

1909

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# CONSTITUTION

OF THE

# STATE OF MICHIGAN

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COMPILED AND PUBLISHED

UNDER THE SUPERVISION OF

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SECRETARY OF STATE.



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# CONSTITUTION OF THE STATE OF MICHIGAN.

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NOTE.—In printing the constitution of 1909, a comparison is made with the constitution of 1850. Italicized words indicate new matter. References are to articles and sections of the constitution of 1850, unless otherwise specified. Sections of the constitution of 1850, eliminated by the present constitution, immediately follow the schedule.

## PREAMBLE.

We, the people of the state of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

The change was made to give recognition in the constitution to the Supreme Being.

## ARTICLE I.

### BOUNDARIES AND SEAT OF GOVERNMENT.

SECTION 1. The state of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the state of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of Maumee Bay shall intersect the same—said point being the northwest *point* of the state of Ohio, as established by act of congress, entitled "An act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, eighteen hundred thirty-six; thence with the said boundary line of the state of Ohio, until it intersects the boundary line between the United States and Canada in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the westerly branch of the Montreal river to *Island Lake*, the head waters thereof; thence in a direct line to the center of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the River Brule to the main channel of the Menominee river; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the state of Indiana, as that line was established by the act of congress of the nineteenth of April, eighteen hundred sixteen; thence due east with the north boundary line of the said state of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

The boundaries of the state are preserved as defined in the constitution of 1850.

SEC. 2. The seat of government shall be at Lansing, where it is now established.

No change from Art. II.

## ARTICLE II.

### DECLARATION OF RIGHTS.

SECTION 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

New.

SEC. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the legislature for redress of grievances.

No change from Sec. 10, Art. XVIII.

SEC. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

No change from Secs. 39, 40 and 41, Art. IV, except in phraseology.

SEC. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

No change from Sec. 42, Art. IV, except in phraseology.

SEC. 5. Every person has a right to bear arms for the defense of himself and the state.

No change from Sec. 7, Art. XVIII.

SEC. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

No change from Sec. 8, Art. XVIII.

SEC. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

No change from Sec. 9, Art. XVIII.

SEC. 8. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

No change from Sec. 11, Art. XVIII.

SEC. 9. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

No change from Sec. 43, Art. IV, except in phraseology.

SEC. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.

No change from Sec. 26, Art. VI.

SEC. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

No change from Sec. 44, Art. IV, except in phraseology.

SEC. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney or agent of his choice.

No change from Sec. 24, Art. VI.

SEC. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

No change from Sec. 27, Art. VI.

SEC. 14. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, beailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

No change from Sec. 29, Art. VI.

SEC. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

No change from Sec. 31, Art. VI.

SEC. 16. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

No change from Sec. 32, Art. VI.

SEC. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

No change from Sec. 34, Art. VI.

SEC. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the *accused* shall be acquitted.

Sec. 25, Art. VI. "The jury shall have the right to determine the law and the fact" omitted.

SEC. 19. In every criminal prosecution, the accused shall have the

right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 28, Art. VI.

SEC. 20. No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment. No person shall be imprisoned for a military fine in time of peace.

No change from Sec. 33, Art. VI.

SEC. 21. Treason against the state shall consist only in levying war against *it* or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

No change from Sec. 30, Art. VI, except in phraseology.

### ARTICLE III.

#### ELECTIVE FRANCHISE.

SECTION 1. In all elections, every male inhabitant of this state, being a citizen of the United States; every male inhabitant residing in this state on the twenty-fourth day of June, eighteen hundred thirty-five; every male inhabitant residing in this state on the first day of January, eighteen hundred fifty; every male inhabitant of foreign birth who, having resided in the state two years and six months prior to the eighth day of November, eighteen hundred ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day; and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this state six months and in the township or ward in which he offers to vote twenty days next preceding such election: Provided, That in time of war, insurrection or rebellion no qualified elector in the actual military service of the United States or of this state, or in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or state in which he resides; and the legislature shall *provide by law* the manner in which and the time and place at which such absent electors may vote, and for the canvass and return of their votes.

Sec. 1, Art. VII. Certain unnecessary words are omitted.

SEC. 2. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States or

of this state, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas, nor while a student at any *institution* of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; except that honorably discharged soldiers, seamen and marines who have served in the military or naval forces of the United States or of this state and who reside in soldiers' homes established by this state may acquire a residence where such home is located.

Sec. 5, Art. VII.

SEC. 3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed in any military or naval place within the *state*.

Sec. 7, Art. VII.

SEC. 4. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, every woman having the qualifications of male electors who has property assessed for taxes in any part of the district or territory to be affected by the result of such election shall be entitled to vote thereon.

New.

SEC. 5. Every elector in all cases, except *for* treason, felony or breach of the peace, shall be privileged from arrest during his attendance at elections and in going to and returning from the same.

Sec. 3, Art. VII.

SEC. 6. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or to attend court as a suitor or witness.

No change from Sec. 4, Art. VII.

SEC. 7. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

No change from Sec. 2, Art. VII.

SEC. 8. Laws *shall* be passed to preserve the purity of elections and guard against abuses of the elective franchise.

Sec. 6, Art. VII.

## ARTICLE IV.

### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government are divided into three departments: The legislative, executive and judicial.

No change from Sec. 1, Art. III.

SEC. 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

No change from Sec. 2, Art. III.

## ARTICLE V.

## LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a senate and house of representatives.

No change from Sec. 1, Art. IV.

SEC. 2. The senate shall consist of thirty-two members. Senators shall be elected for two years and by single districts. Such districts shall be numbered from one to thirty-two, inclusive, each of which shall choose one senator. No county shall be divided in the formation of *senatorial districts*, unless such county shall be equitably entitled to two or more senators.

Sec 2, Art. IV.

SEC. 3. The house of representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years and by single districts, *which* shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county, with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as *shall be prescribed by law*, divide the same into representative districts equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and population thereof according to the last preceding enumeration.

Sec. 3, Art. IV. The words "exclusive of persons of Indian descent who are not civilized or are members of any tribe" omitted.

SEC. 4. At the session in nineteen hundred thirteen, and each tenth year thereafter, the legislature shall by law rearrange the senatorial districts and apportion anew the representatives among the counties and districts according to the number of inhabitants, using as the basis for such apportionment the last preceding United States census of this state. Each apportionment so made, and the division of any county into representative districts by its board of supervisors, made thereunder, shall not be altered until the tenth year thereafter.

Sec. 4, Art. IV. This section abolishes the state census and bases the decennial apportionment of representatives upon the United States census.

SEC. 5. Each senator and representative shall be a citizen of the United States and a qualified elector of the district he represents, and his removal from the district shall be deemed a vacation of the office.

No change from Sec. 5, Art. IV, except in phraseology.



SEC. 6. No person holding any office under the United States or this state or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the legislature; and all votes given for any such person shall be void.

No change from Sec. 6, Art. IV.

SEC. 7. No person elected a member of the legislature shall receive any civil appointment within this state or to the senate of the United States from the governor, *except notaries public*, or from the governor and senate, from the legislature, or any other state authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment shall be void. No member of the legislature shall be interested directly or indirectly in any contract with the state or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

Sec. 18, Art. IV.

