern taxing district.

How payment of indebtedness made.

Council to have power to re-issue bonds.

TITLE VII.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence

Council may establish, etc., fire department and maintain same.

of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department; to organize and maintain fire, hose and hook and ladder companies; to make and establish rules and regulations for the government of the department, the employés, the firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employés, firemen and officers.

Chief, how to be appointed.

SEC. 2. The chief of the fire department shall be appointed by the common council by ballot, in the manner provided in section five of title two, for the appointment of other officers; and shall be retained as such, so long as he shall remain competent and efficient in the performance of his duties, except upon a two-thirds vote of the common council. The said chief may be removed at any time for cause.

Term.

Committee on fire department.

SEC. 3. There shall be a committee of three (3) members of the common council, appointed by the mayor, to be known as the committee on fire department, who, together with the chief of the fire department, shall have the direct and immediate control and management of the fire department of the city of Saginaw, and of the property and apparatus belonging thereto. Said committee, together with the city controller, shall be empowered to make necessary purchase of horses, and make all necessary repairs to apparatus, to an amount not exceeding the amount appropriated and collected for the several purposes. Said committee shall have stated meetings at such times as the common council may prescribe by ordinance. Upon the recommendation of the chief of the fire department, said committee shall also have the power of appointing all firemen and members of the fire department, except the chief, who shall be retained as such, while they shall continue competent and efficient in the performance of their respective duties. Said committee shall have full power to try and determine all complaints against any member of said department, and to remove them, or any of them, summarily, or on conviction of insubordination, neglect of duty, incompetency or violation of any of the rules, regulations or ordinance governing said department. Said committee shall also have the power, upon the recommendation of the chief of the fire department, to make such changes in the positions held by any member of the department, either to promote him or place him in a subordinate position, as they may deem for the best interests of the department: *Provided*, Nothing herein contained shall be construed as shortening the term of any officer now holding office.

Powers and duties.

Meetings.

Committee to appoint firemen on recommendation of chief.

Committee to try and determine complaints.

Promotion in hands of committee.

Proviso.

TITLE VIII.

POOR DEPARTMENT.

SECTION 1. The common council shall appoint a director of the poor, who shall hold his office for a period of two years, and shall, with the committee on poor, have charge of all the indigent poor persons in the corporate limits of said city of Saginaw, and shall provide for their support as the common council may by ordinance direct. Said director and committee on poor shall possess such powers and authorities as provided for by ordinance, and by the laws of this State, in relation to the care of the poor.

Director of
poor, how
appointed.
Term, duties.

SEC. 2. Said director shall be under the direction and supervision of the committee on poor, and it is the duty of the committee on poor to see that all the provisions of the ordinances of said city, in reference to the support of the poor, shall be enforced; and if said director wilfully neglects and refuses to carry out the instructions received from said committee on poor, and the ordinance, it shall be grounds for preferring charges against said director before the common council for his removal.

Director to be
under super-
vision of com-
mittee on poor.

SEC. 3. The director of the poor shall receive such compensation as the common council may fix, and the common council may employ such assistants as it deems necessary to properly conduct said office.

Compensation.

TITLE IX.

PUBLIC HEALTH.

SECTION 1. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of the city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits thereof; to regulate and prescribe, by ordinance, the location of all barns, stables and privies within the city; to establish a board of health, and to invest it with all such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases, and to provide for its proper organization, and for the appointment of proper officers; to make all such by-laws, ordinances, and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of the city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Council to
adopt measures
for the preser-
vation of the
public health.

Board of health
to be appointed,
duties.

Council to have power to enact ordinances for preservation of public health.

SEC. 2. 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 filling up, draining, cleansing, cleaning, 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 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, for that purpose by proper ordinance, 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 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 manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each 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.

Expense of cleaning, etc., to be assessed to lands charged.

Further powers of council in relation to public health.

SEC. 3. The common council shall have such further powers and duties, in relation to the public health of said city, as are conferred by the provisions of chapter fourteen, of act number one hundred seventy-eight, of the session laws of eighteen hundred seventy-three, entitled "An act for the incorporation of cities," being subdivision fourteen, of chapter eighty, of I Howell's Annotated Statutes, and the acts amendatory thereof, and such further powers and duties as are now, or may hereafter be, conferred by the general laws of the State upon the board of health of townships or incorporated [cities] villages.

