

PUBLIC AND LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN
PASSED AT THE
REGULAR SESSION OF 1943

CONTAINING JOINT RESOLUTIONS, AMENDMENTS TO
CONSTITUTION AND ABSTRACTS OF PROCEEDINGS
RELATIVE TO CHANGE OF BOUNDARIES OF TOWN-
SHIPS AND INCORPORATION, ETC., OF CITIES AND
VILLAGES.



COMPILED BY
HERMAN H. DIGNAN
SECRETARY OF STATE

FRANKLIN DEKLEINE COMPANY
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[No. 2.]

A JOINT RESOLUTION proposing an amendment to section 2 of article 14 of the state constitution, relative to validating certain alienations or mortgages of homestead lands.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to section 2 of article 14 of the state constitution, relative to validating certain alienations or mortgages of homestead lands, is hereby proposed, agreed to and submitted to the people of this state:

ARTICLE XIV.

Homestead exemptions.

Sec. 2. Every homestead of not exceeding 40 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 \$2,500.00 shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mortgage 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: *Provided*, That, notwithstanding anything in this section to the contrary, such mortgage or other alienation of such land shall be valid without the signature of said wife, after 25 years unless within said 25 years from the date of the recording thereof in the office of the register of deeds of the county or counties wherein the property is located, there is filed in said office notice of claim of the invalidity of such mortgage or alienation under this section, excepting that in case of every mortgage or alienation recorded prior to January 1, 1920, said notice of claim may be filed prior to January 1, 1950.

Resolved further, That the foregoing amendment shall be submitted to the people of the state at the next regular election. The secretary of state is hereby required to certify said proposed amendment to the clerks of the various counties of the state in the manner required by law. It shall be the duty of the board of election commissioners of each county to prepare ballots for the use of the electors when voting on said proposed amendment, which ballot, after setting forth the proposed amendment in accordance with the provisions of section 3 of article 17 of the constitution, shall be substantially in the following form:

"Vote on amendment to section 2 of article 14 of the state constitution.

Shall section 2 of article 14 of the state constitution be amended to validate certain alienations or mortgages of homestead lands after the lapse of 25 years?

Yes ☐

No ☐.

It shall be the duty of the board of election commissioners in each county to deliver the ballots so prepared to the inspectors of election of the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same manner as is provided by law for counting, canvassing, and returning votes cast for state officers.

The above resolution was ratified by the people April 5, 1943.

AMENDMENTS TO THE CONSTITUTION.

Proposal No. 1.

Amendment to the constitution relative to the "election of township officers for terms of 2 years", proposed by joint resolution, and ratified by the people at the biennial spring election, April 5, 1943.

ARTICLE VIII.

Sec. 18. There shall be elected on the first Monday of April in each odd numbered year for a term of 2 years in each organized township 1 supervisor, 1 township clerk, 1 commissioner of highways, 1 township treasurer, and not to exceed 4 constables, whose powers and duties shall be prescribed by law. Justices of the peace shall be reclassified as shall be prescribed by the legislature to conform with the provisions of this section providing for biennial township elections.

Proposal No. 2.

Amendment to the constitution relative to "validating certain alienations or mortgages of homestead lands after the lapse of 25 years", proposed by joint resolution, and ratified by the people at the biennial spring election, April 5, 1943.

ARTICLE XIV.

Sec. 2. Every homestead of not exceeding 40 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 \$2,500.00 shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mortgage 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: *Provided*, That, notwithstanding anything in this section to the contrary, such mortgage or other alienation of such land shall be valid without the signature of said wife, after 25 years unless within said 25 years from the date of the recording thereof in the office of the register of deeds of the county or counties wherein the property is located, there is filed in said office notice of claim of the invalidity of such mortgage or alienation under this section, excepting that in case of every mortgage or alienation recorded prior to January 1, 1920, said notice of claim may be filed prior to January 1, 1950.