SEC. 8. Senators and representatives shall in all cases, except for treason, felony or breach of the peace, be privileged from arrest during sessions of the legislature and for fifteen days next before the commencement and after the termination thereof. They shall not be subject to any civil process during the same period. They shall not be questioned in any other place for any speech in either house.

This modifies Sec. 7, Art. IV so as to limit the privilege from arrest to sessions of the legislature and for 15 days next preceding the commencement and 15 days after the termination thereof. No other change except in phraseology.

SEC. 9. The compensation of the members of the legislature shall be eight hundred dollars for the regular session. When convened in extra session their compensation shall be five dollars per day for the first twenty days and nothing thereafter. Members shall be entitled to ten cents per mile and no more for one round trip to each regular and special session of the legislature by the usually traveled route. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he is a member, but shall not receive, at the expense of the state, books, newspapers or perquisites of the office not expressly authorized by this constitution.

Sec. 15, Art. IV. General revision.

SEC. 10. The president of the senate and speaker of the house of representatives shall be entitled to the same compensation and mileage as members of the legislature and no more.

No change in meaning from Sec. 17, Art. IV.

SEC. 11. In case of a contested election, compensation and mileage shall be paid only to the person declared to be entitled to a seat by the house in which the contest takes place.

No change from Sec. 29, Art. IV, except in phraseology.

SEC. 12. The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeed-

ing the first Monday of November, *nineteen hundred ten*, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

Sec. 34, Art. IV.

SEC. 13. The legislature shall meet at the seat of government on the first Wednesday in January, *nineteen hundred nine*, and on the first Wednesday in January in every second year thereafter, and at no other place or time unless as provided in this constitution; and shall adjourn without day, at such time as shall be determined by concurrent resolution, at twelve o'clock noon.

Revision of Secs. 32 and 33, Art. IV. No change in effect except date.

SEC. 14. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and *may* compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

Sec. 8, Art. IV.

SEC. 15. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected from discharging a committee from the further consideration of any measure. Each house shall judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause.

Revision of Sec. 9, Art. IV. This section places control of all bills in the hands of the majority.

SEC. 16. Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be entered on the journal at the request of one-fifth of the members *present*. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason for his dissent entered on the journal.

Sec. 10, Art. IV. Word "elected" changed to "present."

SEC. 17. In all elections by either house or in joint convention the votes shall be given viva voce. All votes on nominations to the senate shall be taken by yeas and nays and published with the journal of its proceedings.

No change from Sec. 11, Art. IV.

SEC. 18. The doors of each house shall be open unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the legislature may then be in session.

No change from Sec. 12, Art. IV.

SEC. 19. All legislation shall be by bill and may originate in either house of the legislature.

New. Sec. 13, Art. IV.

SEC. 20. The style of the laws shall be: "The People of the State of Michigan enact."

No change from Sec. 48, Art. IV.

SEC. 21. No law shall embrace more than one object, which shall be expressed in its title. No law shall be revised, altered or amended by reference to its title only; but the act revised and the section or sections of the act altered or amended shall be re-enacted and published at length. No act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, *except that the legislature may give immediate effect to acts making appropriations and acts immediately necessary for the preservation of the public peace, health or safety* by a two-thirds vote of the members elected to each house.

Appropriation bills and acts necessary for the preservation of the public peace, health or safety only can be given immediate effect. Secs. 20 and 25, Art. IV.

SEC. 22. No bill shall be passed or become a law at any regular session of the legislature until it has been printed and in the possession of each house for at least five days. No bill shall be passed at a special session of the legislature on any other subjects than those expressly stated in the governor's proclamation or submitted by special message. No bill shall be altered or amended on its passage through either house so as to change its original purpose.

New.

SEC. 23. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills, the vote shall be by yeas and nays and entered on the journal.

Words "joint resolution" omitted. Sec. 19, Art. IV.

SEC. 24. The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

No change from Sec. 45, Art. IV.

SEC. 25. Fuel, stationery, blanks, printing and binding for the use of the state shall be furnished under contract or contracts with the lowest bidder or bidders who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the state printing shall be executed and the accounts rendered therefor; and shall prohibit all charges for constructive labor. It shall not rescind nor alter such contract, nor release the person or persons taking the same or his or their sureties from the performance of any of the conditions of the contract. No member of the legislature nor officer of the state shall be interested directly or indirectly in any such contract.

No change from Sec. 22, Art. IV, except in phraseology.

SEC. 26. The legislature may authorize the employment of a chaplain for *each* of the state prisons; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

Sec. 24, Art. IV.

SEC. 27. The legislature may authorize a trial by a jury of a less number than twelve men.

No change from Sec. 46, Art. IV.

SEC. 28. The legislature may provide by law for indeterminate sentences, so called, as a punishment for crime, on conviction thereof, and for the detention and release of persons imprisoned or detained on said sentences.

No change from Sec. 47, Art. IV, except in phraseology.

SEC. 29. The legislature shall have power to enact laws relative to the hours and conditions under which women and children may be employed.

New.

SEC. 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by a majority of the electors voting thereon in the district to be affected.

New.

SEC. 31. The legislature shall not authorize by private or special law the sale or conveyance of any real estate belonging to any person.

Sec. 23, Art. IV. Last clause of above section transferred to Sec. 27, Art. VIII of this constitution.

SEC. 32. Divorces shall not be granted by the legislature.

No change from Sec. 26, Art. IV.

SEC. 33. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

No change from Sec. 27, Art. IV.

SEC. 34. The legislature shall not audit nor allow any private claim or account.

No change from Sec. 31, Art. IV.

SEC. 35. The legislature shall not establish a state paper.

No change from Sec. 35, Art. IV.

SEC. 36. Every bill passed by the legislature shall be presented to the governor before it becomes a law. If he approve, he shall sign it; if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In

such case the vote of both houses shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill be not returned by the governor within ten days, Sundays excepted, after it has been presented to him, it shall become a law in like manner as if he had signed it, unless the legislature, by adjournment, prevents *its* return, in which case it shall not become a law. The governor may approve, sign and file in the office of the secretary of state within five days, *Sundays excepted*, after the adjournment of the legislature any bill passed during the last five days of the session, and the same shall become a law.

Revision of Sec. 14, Art. IV. Abolishes distinction between concurrent and joint resolutions.

SEC. 37. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items; and the part or parts approved shall be the law; and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

New.

SEC. 38. Any bill passed by the legislature and approved by the governor, except appropriation bills, may be referred by the legislature to the qualified electors; and no bill so referred shall become a law unless approved by a majority of the electors voting thereon.

New.

SEC. 39. *All laws enacted at any session of the legislature shall be published in book form within sixty days after the final adjournment of the session, and shall be distributed in such manner as shall be provided by law.* The speedy publication of such judicial decisions as may be deemed expedient shall also be provided for by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36, Art. IV.