TITLE X.

SEWERS AND DRAINS—CONSTRUCTION, MAINTENANCE, ASSESSMENTS.

Board of public works to have the exclusive management of sewers.

SECTION 1. The board of public works shall have exclusive superintendence and management of all sewers, drains or pools now constructed, or to be constructed, and shall make all rules and regulations relative to the construction, use and preservation of sewers and all private drains entering sewers.

If any person shall, in constructing any private drain, or making any connection with a sewer, neglect or refuse to follow and conform to such regulations, the said board may cause such work to be done in accordance with such rules and regulations, and the costs thereof shall be certified by the board to the assessor, and such costs, when certified to the assessor, shall be a lien on the land or premises using such drain or connection with a sewer, and the assessor shall assess the same upon the owners of such premises in the next annual tax roll, in the sewer bond and interest column thereof, and it shall be collected and paid as provided for the general taxes.

In case of neglect or refusal to follow regulations of board.

SEC. 2. The current cost of altering, repairing and cleaning sewers and drains, and all incidental expenses of management, shall be estimated by the board of public works, who shall report to the common council on or before the second Monday of April in each year the amount so estimated and required for the next ensuing year, and when the same is approved by the common council, shall be assessed by the assessor upon the real and personal property in the city of Saginaw, and included in the next annual tax roll of said city, placed in the highway fund column, and when collected, placed to the credit of the highway fund of the proper taxing district.

Cost of repairing, cleaning, etc., to be estimated, assessed.

SEC. 3. The permanent sewerage plan heretofore adopted in East Saginaw and Saginaw City shall remain, but the board of public works shall have the power from time to time to make such plans for changes therein, or extension thereof, or such additional plans for drainage and sewerage, as the public interests may require, but all plans, changes and extensions shall be devised with a view to establish and maintain a regular system. All plans shall show the location, direction and size of each drain and sewer, whether mains or laterals, and connections with other drains and sewers, and such other particulars as may be necessary to present a complete plan of drainage and sewerage for the city, or that portion of the same designed to be embraced in the plan.

Permanent sewerage plan heretofore adopted to remain.

Regular system to be maintained.

SEC. 4. Whenever the board shall have prepared any plan of additional drainage or sewerage, or for extension or changes in the existing plans, the same shall be submitted to the common council, and upon its being adopted and confirmed by that body, and certified to by the city clerk and said board, shall be filed in the office of the register of deeds of Saginaw county, whereupon the plan, or any part thereof, therein set forth, shall become the permanent plan of sewerage of said city, subject to be changed only by the unanimous recommendation of said board and the votes of two-thirds of the members of the common council, certified and filed as herein provided.

Plan of drainage, sewerage, etc., to be submitted to the council to be confirmed.

When confirmed how changed.

SEC. 5. The said board shall, in the month of March in each year, report to the common council what public sewers or drains they deem necessary to build in the ensuing year, and

Board to report to council in March in each year.

shall accompany the report with an estimate of the cost of each and all such drains and sewers, and the said board may also, after the month of March in each year, bring in a supplemental list of sewers to be built.

Council to decide what sewers, to be built.

SEC. 6. The common council shall decide what public sewers and drains of those reported by the said board, in accordance with such sewerage plan, shall be built, and shall, through the city clerk, notify the board of their decision, and said board shall proceed to advertise for proposals, except as herein otherwise provided, to build the sewers and drains ordered to be built by the common council, under such specifications and forms as said board shall deem necessary in manner and form required by the act incorporating said board of public works.

Board to advertise for proposals.

Restrictions on said board.

SEC. 7. Said board shall not lay down or construct any sewer or drain in said city, or purchase any material or enter into any contract, except as herein provided, except in case of any unexpected casualty or damage to the sewers or drains of said city, in which case said board may cause the same to be repaired to an amount not exceeding five hundred dollars.

Council may declare the amount to be raised for sewers in each taxing district not to exceed a certain amount.

