

Appropriate Highway, Street, etc. - - - Consent of Municipal Corporation.

or judgment is for the wages of any laborer or servant: *Provided*, the court rendering judgment shall find that the demand so sued for, is for wages due such person as laborer or servant; which finding shall be expressed in the record of said judgment and indorsed upon the execution when issued.

18. LIABILITY OF OFFICER.] § 16. If any officer, by virtue of any execution or other process, or any other person, by any right of distress, shall take or seize any of the articles of property hereinbefore exempted from levy and sale, such officer or person shall be liable to the party injured, for double the value of the property so illegally taken or seized, to be recovered by action of trespass, with costs of suit.

19. REPEALS.] § 17. The following acts, and parts of acts, are hereby repealed: "An act to exempt the homestead from forced sale, and to provide for setting off the same, and to exempt certain personal property from attachment and sale on execution, and from distress for rent," approved March 22, 1872¹; and all other acts, and parts of acts, inconsistent with the provisions of this act. But this section shall not be construed so as to affect any rights that may have accrued, or any suits or proceedings that may be pending, when this act shall take effect.

¹ Gross' Stats. Vol. 2, 225-227 §§ 1-20.

HORSE AND DUMMY RAILROADS.

- § 1. *Appropriate Highway, Street, etc.*
- § 2. *Condemn Private Property.*

- § 3. *Consent of Municipal Corporation.*
- § 4. *Subject to Local Authorities.*

An act in regard to Horse and Dummy Railroads. Approved 19th March 1874. In force 1 July 1874.

APPROPRIATE HIGHWAY, STREET, ETC.] § 1. Any company which has been or shall be incorporated under the general laws of this state, for the purpose of constructing, maintaining or operating any horse or dummy railroad or tramway, may enter upon and appropriate any property necessary for the construction, maintenance and operation of its road, and all necessary siding, side tracks and appurtenances and may, subject to the provisions contained in this act locate and construct its road upon or over any street, alley, road or highway or across or over any waters in this state, in such manner as not to unnecessarily obstruct the public use of such street, alley road or highway, or interrupt the navigation of such waters.

CONDEMN PRIVATE PROPERTY.] § 2. When it is necessary for the construction, maintenance or operation of such road, or the necessary sidings, side tracks or appurtenances, to take or damage private property the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain.

CONSENT OF MUNICIPAL CORPORATION.] § 3. No such company shall have the right to locate or construct its road upon or along any street or alley or over any public ground in any incorporated city, town or village, without the consent of the corporate authorities of such city town or village, nor upon or along any road or highway or upon any public ground without any incorporated city, town or village except upon the consent of the county board. Such consent may be granted for any period not longer than 20 years, on the petition of the company, upon such terms and conditions not inconsistent with the provisions of this act, as such corporate authorities or county board, as the case may be, shall deem for the best interests of the public: *Provided*, no such consent shall be granted, unless at least 10 days' public notice of the time and place of presenting such petition, shall have been first given by publication in some newspaper published in the city or county where such road is to be constructed, and except upon the condition that the company will pay all damages to owners of property abutting upon the street, alley, road highway or public ground upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road—the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

Married Woman Separately Sued - - - Married Woman's Separate Property.

SUBJECT TO LOCAL AUTHORITIES.] § 4. Every grant to any such company of a right to use any street, alley, road, highway or public ground, shall be subject to the right of the proper authorities to control the use, improvement and repair of such street, alley, road, highway or public ground, to the same extent as if no such grant had been made, and to make all necessary police regulations concerning the management and operation of such railroad, whether such right is reserved in the grant or not.

HUSBAND AND WIFE.

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| <p>1. <i>Married Woman Separately Sued.</i>
 2. <i>Sued Together, Either Defend.</i>
 3. <i>Husband or Wife Deserted.</i>
 4. <i>Civil Injuries, Wife's Liability.</i>
 5. <i>Separate Debts.</i>
 6. <i>Contracts of the Wife.</i>
 7. <i>Married Woman's Earnings.</i>
 8. <i>Services Rendered Each Other.</i>
 9. <i>Married Woman's Separate Property, Transfers Between.</i>
 § 10. <i>May Sue Each Other.</i></p> | <p>§ 11. <i>Abandonment, Imprisonment.</i>
 § 12. <i>Contracts Binding.</i>
 § 13. <i>Decree Set Aside.</i>
 § 14. <i>Attorney for Each Other.</i>
 § 15. <i>Family Expenses.</i>
 § 16. <i>Homestead, Minor Children.</i>
 § 17. <i>Insanity of Either.</i>
 § 18. <i>Petition for Guardian.</i>
 § 19. <i>Prayer of Granted.</i>
 § 20. <i>Security Required.</i>
 § 21. <i>Dower, Curtesy, etc., Conveyed.</i></p> |
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An act to Revise the law in relation to Husband and Wife. Approved 30th March 1874. In force 1 July 1874.

MARRIED WOMAN SEPARATELY SUED.] § 1. A married woman may in all cases, sue and be sued without joining her husband with her, to the same extent as if she were unmarried, and an attachment or judgment in such action may be enforced by or against her, as if she were a single woman.

SUED TOGETHER, EITHER DEFEND.] § 2. If husband and wife are sued together, the wife may defend for her own right, and if either neglect to defend, the other may defend for such one also.

HUSBAND OR WIFE DESERTED.] § 3. When the husband has deserted his family, the wife may prosecute or defend, in his name, any action which he might have prosecuted or defended, and under like circumstances, the same right shall apply to the husband upon the desertion of the wife.

CIVIL INJURIES, WIFE'S LIABILITY.] § 4. For all civil injuries committed by a married woman, damages may be recovered from her alone, and her husband shall not be responsible therefor, except in cases where he would be jointly responsible with her if the marriage did not exist.

SEPARATE DEBTS.] § 5. Neither husband or wife shall be liable for the debts or liabilities of the other incurred before marriage, and, except as herein otherwise provided, they shall not be liable for the separate debts of each other, nor shall the wages, earnings or property of either, nor the rent or income of such property, be liable for the separate debts of the other.

CONTRACTS OF THE WIFE.] § 6. Contracts may be made and liabilities incurred by a wife, and the same enforced against her, to the same extent and in the same manner as if she were unmarried; but, except with the consent of her husband she may not enter into or carry on any partnership business, unless her husband has abandoned or deserted her, or is idiotic or insane, or is confined in the penitentiary.

MARRIED WOMAN'S EARNINGS.] § 7. A married woman may receive, use and possess her own earnings, and sue for the same in her own name, free from the interference of her husband or his creditors.

SERVICES RENDERED EACH OTHER.] § 8. Neither husband or wife shall be entitled to recover any compensation for any labor performed or services rendered for the other, whether in the management of property or otherwise.

MARRIED WOMAN'S SEPARATE PROPERTY.] § 9. A married woman may own, in her own right, real and personal property obtained by descent, gift or purchase, and