SEC. 40. No general revision of the laws shall hereafter be made. Whenever necessary, the legislature *shall by law provide* for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles. Such compilation shall be prepared under the direction of commissioners, appointed by the governor, *who may recommend to the legislature the repeal of obsolete laws* and shall examine the compilation and certify to its correctness. When so certified, the compilation shall be printed in such manner as shall be prescribed by law.

Revision of Sec. 15, Art. XVIII. This section gives the legislature control over a revision, while formerly the method was stated.

## ARTICLE VI.

### EXECUTIVE DEPARTMENT.

SECTION 1. There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a

commissioner of the state land office, an auditor general and an attorney general, for the term of two years. They shall keep their offices at the seat of government, *superintend them in person* and perform such duties as may be prescribed by law. *The office of commissioner of the state land office may be abolished by law.*

SECS. 1 and 3, Art. V, and SECS. 1 and 2, Art. VIII. The election of a superintendent of public instruction is provided for in Sec. 2, Art. XI, herein.

SEC. 2. The *chief* executive power is vested in the governor.

Sec. 1, Art. V. The remainder of the section is found in the preceding section of this article.

SEC. 3. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from *all executive and administrative state officers, elective and appointive*, upon any subject relating to the duties of their respective offices.

SECS. 5 and 6, Art. V combined. The governor may exercise power of inquiry as to all state officers, except judicial and legislative.

SEC. 4. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection and to repel invasion.

No change from Sec. 4, Art. V, except in phraseology.

SEC. 5. He shall communicate by message to the legislature, and at the close of his official term to the incoming legislature, the condition of the state, and recommend such measures as he may deem expedient.

No change from Sec. 8, Art. V, except in phraseology.

SEC. 6. He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

No change from Sec. 10, Art. V.

SEC. 7. He may convene the legislature on extraordinary occasions.

No change from Sec. 7, Art. V.

SEC. 8. He may convene the legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

No change from Sec. 9, Art. V.

SEC. 9. He may grant reprieves, commutations and pardons after convictions for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to regulations provided by law relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the legislature at each session information of each case of reprieve, commutation or pardon granted and the reasons therefor.

No change from Sec. 11, Art. V.

SEC. 10. Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

No change from Sec. 3, Art. VIII.

SEC. 11. All official acts of the governor, except his approval of the laws, shall be authenticated by the great seal of the state, which shall be kept by the secretary of state.

No change from Sec. 18, Art. V, except in phraseology.

SEC. 12. All commissions issued to persons holding office under the provisions of this constitution shall be in the name and by the authority of the people of the state of Michigan, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

No change from Sec. 19, Art. V.

SEC. 13. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years and who has not been five years a citizen of the United States and a resident of this state two years next preceding his election.

No change from Sec. 2, Art. V, except in phraseology.

SEC. 14. No member of congress nor any person holding office under the United States or this state shall execute the office of governor, *except as provided in this constitution.*

Sec. 15, Art. V.

SEC. 15. No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

No change from Sec. 16, Art. V.

SEC. 16. In case of the impeachment of the governor, his removal from office, death, inability, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term or until the disability ceases. When the governor shall be out of the state at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

Sec. 12, Art. V. Words "in time of war" eliminated.

SEC. 17. During a vacancy in the office of governor, if the lieutenant governor die, resign, or be impeached, displaced, be incapable of performing the duties of his office, or absent from the state, the *secretary of state* shall act as governor until the vacancy be filled or the disability cease.

Sec. 13, Art. V. Secretary of state substituted for president pro tempore of the senate.

SEC. 18. The lieutenant governor or *secretary of state*, while per-

forming the duties of governor, shall receive the same compensation as the governor.

Sec. 17, Art. V. Similar change to that in preceding section.

SEC. 19. The lieutenant governor shall be president of the senate, *but shall have no vote.*

Revision of Sec. 14, Art. V.

SEC. 20. The secretary of state, state treasurer and commissioner of the state land office shall constitute a board of state auditors. They shall examine and adjust all claims against the state not otherwise provided for by general law. They shall constitute a board of state canvassers to determine the result of all elections for governor, lieutenant governor, state officers and such other officers as shall by law be referred to them. *They shall act as a state board of escheats and a board of fund commissioners. They shall perform such other duties as may be prescribed by law. In case the office of commissioner of the state land office is abolished, another state officer shall be designated by law as a member of the several boards mentioned in this section.*

Sec. 4, Art. VIII.

SEC. 21. The governor and attorney general shall each receive an annual salary of five thousand dollars. The secretary of state, state treasurer, commissioner of the state land office and auditor general shall each receive an annual salary of twenty-five hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with the offices. It shall not be competent for the legislature to increase the salaries herein provided.

Sec. 1, Art. IX. Supersedes provisions relating to salaries of officers named.

## ARTICLE VII.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in one supreme court, circuit courts, probate courts, justices of the peace *and such other courts of civil and criminal jurisdiction, inferior to the supreme court, as the legislature may establish by general law, by a two-thirds vote of the members elected to each house.*

Sec. 1, Art. VI.

### THE SUPREME COURT.

SEC. 2. The supreme court shall consist of one chief justice and associate justices, to be chosen by the electors of the state at the regular biennial spring elections; and not more than two justices shall go out of office at the same time. The term of office shall be prescribed by law.

Recasts Sec. 2, Art. VI.

SEC. 3. Four terms of the supreme court shall be held annually at such times and places as may be designated by law.

No change from Sec. 4, Art. VI.



SEC. 4. The supreme court shall have a general superintending control over all inferior courts; and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

No change from Sec. 3, Art. VI.

SEC. 5. The supreme court shall by general rules establish, modify and amend the practice in such court and in *all other courts of record*, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

Sec. 5, Art. VI.

SEC. 6. The supreme court may appoint and remove its clerk, a reporter of its decisions and a *court crier*, each of whom shall perform such duties and receive such salary as shall be prescribed by law; *and all fees, perquisites and income collected by the clerk shall be turned over by him to the state treasury and credited to the general fund.* No justice of the supreme court shall exercise any other power of appointment to public office.

Portions of Secs. 10 and 12, Art. VI. Adds appointment of court crier and provides that the clerk be paid a salary.

SEC. 7. Decisions of the supreme court, *including all cases of mandamus, quo warranto and certiorari*, shall be in writing, with a concise statement of the facts and reasons for the decisions; and shall be signed by the justices concurring therein. Any justice dissenting from a decision shall give the reasons for such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court.

Revises part of Sec. 10, Art. VI. Additional proceedings in the decision of which the court shall file written opinions.

#### CIRCUIT COURTS.

SEC. 8. The state shall be divided into judicial circuits in each of which there shall be elected one circuit judge. The legislature may provide by law for the election of more than one circuit judge in any judicial circuit. A circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by law. The legislature may by law arrange the various circuits into judicial districts, and provide for the manner of holding courts therein. Circuits and districts may be created, altered or discontinued by law, but no such alteration or discontinuance shall have the effect to remove a judge from office.

General revision. Secs. 6, 7 and 11, Art. VI.