SEC. 8. To meet the [expense] expenses of the construction of sewers in the eastern and western taxing districts of said city, in anticipation of the collection of assessments and taxes to defray the cost thereof, the common council may, by resolution, with the approval of the board of estimates, declare the amounts necessary to be so raised for sewers in each taxing district separately, and by like resolution authorize and direct the mayor, controller and clerk of said city to borrow a sum not exceeding sixty thousand dollars in any one year, and for that purpose to issue the bonds of the city, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof, as provided in section twenty-eight of title VI:

Proviso.

Provided, That the total amount of the bonds which the common council is thus authorized to issue, shall not exceed two hundred and twenty-five thousand dollars outstanding at any one time. The common council whenever any such amount is to be raised, may authorize that the bonds shall run for a period of not less than five nor more than ten years; and the amount of bonds which may be issued for such purpose shall be made payable in five or more years in equal annual parts as ordered by the common council, all to be endorsed "sewer bonds," and numbered consecutively. Said bonds shall not be sold for less than their par value, and the proceeds of the same shall be paid to the city treasurer, and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity, and the common council shall not have power to authorize the re-issue of such bonds, or of bonds to take up said original bonds. The amount and number of

Terms of bonds made payable.

Bonds not to be sold for less than par.

Bonds to be paid at maturity. Council shall not authorize re-issue of bonds.

the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in the manner and form as provided in section twenty-eight of title VI.

SEC. 9. The assessment for the cost of the construction of lateral sewers shall be made by the city assessor and collected by the city treasurer, in the manner herein provided for making and collecting special assessments for street improvements.

Assessment,
how made.

SEC. 10. The common council shall have power by resolution to determine either before or after construction, that the whole or any part of the cost of any lateral sewer, and that the whole or any part of that proportion of the cost of any main sewer, which in the opinion of the common council shall equal the cost of a twelve-inch lateral sewer, shall be assessed upon the property especially benefited thereby in proportion to the benefit derived by such property from the construction of said sewer, and to direct such special assessment to be made by the city assessor.

Council shall
have power by
resolution to
determine what
part of cost to
be assessed to
property
benefited.

SEC. 11. When the common council have made this determination as to the proportion of the cost of any main or lateral sewer, which shall be specially assessed upon the property benefited, they shall fix an assessing district, and their action in respect thereto shall be duly certified to the city assessor, who shall as soon as may be thereafter, proceed to make an assessment according to such order of so much of the cost of said improvement as may have been ordered specially assessed, upon all property specially benefited, in proportion to the benefit and advantage which each description of property is by him deemed to receive from the construction of said sewer. He shall cause diagrams to be made, which plans shall be furnished by the city engineer, showing the property assessed, and the names of the owners thereof, when known, and when such assessment is made, the city assessor shall submit the same to the common council. Upon the submission as aforesaid, the clerk of the city shall cause notice of the same to be published in the official newspaper of the city, for three successive times, that the common council will on such a day as they shall appoint, proceed to hear any appeals from the said assessments.

When council
have made de-
termination,
the city as-
sessor shall make
the assessment
according to
order.

He shall cause
diagrams to be
made showing
property as-
sessed.

SEC. 12. At the time appointed for that purpose, and such other time as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment; or the said com-

Council to hear
complaints of
assessments,
may rectify
and amend
the same.

May ratify and confirm assessment without correction.

When assessment for construction of sewers have been confirmed, roll to be deposited with controller.

Assessor to divide assessment into five equal parts.

Council to require certain money to be assessed and raised.

Where such assessments to be spread.

Premises may be sold for taxes.

mon council may ratify and confirm such assessment without any corrections or with such corrections therein as they may think proper. And the common council may confirm and approve all or any number of said rolls upon a single roll call, unless some member of the common council objects, and in case of such objection being made, the several rolls so objected to shall be voted upon separately. When any such assessment for the construction of sewers shall have been confirmed by the common council, the assessment roll shall be attested by the city clerk, under seal, and it shall be deposited with the city assessor, who shall be responsible for its safe keeping, and a copy of said roll, certified by the clerk of said city, shall be deposited with the controller and remain in his office. The assessor shall divide such assessment, on all sewers hereafter ordered, into five or more equal parts, as may be fixed by resolution of the common council, one of which, together with interest at the rate of not to exceed six per cent for one year upon all sums remaining unassessed, shall be placed in the annual tax roll, in the sewer column thereof, upon and opposite the description of property described in said sewer assessment roll, in each year thereafter, until the same is all assessed upon said annual tax rolls.

