

PUBLIC ACTS



THE LEGISLATURE

OF THE

STATE OF MICHIGAN

PASSED AT THE

REGULAR SESSION OF 1899

WITH AN APPENDIX CONTAINING JOINT AND CONCURRENT  
RESOLUTIONS, AMENDMENTS TO THE CONSTITUTION, AND  
THE STATE TREASURER'S REPORT FOR THE YEAR  
ENDING JUNE 30, 1899

4/16/1900  
State



BY AUTHORITY

*Be it further resolved*, That said amendment shall be submitted to the people of this State at the election to be held on the first Monday of April, eighteen hundred ninety-nine, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State at least fifteen days prior to said election. And it shall be the duty of the several boards of election commissioners, in the several counties of this State, in preparing the ballots to be used at such election, to have printed thereon the words, "Amendment to the constitution relative to the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships," and below the same, upon the ballot, shall be placed, in separate lines, the words "Yes," and "No," and each elector shall designate his vote by a cross mark placed opposite the word "Yes," or the word "No." The manner of voting shall conform to the provisions of act number one hundred ninety of the public acts of eighteen hundred ninety-one, entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at elections in this State." The ballots shall in all respects be canvassed, and returns made, as in general elections of State officers; and

*Be it further resolved*, That all provisions of act number one hundred ninety, of the public acts of one thousand eight hundred ninety-one, so far as the same relate to the time required for the Secretary of State to give notice of the same to the sheriffs of the several counties, shall not be applicable to this joint resolution.

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[No. 6.]

JOINT RESOLUTION to amend sections one, five, eight, ten, twelve, fourteen, fifteen, nineteen and twenty, of article six, of the constitution of this State, relative to the judicial department.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the following amendments to the constitution of this State be and the same are hereby proposed—that is to say, that section one, article six, section five, article six, section eight, article six, section ten, article six, section twelve, article six, section fourteen, article six, section fifteen, article six, section nineteen, article six, and section twenty, article six, of said constitution, be amended so as to read as follows:

SECTION 1. The judicial power is vested in one supreme court, in one intermediate court, which intermediate court shall have such jurisdiction and powers as may be prescribed by the legislature, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities.

SEC. 5. The supreme court shall, by a general rule, establish, modify and amend the practice in such court, and in the intermediate, circuit and probate courts, 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. 8. The intermediate court shall have such appellate jurisdiction in all matters civil and criminal, from all circuit courts and other inferior courts and tribunals, and supervisory control of the same, as may be prescribed by law. The 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. The intermediate and circuit courts shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs 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.

SEC. 10. The supreme and intermediate courts may each appoint a reporter of its decisions. The decisions of the supreme court and intermediate court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reason of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of such supreme court and intermediate court, respectively. The judges of the circuit courts, within their respective jurisdictions, may appoint a stenographer, and may fill vacancies in the office of county clerk and prosecuting attorney, but no judge of the supreme, intermediate or circuit courts shall exercise any other power of appointment to public office, except as provided for above, and in section twelve of this article.

SEC. 12. The clerk of each county organized for judicial purposes shall be clerk of the circuit court of such county. The supreme and intermediate courts shall each have power to appoint a clerk for their respective courts, and such other officers as may be necessary in the preparation of their said opinions, and to carry into effect their judgments, decrees and orders.

SEC. 14. When a vacancy occurs in the office of the judge of the supreme, intermediate, circuit or probate courts, it shall be filled by appointment of the Governor, which shall continue until his successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

SEC. 15. The supreme and intermediate courts, and circuit and probate courts of each county, shall be courts of record, and shall each have a common seal.

SEC. 19. Judges of the supreme and intermediate courts, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

SEC. 20. The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred fifty-one, and every sixth year thereafter. The first election of judges of the intermediate court shall be held in the first Monday of April, one thousand nine hundred one, and for one judge of said intermediate court every two years thereafter. The judges of such intermediate court shall be so classified that but one of them shall go out of office at the same time. The Governor shall appoint judges of such intermediate court, who shall hold their respective offices until their successors are elected and qualified.

Whenever an additional circuit court is created, provision shall be made to hold the subsequent elections of such additional judges at the regular election herein provided.

*Be it further resolved,* That said amendments shall be submitted to the people of the State of Michigan at the next spring election, on the first Monday of April, in the year one thousand eight hundred ninety-nine, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State the time prior to said election required by law; and the said sheriffs are hereby required to give the several notices required by law. Each person voting for said amendments shall have written or printed on his ballot as then provided by law, the words: "Amendments to the constitution relative to the judicial department—YES;" and each person voting against said amendments shall have on his ballot in like manner: "Amendments to the constitution relative to the judicial department—NO." The ballots shall in all respects be canvassed and returns made as in general elections of State officers.

This Joint Resolution is ordered to take immediate effect.

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[No. 7.]

**JOINT RESOLUTION** to authorize and instruct the Board of State Auditors to examine into, and if they deem it justifiable, to allow the claim of William T. Densmore for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the Hudson Light Artillery Company, an organized Volunteer Militia Company, organized under the laws of the State of Michigan, at Hudson, Michigan.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby authorized and instructed to examine into the claim of William T. Densmore for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the Hudson Light Artillery Company (an organized volunteer militia company organized under the laws of the State of Michigan) at Adrian, Michigan, at the beginning of the civil war, and, if they deem said claim justifiable, to allow him a monthly compensation of fifteen dollars until such monthly payments shall, in the aggregate, equal a sum not to exceed two thousand dollars: *Provided,* That compensation shall cease immediately upon the death of said William T. Densmore.

*Be it further resolved,* That when said board shall have ascertained and fixed the limit of compensation to be paid, if any, they shall draw their order monthly upon the State Treasurer for such sum as they shall allow monthly, payable to the order of William T. Densmore, and it shall be the