SEC. 9. Circuit judges shall be elected on the first Monday in April, nineteen hundred eleven, and every sixth year thereafter. They shall hold office for a term of six years and until their successors are elected

and qualified. They shall be ineligible to any other than a judicial office during the term for which they are elected and for one year thereafter.

Corresponds with Sec. 20, Art. VI, with changes in phraseology. Last sentence taken from Sec. 9, Art. VI.

SEC. 10. Circuit courts shall have original jurisdiction in all matters civil and criminal not excepted in this constitution and not prohibited by law, and appellate jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto and certiorari and to hear and determine the same; and to issue such other writs as may be necessary to carry into effect their orders, judgments and decrees and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

No change from Sec. 8, Art. VI, except in phraseology.

SEC. 11. The clerk of each county organized for judicial purposes shall be clerk of the circuit court for such county. The judges of the circuit courts may fill any vacancy in the offices of county clerk or prosecuting attorney within their respective jurisdictions, but shall not exercise any other power of appointment to public office.

Revises portions of Secs. 10 and 12, Art. VI. No change in effect.

SEC. 12. Each of the judges of the circuit courts shall receive a salary payable *monthly*. *In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional salary is granted it shall be paid at the same rate to all circuit judges regularly holding court therein.*

Revises portions of Secs. 6 and 9, Art. VI.

#### PROBATE COURTS.

SEC. 13. In each county organized for judicial purposes, there shall be a probate court. The jurisdiction, powers and duties of such courts and of the judges thereof shall be prescribed by law, *and they shall also have original jurisdiction in all cases of juvenile delinquents and dependents.*

Part of Sec. 13, Art. VI.

SEC. 14. Judges of probate shall be elected in the counties in which they reside, and shall hold office for four years and until their successors are elected and qualified. They shall be elected on the Tuesday succeeding the first Monday of November, nineteen hundred twelve, and every four years thereafter. *The legislature may provide by law for the election of more than one judge of probate in counties with more than one hundred thousand inhabitants, and may provide for the election of such judges in such counties at alternate biennial elections.*

Substituted for Sec. 21 and part of Sec. 13, Art. VI.

## JUSTICES OF THE PEACE.

SEC. 15. There shall be elected in each organized township not to exceed four justices of the peace, each of whom shall hold the office for four years and until his successor is elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold the office for the residue of the unexpired term. The legislature may provide by law for justices in cities.

No change from Sec. 17, Art. VI, except in phraseology.

SEC. 16. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by *law*.

Sec. 18, Art. VI. No change except that word "law" substituted for "the legislature."

## GENERAL PROVISIONS.

SEC. 17. The supreme court and the circuit and probate courts of each county shall be courts of record, and shall each have a common seal.

No change from Sec. 15, Art. VI, except in phraseology.

SEC. 18. Justices of the supreme court, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

No change from Sec. 19, Art. VI, except in phraseology.

SEC. 19. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, he shall be deemed to have vacated the office.

No change from Sec. 22, Art. VI, except in phraseology.

SEC. 20. When a vacancy occurs in the office of judge of any court of record, it shall be filled by appointment of the governor, and the person appointed shall hold the office until a successor is elected and qualified. When elected, such successor shall hold the office the residue of the unexpired term.

No change from Sec. 14, Art. VI, except in phraseology.

SEC. 21. The legislature may provide by law for the election of one or more persons in each organized county who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

No change from Sec. 16, Art. VI.

SEC. 22. The style of all process shall be: "In the Name of the People of the State of Michigan."

No change from Sec. 35, Art. VI.

## ARTICLE VIII.

## LOCAL GOVERNMENT.

## COUNTIES.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

No change from Sec. 1, Art. X.

SEC. 2. No organized county shall be reduced by the organization of new counties to less than sixteen townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide. When any city has attained a population of *one hundred thousand* inhabitants, the legislature may organize it into a separate county without reference to geographical extent, *if a majority of the electors of such city and of the remainder of the county* in which such city may be situated voting on the question shall each determine in favor of organizing said city into a separate county.

Revision of Sec. 2, Art. X. Population of a city increased from 20,000 to 100,000 before it may be organized into a separate county; and requires the affirmative vote of a majority of the electors of the city and of the remainder of the county.

SEC. 3. There shall be elected biennially in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 3, Art. X. Change in phraseology, and following words omitted, "and as often as vacancies shall happen." See Sec. 5, Art. XVI, herein.

SEC. 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

No change from Sec. 4, Art. X.

SEC. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and, in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

No change from Sec. 5, Art. X.

SEC. 6. The legislature shall by general law provide for the appointment of a board of jury commissioners in each county; but such law shall not become operative in any county until a majority of the electors of the county voting thereon shall so decide.

New.

SEC. 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall

be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

Combines Secs. 6 and 7, Art. X. No change except in phraseology.

SEC. 8. The legislature may by general law confer upon the boards of supervisors of the several counties such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

Subdivision of Sec. 38, Art. IV.

SEC. 9. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. The boards of supervisors, or in counties having county auditors, such auditors, shall adjust all claims against their respective counties; *appeals may be taken from such decisions of the boards of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.*

Supplants Sec. 10, Art. X. Gives boards of supervisors exclusive power to fix salaries and compensation of county officials not otherwise provided for by law.

SEC. 10. The board of supervisors of any county may *in any one year levy a tax of one-tenth of one mill on the assessed valuation of said county* for the construction or repair of public buildings or bridges, or may borrow an equal sum for such purposes; *and, in any county where the assessed valuation is less than ten million dollars,* the board may levy a tax or borrow for such purposes to the amount of one thousand dollars; but no greater sum shall be raised for such purposes in any county in any one year, unless submitted to the electors of the county and approved by a majority of those voting thereon.

Sec. 9, Art. X.

SEC. 11. Any county in this state, either separately or in conjunction with other counties, may appropriate money for the construction and maintenance or assistance of public and charitable hospitals, sanatoria or other institutions for the treatment of persons suffering from contagious or infectious diseases. Each county may also maintain an infirmary for the care and support of its indigent poor and unfortunate, and all county poor houses shall hereafter be designated and maintained as county infirmaries.

New.

SEC. 12. No county shall incur any indebtedness which shall increase its *total debt* beyond three per cent of its assessed valuation.

Subdivision of Sec. 49, Art. IV.

SEC. 13. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

No change from Sec. 8, Art. X.

SEC. 14. No navigable stream of this state shall be either bridged or

dammed without permission granted by the board of supervisors of the county under the provisions of law, *which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein.* No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof.

Sec. 4, Art. XVIII. Change in phraseology, and italicized words added.

SEC. 15. The board of supervisors of each organized county may organize and *consolidate* townships under such restrictions and limitations as shall be prescribed by law.

Supplants Sec. 11, Art. X.

#### TOWNSHIPS.

SEC. 16. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

No change from Sec. 2, Art. XI.

SEC. 17. The legislature may by general law confer upon organized townships such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

Subdivision of Sec. 38, Art. IV.

SEC. 18. There shall be elected annually on the first Monday of April in each organized township one supervisor, one township clerk, one commissioner of highways, one township treasurer, not to exceed four constables and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

Sec. 1, Art. XI. Office of school inspector eliminated.