SEC. 13. On or before the first Monday in May in each year, the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessments levied in the respective taxing districts under the provisions of sections eleven and twelve of this chapter, to meet and pay the sewer bonds of said city, and the annual interest thereon theretofore issued for the benefit of the respective taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall upon the approval thereof by the board of estimates, as in this act provided, cause the amount so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property of the proper taxing district of the city, and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof the premises may be sold in the same manner as for other taxes levied in the said city, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or

re-payment to the city of moneys advanced to pay the same, or for investment as provided for in this act, and for no other purpose.

SEC. 14. After payment into the treasury of any money received for assessment or taxes under the sewerage system, the city treasurer shall, under the direction of the mayor and controller, invest such sums not required to pay expenditures, interest or bonds during the present year in bonds of the United States, or of this State, or purchase therewith unmatured sewer bonds, or other bonds of said city, as may be most expedient or beneficial to the city.

Treasurer to invest certain moneys.

SEC. 15. In case said board of public works, shall in devising and framing a plan of sewerage and drainage, find it necessary to construct a sewer through any private property, and such sewer or drain cannot be constructed so as to properly drain any portion of said city without carrying the same through such private property, not opened as public, it shall be lawful for said board, or a majority of them, to present a petition to the common council for appropriating said property, and said common council shall proceed to open the same, as hereinafter provided.

Board may petition council to appropriate private property.

SEC. 16. The said board may prescribe regulations for the use of said sewers, and may license persons to open the same. And whenever the common council shall order any portion of any street to be paved, re-paved or otherwise improved, and the owner and occupant of any block, parcel or subdivision of land, fronting thereon, shall upon notice in accordance with the ordinance of said city, fail to connect said premises with the public sewer in said street as now or hereafter required, said board of public works may cause such connection to be made, and the pipe carried to the curb line of said street, and the labor and material furnished therefor may be charged against said property, and shall be assessed against the same in the same manner and with the same force and effect as is now or may hereafter be provided by the ordinances of said city, and by title six of the charter for making special assessments.

Board may prescribe regulations for use of sewers.

When board may construct sewer connection and charge same to city.

SEC. 17. Whenever necessary, private property may be appropriated for the purpose of laying out, constructing, extending or enlarging any public sewer or the outlet thereof, under and pursuant to the provisions of act No. one hundred twenty-four of the session laws of eighteen hundred eighty-three, entitled "An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act No. twenty-six of the public acts of eighteen hundred and eighty-two," approved May thirty-first, eighteen hundred eighty-three, or under or pursuant to any general law of the State which may hereafter be enacted.

When necessary private property may be appropriated.

TITLE XI.

POLICE DEPARTMENT.

Council to ap-
point board of
police commis-
sioners.

Powers and
duties of board.

City clerk to be
clerk of board.

Commissioners
not to receive
any compen-
sation.

Board may
subpoena wit-
nesses, issue
warrants.

Board to ap-
point chief of
police and
other police-
men.

When may ap-
point extra
police.

SECTION 1. The common council, upon the nomination of the mayor, shall appoint four suitable persons, citizens of said city, no more than two of whom shall belong to the same political party, who, with the mayor, shall constitute a board of police commissioners for the city of Saginaw; the commissioners so appointed shall hold office for the period of four years; the common council upon the nomination by the mayor thereafter shall annually appoint one commissioner to hold for the term of four years. Said board, or a majority of them, shall have full power to try and determine all complaints against the marshal or any policeman or watchman of the city, and to remove them or any of them summarily or on conviction for insubordination, neglect of duty or violation of any of the ordinances or rules and regulations, or violations of any law of the city or State made, or hereafter to be made, for the government of the police department of the city of Saginaw. The city clerk shall be clerk of said board and shall keep its record, and shall cause the proceedings of said board to be published in the official paper of said city within five days after each session: *Provided, however,* That no part of said proceedings, relating to the detective work of said department need be published. Said commissioners shall receive no compensation, and they may be removed for the same causes, and upon the same proceedings as a member of the common council. In case any vacancy occurs, the common council shall appoint, upon the nomination of the mayor, some person to fill the unexpired portion of the term.