SEC. 19. No township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless such proposition shall have first received the affirmative vote of a majority of the electors of such township voting thereon at a regular or special election.

New.

#### CITIES AND VILLAGES.

SEC. 20. The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

New.

SEC. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state.

New.

SEC. 22. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety.

New.

SEC. 23. Subject to the provisions of this constitution, any city or village may acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation to the municipality and the inhabitants thereof; and may also sell and deliver water, heat, power and light without its corporate limits to an amount not to exceed twenty-five per cent of that furnished by it within the corporate limits; and may operate transportation lines without the municipality within such limits as may be prescribed by law: Provided, That the right to own or operate transportation facilities shall not extend to any city or village of less than twenty-five thousand inhabitants.

New.

SEC. 24. When a city or village is authorized to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law: Provided, That such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such city or village, but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.

New.

SEC. 25. No city or village shall have power to abridge the right of elective franchise, to loan its credit, nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any city or village acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of three-fifths of the electors of such city or village voting thereon at a regular or special municipal election; and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

New. The foregoing sections supersede Sec. 38, Art. IV and Secs. 13 and 14, Art. XV, in so far as such sections relate to cities and villages.

#### GENERAL PROVISIONS.

SEC. 26. The legislature may by general law provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties, *districts* and townships; and may authorize counties or *districts* to take charge and control of any highways within their limits for such purposes. The legislature may also by general law prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts; may provide for county *and*

*district* road commissioners to be appointed or elected, with such powers and duties as may be prescribed by law; and may change and abolish the powers and duties of township commissioners and overseers of highways. *The legislature may provide by law for submitting the question of adopting a county or district road system to the electors of the counties or proposed districts, and such road system shall not go into operation in any county or district until approved by a majority of the electors thereof voting on such question.* The tax raised for road purposes shall not exceed in any one year *three* dollars upon each one thousand dollars of assessed valuation for the preceding year.

Sec. 49, Art. IV. The three per cent limit on county indebtedness is placed in Sec. 12 of this article.

SEC. 27. The legislature shall not vacate nor alter any road laid out by commissioners of highways, or any street, *alley or public ground* in any city or village or in any recorded town plat.

Revision of part of Sec. 23, Art. IV.

SEC. 28. No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any city, village or township for wires, poles, pipes, tracks or conduits, without the consent of the duly constituted authorities of such city, village or township; nor to transact a local business therein without first obtaining a franchise therefor from such city, village or township. The right of all cities, villages and townships to the reasonable control of their streets, alleys and public places is hereby reserved to such cities, villages and townships.

New.

SEC. 29. No franchise or license shall be granted by any municipality of this state for a longer period than thirty years.

New.

## ARTICLE IX.

### IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

No change from Sec. 1, Art. XII.

SEC. 2. When an impeachment is directed, the house of representatives shall elect from its own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

No change from Sec. 3, Art. XII, except in phraseology.

SEC. 3. Every impeachment shall be tried by the senate. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside. When an impeachment is directed, the senate shall



take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No change from Sec. 2, Art. XII, except in phraseology.

SEC. 4. No judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

No change from Sec. 4, Art. XII.

SEC. 5. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

No change from Sec. 5, Art. XII.

SEC. 6. For reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to each house of the legislature; and the cause for which such removal is required shall be stated at length in such resolution.

No change from Sec. 6, Art. XII, except in phraseology.

SEC. 7. The governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal to the legislature at its next session.

Sec. 8, Art. XII. Change in phraseology. Authority of the governor to appoint a state officer for the remainder of an unexpired term is prescribed in Sec. 10, Art. VI, herein.

SEC. 8. Any officer elected by a county, city, village, township or school district may be removed from office in such manner and for such cause as shall be prescribed by law.

Supersedes Sec. 7, Art. XII.

## ARTICLE X.

### FINANCE AND TAXATION.

SECTION 1. All subjects of taxation now contributing to the primary school interest fund under present laws shall continue to contribute to that fund, and all taxes from such subjects shall be first applied in paying the interest upon the primary school, university and other educational funds in the order herein named, after which the surplus of such moneys shall be added to and become a part of the primary school interest fund.

SEC. 2. The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state

government, the interest on any state debt and such deficiency as may occur in the resources.

The two preceding sections revise Sec. 1, Art. XIV.

SEC. 3. The legislature shall provide *by law* a uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, That the legislature shall provide *by law* a uniform rule of taxation for such property as shall be assessed by a state board of assessors, and the rate of taxation on such property shall be the rate which the state board of assessors shall ascertain and determine is the average rate levied upon other property upon which ad valorem taxes are assessed for state, county, township, school and municipal purposes.

Sec. 11, Art. XIV.

SEC. 4. The legislature may by law impose specific taxes, which shall be uniform upon the classes upon which they operate.

SEC. 5. The legislature may provide by law for the assessment at its true cash value by a state board of assessors, *of which the governor shall be ex-officio a member*, of the property of corporations and the property, *by whomsoever owned, operated or conducted, engaged in the business of transporting passengers and freight, transporting property by express, operating any union station or depot, transmitting messages by telephone or telegraph, loaning cars, operating refrigerator cars, fast freight lines or other car lines and running or operating cars in any manner upon railroads, or engaged in any other public service business*; and for the levy and collection of taxes thereon.

The two preceding sections revise and supersede Sec. 10, Art. XIV.

SEC. 6. Every law which imposes, continues or revives a tax shall distinctly state the tax, and the objects to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

No change from Sec. 14, Art. XIV.

SEC. 7. All assessments hereafter authorized shall be on property at its cash value.

No change from Sec. 12, Art. XIV.

SEC. 8. In the year *nineteen hundred eleven*, every fifth year thereafter and at such other times as the legislature may direct, the legislature shall provide *by law* for an equalization of assessments by a state board, on all taxable property, except that taxed under laws passed pursuant to sections *four and five* of this article.

Sec. 13, Art. XIV.

SEC. 9. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any municipal corporation shall be a party.

New.

SEC. 10. The state may contract debts to meet deficits in revenue, *but such debts shall not in the aggregate at any time exceed two hundred fifty thousand dollars*. The state may also contract debts to repel invasion, suppress insurrection, defend the state *or aid the United States*

in time of war. The money so raised shall be applied to the purposes for which it is raised or to the payment of the debts contracted.

Combines Secs. 3 and 4, Art. XIV. Material change in phraseology.

SEC. 11. No scrip, certificate or other evidence of state indebtedness shall be issued, except for such debts as are expressly authorized in this constitution.

Sec. 7, Art. XIV. Omits the words "except for the redemption of stock previously issued."

SEC. 12. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, *public or private*.

Sec. 6, Art. XIV.

SEC. 13. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation.

No change from Sec. 8, Art. XIV, except in phraseology.

SEC. 14. The state shall not be a party to, nor be interested in any work of internal improvement, nor engage in carrying on any such work, except in the improvement of, or aiding in the improvement of the public wagon roads, *in the reforestation and protection of lands owned by the state* and in the expenditure of grants to the state of land or other property.

Corresponds with Sec. 9, Art. XIV. The provision relative to the issuance of bonds by Grand Rapids city omitted.

SEC. 15. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of fifty per cent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

New.

SEC. 16. No money shall be paid out of the *state* treasury except in pursuance of appropriations made by law.

Sec. 5, Art. XIV.

SEC. 17. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws passed at every regular session of the legislature.

No change from Sec. 5, Art. XVIII, except in phraseology.

SEC. 18. The legislature shall provide by law for the keeping of accounts by all state officials, boards and institutions, and by all county officials; and shall also provide for the supervision and audit thereof by competent state authority and for uniform reports of all public accounts to such authority. Such systems of account shall provide for accurate records of all financial and other transactions and for checks upon all receipts and disbursements of all such officials, boards and institutions; and shall be uniform for all similar boards, institutions and county officials. All public accounts and the audit thereof shall be public records and open to inspection.

New.

SEC. 19. No collector, holder or disbursor of public moneys shall have a seat in the legislature, nor be eligible to any office of trust or profit under this state, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

No change from Sec. 30, Art. IV.

## ARTICLE XI.

### EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

New.

SEC. 2. A superintendent of public instruction shall be elected at the regular election to be held on *the first Monday in April, nineteen hundred nine*, and every second year thereafter. He shall hold office for a period of two years from the first day of *July following his election* and until his successor is elected and qualified. He shall have general supervision of public instruction in the state. *He shall be a member and secretary of the state board of education.* He shall be *ex-officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote.* His duties and compensation shall be prescribed by law.

This section takes the place of Sec. 1, Art. XIII, and includes certain provisions of Sec. 1, Art. VIII, and Sec. 1, Art. IX.

SEC. 3. There shall be a board of regents of the university, consisting of eight members, who shall hold the office for eight years. There shall be elected at each regular biennial spring election two members of such board. When a vacancy shall occur in the office of regent it shall be filled by appointment of the governor.

In effect the same as Sec. 6, Art. XIII.

SEC. 4. The regents of the university and their successors in office shall continue to constitute the body corporate known as "The Regents of the University of Michigan."

No change from Sec. 7, Art. XIII, except in phraseology.

SEC. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the *superintendent of public instruction* shall be *ex-officio* members of the board of regents, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

Sec. 8, Art. XIII. Change also in phraseology.

SEC. 6. The state board of education shall consist of four members. On the first Monday in April, nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of

such board who shall hold his office for six years from the first day of July following his election. The state board of education shall have general supervision of the state normal college and the state normal schools, and the duties of said board shall be prescribed by law.

In effect, the same as Sec. 9, Art. XIII, except the provision for election in April. Reference to superintendent of public instruction is found in Sec. 2 of this article.

SEC. 7. There shall be elected on the first Monday in April, nineteen hundred nine, a state board of agriculture to consist of six members, two of whom shall hold the office for two years, two for four years and two for six years. At every regular biennial spring election thereafter, there shall be elected two members whose term of office shall be six years. The members thus elected and their successors in office shall be a body corporate to be known as "The State Board of Agriculture."

New.

SEC. 8. The state board of agriculture shall, as often as necessary, elect a president of the agricultural college, who shall be ex-officio a member of the board with the privilege of speaking but not of voting. He shall preside at the meetings of the board and be the principal executive officer of the college. The board shall have the general supervision of the college, and the direction and control of all agricultural college funds; and shall perform such other duties as may be prescribed by law.

New.

SEC. 9. The legislature shall continue a system of primary schools, whereby every school district in the state shall provide for the education of its pupils without charge for tuition; and all instruction in such schools shall be conducted in the English language. If any school district shall neglect to maintain a school within its borders as prescribed by law for at least five months in each year, or to provide for the education of its pupils in another district or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund.

Supplants Secs. 4 and 5, Art. XIII.

SEC. 10. The legislature shall maintain the university, the college of mines, the state agricultural college, the state normal college and such state normal schools and other educational institutions as may be established by law.

New.

SEC. 11. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the state for educational purposes and the proceeds of all lands or other property given by individuals or appropriated by the state for like purposes shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

No change from Sec. 2, Art. XIII.

SEC. 12. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the state, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of the primary schools.

No change from Sec. 3, Art. XIII.

SEC. 13. The legislature shall appropriate all salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have already been sold, and any *funds or lands* which may hereafter be granted or appropriated for such purpose, for the support and maintenance of the agricultural college.

Revision of Sec. 11, Art. XIII.

SEC. 14. The legislature shall provide by law for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties, *cities* and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries.

Supplants Sec. 12, Art. XIII. Certain words omitted.

SEC. 15. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, *feeble-minded* or insane shall always be fostered and supported.

Sec. 10, Art. XIII.

## ARTICLE XII.

### CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created, *nor shall any rights, privileges or franchises be conferred upon them*, by special act of the legislature. All laws *heretofore or hereafter* passed by the legislature for the formation of, *or conferring rights, privileges or franchises upon* corporations and all rights, privileges or franchises conferred by such laws may be amended, altered, repealed *or abrogated*.

Revision and enlargement of Sec. 1, Art. XV, and omits the third sentence. The words "except for municipal purposes," also omitted.

SEC. 2. The term "corporation" as used in this *article* shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to be sued in all courts in like cases as natural persons.

No change from Sec. 11, Art. XV, except in phraseology.

SEC. 3. No corporation shall be created for a longer period than thirty years, except for municipal, railroad, *insurance, canal or cemetery purposes, or corporations organized without any capital stock for religious, benevolent, social or fraternal purposes*; but the legislature may provide by general laws, applicable to any corporations, for one or more extensions of the term of such corporations, while such term is running, not exceeding thirty years for each extension, on the consent

of not less than two-thirds of the capital stock of the corporation; and by like general laws for the corporate reorganization for a further period, not exceeding thirty years, of such corporations whose terms have expired by limitation, on the consent of not less than four-fifths of the capital stock.

Revision of Sec. 10, Art. XV.

SEC. 4. The stockholders of every corporation and joint stock association shall be individually liable for all labor performed for such corporation or association.

No change from Sec. 7, Art. XV.

SEC. 5. No corporation shall hold any real estate for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

Sec. 12, Art. XV. Words "hereafter acquired" omitted.

SEC. 6. The legislature shall pass no law renewing or extending any special act of incorporation heretofore granted.

Revision of Sec. 8, Art. XV.

SEC. 7. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this state, *and may pass laws establishing reasonable maximum rates of charges for the transportation of property by express companies in this state, and may delegate such power to fix reasonable maximum rates of charges for the transportation of freight by railroad companies and for the transportation of property by express companies to a commission created by law*; and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

Sec. 1, Art. XIX-A.

SEC. 8. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon at least sixty days' public notice to all stockholders in such manner as shall be provided by law.

No change from Sec. 2, Art. XIX-A, except in phraseology.

SEC. 9. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be adopted, amended or repealed except by a vote of two-thirds of the members elected to each house of the legislature. Such laws shall not authorize the issue of bank notes or paper credit to circulate as money.

Supplants Sec. 2, Art. XV.