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 do such other acts as may be lawful to be done by any court for the purposes mentioned in section one of this title.

SEC. 3. The said board of police commissioners shall have power to appoint a chief of police, and other officers, and such number of policemen with pay not to exceed the amount appropriated therefor, and such number of watchmen without pay, as said board shall deem expedient. In time of special emergency, or apprehended danger from riot or other cause of alarm, said board may appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison or prisons. But no person shall be appointed to any position by said board who is not a citizen of the United States, and who has not resided

in said city at least five years next preceding such appointment.

SEC. 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointment and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department.

Board to exercise full control of police force.

SEC. 5. Any member of the police force appointed by said board, shall, before entering upon the duties of his office, make and file with the clerk of said board, the official oath provided for in this act. After filing said official oath, the policeman so appointed shall possess all the common and statutory powers of constables and sheriff, except for the service of civil process, and conveying prisoners under sentence to any place in the city of Saginaw. They shall have the power to serve any subpoena, warrant, order, notice, paper or process issued or directed by any justice of the peace, judge, court or officer in criminal cases of the State of Michigan, in the execution of the laws of this State, for the prevention of crimes and the punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws, police laws, ordinances, and regulations in any part of this State without backing or endorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the recorder's court, or by the police court in all criminal cases, and in all civil cases wherein said city is a party in any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the sheriff, deputy sheriff or constables, the said recorder's court and the police court, whenever said court is engaged in the trial of criminal cases, or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the common council. Said board shall recommend annually, but the common council shall have the power to fix and shall fix the compensation of the chief of police and other appointees of said board, and all claims for the same and all accounts allowed by said board shall, (except as provided in section eight of this title) when certified by the board, be submitted to the common council for allowance and payment in the same manner as other claims against the city.

Member to file oath.

Powers and duties.

Compensation.

Salary to be fixed by council.

SEC. 6. It shall be the duty of said board, and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city of Saginaw, to preserve the public peace and prevent crimes, and arrest offenders; to protect rights of persons and property; to guard the public health;

Duties of board and police force.

Expense of pursuing, etc., offenders to be audited by whom.

Board to remove nuisances.

No member of board or force shall receive present, fee.

to preserve order; to enforce all the laws of the State, and all ordinances of the city, and all orders and resolutions of the common council of said city. The expense of pursuing, apprehending, examining, trying and committing offenders against any law of this State, in said city, including the time spent in pursuit or apprehension, and of their confinement, shall be audited and paid by the supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any township of said county, and the clerk of the board of supervisors shall immediately, on the allowance of any such claim in favor of any member of the police force of this city, notify the controller of the same, with the name of the officer to whom allowed, and the amount of such allowance. It shall be the duty of said board to remove nuisances existing in public streets, roads, places and highways; to report all defects in streets, sidewalks, bridges and other public places, leaks and defects in water pipes and sewers to the proper authorities; to provide a proper force at every public fire, in order that thereby the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings, and railway stations; and generally to carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall have been committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police commissioners may, at their discretion, authorize any person to pursue and arrest such accused or suspected person or persons, and bring them before the proper court for trial or examination.

SEC. 7. No member of the board of police commissioners, or of the police force, shall receive or share under any pretense whatever in any present, fee, gift or emolument for police service, other than the regular salary and pay, except by the unanimous consent of said board, and it shall be the duty of every member of said board, and of the police force, to return to the clerk of said board (to be disposed of as hereinafter provided) every present, fee, gift or emolument received by him; and all moneys and proceeds of property received from this source, shall be disposed of by said board as if the same had been paid or given for extraordinary services, as prescribed hereafter in this title. Nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Saginaw, nor shall any member, either directly or indirectly, interest himself, or interfere in any manner whatever, in the

employment or retainer of any attorney to aid in the defence of any person arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

SEC. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the board of police commissioners to be paid or given for or on account of any extraordinary services of any member of the police force, unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods, or otherwise received by said board or member of said police force, shall be paid to the city treasurer and credited to the general fund of the city. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the city treasurer to transfer to the police fund and to pay out of said police fund, for the pursuit or arrest of fugitives from justice, such sums, and to such persons as they shall direct, upon orders drawn by the clerk of said board, and countersigned by the president thereof and the chief of police: *Provided*, The sum or sums so paid out shall not exceed the sum of three hundred dollars. Said fund shall at all times be kept full, and said board shall not pay out any money for any other purpose.