## ARTICLE XIII.

## EMINENT DOMAIN.

SECTION 1. Private property shall not be taken by the public nor by any corporation for public use, without *the necessity therefor being first determined and just* compensation therefor being first made or secured in such manner as shall be prescribed by law.

Supplants Secs. 9 and 15, Art. XV.

SEC. 2. When private property is taken for the use or benefit of the public, the necessity for using such property and the just compensation to be made therefor, except when to be made by the state, shall be ascertained by a jury of twelve freeholders residing in the vicinity of such property, or by not less than three commissioners appointed by a court or record, as shall be prescribed by law: Provided, That the foregoing provision shall not be construed to apply to the action of commissioners of highways or *road commissioners* in the official discharge of their duties.

Sec. 2, Art. XVIII.

SEC. 3. Private roads may be opened in the manner prescribed by law; but in every case the necessity for the road and the amount of all damages to be sustained by the opening thereof shall be first determined by a jury of six freeholders or by not less than three commissioners, and such amount, together with the expense of proceedings, shall be paid by the person or persons to be benefited.

Revision of Sec. 14, Art. XVIII.

SEC. 4. The regents of the university of Michigan shall have power to take private property for the use of the university, in the manner prescribed by law.

New.

## ARTICLE XIV.

## EXEMPTIONS.

SECTION 1. The personal property of every resident of this state, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court.

No change from Sec. 1, Art. XVI, except in phraseology.

SEC. 2. Every homestead of not exceeding forty acres of land and the dwelling house thereon and the appurtenances to be selected by the owner thereof and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of the state, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mort-



gage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of his wife to the same.

No change from Sec. 2, Art. XVI, except in phraseology.

SEC. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts in all cases during the minority of his children.

No change from Sec. 3, Art. XVI, except in phraseology.

SEC. 4. If the owner of a homestead die, leaving a widow but no children, such homestead shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

No change from Sec. 4, Art. XVI, except in phraseology.

## ARTICLE XV.

### MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this state; but all such citizens of any religious denomination, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature shall provide by law for organizing, equipping and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed and be commissioned in such manner as may be prescribed by law.

No change in above sections from Art. XVII, except in phraseology.

## ARTICLE XVI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The terms of office of all elective state officers and of all judges of courts of record shall begin on the first day of January next succeeding their election, except as otherwise prescribed in this constitution. The terms of office of all county officers shall begin on the first day of January next succeeding their election, except as otherwise prescribed by law.

This section is a condensation of like provisions appearing in various sections of the constitution of 1850.

SEC. 2. Members of the legislature and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office

of—— according to the best of my ability.” No other oath, declaration or test shall be required as a qualification for any office or public trust.

No change from Sec. 1, Art. XVIII.

SEC. 3. Neither the legislature *nor any municipal authority* shall grant or authorize extra compensation to any public officer, agent, employe or contractor after the service has been rendered or the contract entered into. Salaries of public officers, *except circuit judges*, shall not be increased, nor shall the salary of any public officer be decreased, after election or appointment.

Revision of Sec. 21, Art. IV and Sec. 20 of the Schedule.

SEC. 4. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the legislature in joint convention shall choose one of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected.

No change from Sec. 5, Art. VIII.

SEC. 5. The legislature may provide by law the cases in which any office shall be deemed vacant and the manner of filling vacancies, where no provision is made in this constitution.

No change from Sec. 37, Art. IV, except in phraseology.

SEC. 6. The laws, public records and the written judicial and legislative proceedings of the state shall be conducted, promulgated and preserved in the English language.

No change from Sec. 6, Art. XVIII.

SEC. 7. The legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

No change from Sec. 23, Art. VI.

SEC. 8. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

No change from Sec. 5, Art. XVI, except in phraseology.

SEC. 9. Aliens, who are or who may hereafter become bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

No change from Sec. 13, Art. XVIII.

SEC. 10. No lease or grant of agricultural land *for agricultural purposes* for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

Sec. 12, Art. XVIII.

## ARTICLE XVII.

## AMENDMENT AND REVISION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals, respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the legislature shall direct; and, if a majority of electors qualified to vote for members of the legislature voting thereon shall ratify and approve such amendment or amendments, the same shall become part of the constitution.

No change from Sec. 1, Art. XX.

SEC. 2. Amendments may also be proposed to this constitution by petition of the qualified electors of this state but no proposed amendment shall be submitted to the electors unless the number of petitioners therefor shall exceed twenty per cent of the total number of electors voting for secretary of state at the preceding election of such officer. All petitions shall contain the full text of any proposed amendment, together with any existing provisions of the constitution which would be altered or abrogated thereby. Such petitions shall be signed at the regular registration or election places at a regular registration or election under the supervision of the officials thereof, who shall verify the genuineness of the signatures and certify the fact that the signers are registered electors of the respective townships and cities in which they reside, and shall forthwith forward the petitions to the secretary of state. All petitions for amendments filed with the secretary of state shall be certified by that officer to the legislature at the opening of its next regular session; and, when such petitions for any one proposed amendment shall be signed by not less than the required number of petitioners, he shall also submit the proposed amendment to the electors at the first regular election thereafter, unless the legislature in joint convention shall disapprove of the proposed amendment by a majority vote of the members elected. The legislature may, by a like vote, submit an alternative or a substitute proposal on the same subject. The action of the legislature shall be entered on the journal of each house, with the yeas and nays taken thereon. But no amendment to this section may be proposed in the manner herein prescribed.

If a majority of the electors qualified to vote for members of the legislature voting thereon shall ratify and approve any such amendment or amendments, the same shall become a part of the constitution: Provided, That for any amendment proposed under this section, the affirmative vote shall be not less than one-third of the highest number of votes cast at the said election for any office. In case alternative proposed amendments on the same subject are submitted at the same election, the vote shall be for one of such alternatives or against such proposed amendments as a whole. If the affirmative vote for one proposed amendment is the required majority of all the votes cast for and against such proposed amendments, it shall become a part of the constitution. If the

total affirmative vote for such alternative proposed amendments is the required majority of all the votes for and against them, but no one proposed amendment receives such majority, then the proposed amendment which receives the largest number of affirmative votes shall be submitted at the next regular election, and if it then receives the required majority of all the votes cast thereon it shall become a part of the constitution. The legislature shall enact appropriate laws to carry out the provisions of this section.

New.

SEC. 3. All proposed amendments to the constitution submitted to the electors shall be published in full, with any existing provisions of the constitution which would be altered or abrogated thereby, and a copy thereof shall be posted at each registration and election place. Proposed amendments shall also be printed in full on a ballot or ballots separate from the ballot containing the names of nominees for public office.

New.

SEC. 4. At the general election to be held in the year nineteen hundred twenty-six, in each sixteenth year thereafter and at such other times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors qualified to vote for members of the legislature. In case a majority of such electors voting at such election shall decide in favor of a convention for such purpose, at the next biennial spring election the electors of each senatorial district of the state as then organized shall elect three delegates. The delegates so elected shall convene at the state capitol on the first Tuesday in September next succeeding such election, and shall continue their sessions until the business of the convention shall be completed. A majority of the delegates elected shall constitute a quorum for the transaction of business. The convention shall choose its own officers, determine the rules of its proceedings and judge of the qualifications, elections and returns of its members. In case of a vacancy by death, resignation or otherwise, of any delegate, such vacancy shall be filled by appointment by the governor of a qualified resident of the same district. The convention shall have power to appoint such officers, employes and assistants as it may deem necessary and to fix their compensation, and to provide for the printing and distribution of its documents, journals and proceedings. Each delegate shall receive for his services the sum of one thousand dollars and the same mileage as shall then be payable to members of the legislature, but such compensation may be increased by law. No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner provided by such convention on the first Monday in April following the final adjournment of the convention; but, in case an interval of at least ninety days shall not intervene between such final adjournment and the date of such election, then it shall be submitted at the next general election. Upon the approval of such constitution or amendments by a majority of

the qualified electors voting thereon such constitution or amendments shall take effect on the first day of January following the approval thereof.

Substituted for Sec. 2, Art. XX.

### SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared that:

SECTION 1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed.

Final words "by the legislature" omitted.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals, and of bodies corporate, and of the state, and all charters of incorporation which shall not have been heretofore forfeited or become subject to forfeiture shall continue; and all complaints, informations or indictments which shall have been made, filed or found or which may hereafter be made, filed or found for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts shall continue with the same powers and jurisdiction, both at law and in equity, as heretofore, until otherwise provided by law.

No change.

SEC. 3. All fines, taxes, penalties, forfeitures and escheats, accruing to the state or any municipal corporation under the existing constitution and laws, shall accrue to the use of the state or such municipal corporation under this constitution.

No change.

SEC. 4. All recognizances, bonds, obligations and all other instruments entered into or executed before the adoption of this constitution to the people of this state, or to any municipal corporation, or to any public officer or public body, or which may be entered into or executed under existing laws to the people of this state or to any such officer or public body shall remain binding and valid, and rights and liabilities upon the same shall continue and may be prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be prosecuted, tried and punished as though no change had taken place, until otherwise provided by law.

No change, except in phraseology.

SEC. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force or under this constitution.

No change from Sec. 6, Schedule.

SEC. 6. All officers elected under the existing constitution and laws on the Tuesday after the first Monday of November, nineteen hundred

eight, shall take office on and after the first day of January, nineteen hundred nine, under this constitution.

Supplants Sec. 8, Schedule.

SEC. 7. Until otherwise provided, the salaries or compensation of all public officers shall continue as provided under the existing constitution and laws.

Supplants Sec. 20, Schedule.

SEC. 8. The attorney general of the state shall prepare and report to the legislature at the commencement of the next session such changes in existing laws as may be deemed necessary to adapt the same to this constitution.

Supplants Sec. 14, Schedule.

SEC. 9. Any territory attached or that may be attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county, so far as regards elections for the purpose of representation.

No change from Sec. 15, Schedule, except in phraseology.

SEC. 10. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, nineteen hundred eight. It shall be the duty of the secretary of state to forthwith give notice of such submission to the sheriffs of the several counties, and it shall also be the duty of the secretary of state and all other officers required to give or publish any notice in regard to said election, to give notice as provided by law in case of an election for governor, that this constitution will be duly submitted to the electors at said election.

Supersedes Sec. 16, Schedule.

SEC. 11. Every person entitled to vote for members of the legislature under the existing constitution and laws may vote on said adoption or rejection, and the board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office the words "Adoption of the Revised Constitution [ ] Yes." "Adoption of the Revised Constitution [ ] No." All votes cast at said election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. Should the revised constitution so submitted receive more votes in its favor than shall be cast against it, it shall be the supreme law of the state on and after the first day of January, nineteen hundred nine, except as herein otherwise provided; otherwise it shall be rejected.

Supplants Secs. 17, 18 and 19, Schedule.

Adopted by the Constitutional Convention, February 21, 1908, and ratified by the electors, November 3, 1908.

## ELIMINATED SECTIONS OF THE CONSTITUTION OF 1850.

ART. IV, SEC. 4. All that portion which directs the taking of a state census once in ten years.

ART. IV, SEC. 16. Allowing the legislature to provide for the payment of postage on mailable matter received by its members, but not on any sent by them.

ART. VII, SEC. 8. Providing that any inhabitant engaging in a duel shall be disqualified from voting or holding office.

ART. X, SEC. 10. Giving certain county boards of supervisors or auditors exclusive power to fix compensation for services rendered for and adjust claims against their respective counties, subject to no appeal. This section superseded by Sec. 9, Art. VIII.

ART. XIV, SEC. 2. Providing for a sinking fund of at least \$20,000 a year, beginning in the year 1852, to be applied to the extinguishment of the state debt.

ART. XV, SEC. 1. All that portion which permits the legislature to create a single bank with branches.

ART. XV, SEC. 3. Making the officers and stockholders of banking corporations which issue bank notes or paper credits to circulate as money individually liable for debts, etc.

ART. XV, SEC. 4. Providing for the registry of all bills or notes issued or put in circulation as money.

ART. XV, SEC. 5. Making the bill holders of any bank preferred creditors in case of its insolvency.

ART. XV, SEC. 6. Providing that the legislature shall pass no law authorizing the suspension of specie payments by any person, association or corporation.

ART. XV, SEC. 16. Requiring notice to be given of any application for an alteration of the charter of any corporation.

ART. XIX, SEC. 1. Providing that certain counties of the upper peninsula, with certain islands, shall constitute a separate judicial district.

ART. XIX, SEC. 2. Providing for the election of a district judge for the territory mentioned in section 1, and defining his powers and duties.

ART. XIX, SEC. 3. Providing for a district attorney for said district.

ART. XIX, SEC. 4. Prescribing the representation of said district in the legislature.

ART. XIX, SEC. 5. Providing salaries in said district for the judge, district attorney, and extra compensation for members of the legislature.

ART. XIX, SEC. 6. Prescribing the time for election and the canvass of votes in said district.

ART. XIX, SEC. 7. Providing for a division between the state and the several counties, of the annual tax of one per cent from mining corporations of the upper peninsula.

ART. XIX, SEC. 8. Permitting the legislature to change the location of the state prison from Jackson to the upper peninsula.

ART. XIX, SEC. 9. Relative to amending special charters then existing of mining corporations.

SCHEDULE, SECS. 5, 7, 8, 9, 10, 11, 12 and 13.

SCHEDULE, SECS. 16, 17, 18 and 19, superseded by Secs. 10 and 11 of the Schedule.

SCHEDULE, SEC. 20. A similar provision appears in Art. XVI, Sec. 3.

SCHEDULE, SEC. 21.

SCHEDULE, SEC. 22. See Art. V, Sec. 3.

SCHEDULE, SECS. 23, 25, 26 and 29.

SCHEDULE, SEC. 24. Substantially the same provision is found in Art. XVI, Sec. 1.

SCHEDULE, SEC. 27. Similar provisions found in Art. V, Sec. 4.

SCHEDULE, SEC. 28. Superseded by Art. XVI, Sec. 1.