All money allowed for extra services to be paid into city treasury.

Sums may be paid for the pursuit and arrest of fugitive.

Proviso.

SEC. 9. If any member of the force, or if any two or more householders shall report in writing under his or their signatures to the chief of police of said city, that there are good grounds (which shall be stated in said report) for believing any house, room or premises within said city, to be kept or used as a common gaming house, common gaming room or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept or used for lewd and obscene purpose and amusements, or the deposit and sale of lottery tickets or lottery policies, or as a cock pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade or occupation, or calling, practice or act prohibited by law, it shall be lawful for the said chief of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against the law, or aiding or abetting in such offence, but none others, and seize all implements of gaming or lottery tickets or lottery policies, and convey any persons so arrested before a magistrate having jurisdiction in said city, and bring the articles so seized. It shall be the duty of the chief of police to cause such arrested person to be prosecuted vigorously, and if the magistrate shall find that the articles so seized were used, or intended to be used, in gaming or for any other unlawful purpose, he shall order the same to be destroyed.

Search warrant may be issued on report of two householders in writing.

May arrest offenders and seize property.

SEC. 10. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have

No member can resign without giving one week's notice.

given one week's notice thereof, in writing to the chief of police and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be reappointed by the board of police to any offices in the said police force, except on unanimous vote.

Property or money seized, to be kept by clerk of police station.

SEC. 11. All property or money seized by the members of the police force, on suspicion of having been feloniously obtained, or of being the proceeds of crime; also all property coming into possession of said police by finding or otherwise; and all moneys or property taken by any member of said force from any intoxicated or insane person, or person otherwise incapable of taking care of himself, shall be forthwith delivered to the clerk of the police station, and by him registered in a book kept for that purpose, together with the name of the owner, if ascertained, time and place, when and where found or taken, and the name of the officers by whom found or taken. And in the case of all lost money or property, or property or money seized upon suspicion of having been feloniously obtained, or being the proceeds of crime, the said clerk shall, within five days after seizure or finding of the same, post up at the police headquarters of said city a notice describing briefly the property seized or found, and the date, place and circumstances of finding or seizure. And all such property and money shall be retained by said clerk, irrepleviable until disposed of as hereinafter provided. Any member of the said police force who shall neglect or refuse to deposit with the clerk of said police station the property taken or found, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction, fined a sum not less than the value of the property taken or found, nor exceeding one thousand dollars and imprisonment not exceeding one year.

Penalty for refusing to deposit with clerk.

Moneys, etc., seized to be disposed of as follows.

SEC. 12. The moneys and property seized, taken or found, under the provisions of section XI, shall be disposed of as follows:

Be restored to owner.

First—All money and property taken from an intoxicated or insane person, or person otherwise incapable at the time of taking care of himself, shall be restored to such person, or his proper legal representatives, as soon as the immediate necessity for such seizure, on account of the intoxication or incapacity of such person has ceased.

Lost property to be returned to owner on sufficient proof and bond.

Second—All lost property, the ownership of which may be unknown, shall remain in the hands of the clerk of said police station, until satisfactory proof, under oath, by any claimant shall have been made and filed with said clerk, together with the bond hereinafter provided for.

Money feloniously obtained to be held until offender is tried.

Third—All property or money taken on suspicion of having (been) feloniously obtained, or of being the proceeds of crime, shall remain in the custody of said clerk until such time as the person, from whom the same may have been taken, shall have

been tried and said cause determined, and the court before which such person shall be tried shall have authority, upon a proper hearing of the accused, and of all other claimants to said property, to make such order for the restoration thereof, as the proof respecting the ownership of said property may require. If no order for the restoration thereof be made, said property within ten days after the acquittal of the person from whom the same may have been taken, shall be restored to him: *Provided*, That any claimant of property or money whether lost or seized on suspicion of having been feloniously obtained, or of being the proceeds of crime, shall, before delivery to him of such property or money, execute and deliver a bond, with two good and sufficient sureties, to be approved by the clerk of said police station and chief of police, with penalty double the amount or value of said property or money, running to the clerk of said board, or his successor in office, and conditioned that such claimant, to whom said property or money shall be delivered, will, upon demand, restore the same or make payment of the full value thereof to the true owner of said money or property, who may at any time thereafter, by proper proceedings in any court of competent jurisdiction, establish his title thereto.

If acquitted property to be restored.

Proviso.

SEC. 13. In each year, at the June term of the recorder's court for the city of Saginaw, the clerk of said board shall present a petition, praying that all such property and moneys as have remained in the hands of the clerk of the police station unclaimed, for a period of six months or more, preceding that date, be condemned and sold and the proceeds thereof paid into the general fund. Upon filing such petition, said court shall make an order, briefly describing the property, stating that application for condemnation and sale thereof has been made by the clerk of said board, and requiring all persons interested therein, by way of ownership or otherwise, to appear and show cause, if any there be, at a session of said court, to be therein designated, why such property should not be condemned and sold, and the proceeds thereof paid into said fund. Such order shall be published for a period of not less than one week in the official paper of said city, and at the time and place designated by the order of the court, and upon due proof of publication of said order, the court shall proceed, unless cause be shown to the contrary, to condemn and order sale of said property, and payment of the proceeds thereof into said fund, and shall, in and by the order, have power to direct the time and manner of sale. After the making of such sale, the clerk of said court, or the said city of Saginaw, shall not be required to answer in any form, or to any extent, to any person claiming ownership or right of possession to any of such property so condemned and sold, but such condemnation and sale shall bar all right of recovery thereof.

When clerk of board to petition court to sell property.

Order of court, what to contain.

Order to be published.

Property to be sold.

Board may require security to be given by whom.

SEC. 14. The board of police commissioners shall require and make suitable provisions concerning security to be entered into by the chief of police, the captain of police, and the clerk of police station, and said board in their discretion, may require security from any member of the force, conditional for the performance of duty, involving the care and disposition of property.

Who to be deemed disorderly persons.

SEC. 15. Any person who has no trade or occupation at which he or she actually labors, and has no visible means of support, or frequents houses of ill-fame, or places where gaming for money is carried on, or any person who having been convicted and imprisoned for any offence by any court in this State, who has no trade or occupation at which he or she actually labors, or frequents houses of ill-fame or gaming, or who shall be drunk or intoxicated, or who shall make, aid, countenance or assist in making any loud noise, riot or disturbance or improper diversion; or who shall use any indecent, criminal or insulting language; or who shall be guilty of any indecent, vulgar or criminal conduct; or who shall collect in bodies or crowds, to the annoyance, hinderance or distrubance of citizens or travelers. And all persons who shall carry, concealed on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles or other dangerous weapon; or who shall lay in wait, lurk or be concealed, with intent to do injury to any person or property; or who shall threaten to beat or kill another, or injure him in his person or property; or who shall contend with hot and angry words, to the disturbance of the good order and peace of said city, shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the costs of prosecution; and in the imposition of any such fine and costs, the court may make a further sentence that in default of the payment thereof, such offender be imprisoned in the city prison of said city, or the county jail of Saginaw county, for any period of time not exceeding ninety days, or the court may impose both such fine and costs and imprisonment, in the discretion of the court having jurisdiction thereof.

Penalty.

TITLE XII.

BOARD OF PUBLIC WORKS.

Board of public works created.

SECTION. 1. There shall be created and constituted a board of public works in and for the city of Saginaw, composed of seven members who shall serve without pay, who shall be citizens and residents of the city of Saginaw, no more than four of whom shall belong to the same political party. They shall be nominated by the mayor and confirmed by the common council of the city of Saginaw, on the first Monday of June, or as soon thereafter as may be, in the year eighteen hundred