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ADDRESS TO THE PEOPLE

OF THE

State of Michigan Submitting the Proposed Revision
of the Present Constitution.

The Act under which the Constitutional Convention of 1907-8 convened provides that "The convention shall, before its adjournment, prepare and adopt an address to the people of the state, explaining the proposed changes in the present constitution, and the reason for such changes, and such other matters as to the convention shall seem advisable."

In compliance with the foregoing provision the people of the state of Michigan are invited to consider a proposed revision of the existing constitution. It will appear that the revised instrument follows closely the lines of the present constitution. It will be found that the changes proposed are either necessary or expedient, to meet new conditions, or to make more certain the provisions of the constitution of 1850. Since the latter year Michigan has grown from less than 400,000 people to a great agricultural, mining, manufacturing, industrial and commercial community of more than 2,500,000 inhabitants. The constitution of 1850 has remained the organic law of the state for fifty-eight years. Our society has grown vastly more complicated, its activities multiplied, its structure changed; every interest affecting its development and ministering to its needs and welfare has been deepened and broadened. The agencies of production and distribution have increased a thousand fold.

The assessed wealth of the state has increased from less than thirty millions in 1850 to more than sixteen hundred and fifty-four millions in 1907;—figures which forbid comprehension. The city of Detroit contains a larger population today than did the entire state of Michigan in 1850. The marvelous growth of the intervening years is thus portrayed and emphasized. By reason of this growth and transformation the constitution adopted fifty-eight years ago naturally admits of beneficial revision and material amendment.

In the revised constitution the old framework of government is most carefully preserved. No structural changes are proposed. The historic safeguards of life, liberty and property remain, with here and there a word or line to make those guarantees more ample and certain. It is believed that the efficiency of the state government, by the adoption of the amendments proposed, will be materially increased and better adapted to the requirements of the present day. The convention has

applied its work to questions of a fundamental nature as closely as possible, only deviating therefrom in cases exceptional in character or demanding revision by reason of changed conditions. It has been the aim of the convention to leave matters purely legislative in character to be dealt with by the legislature as public opinion may demand from time to time. It was early recognized and fully appreciated by the convention that *error* in the constitution may continue indefinitely, while *error* in legislation admits of speedy correction.

The revision is chiefly distinguished by certain new provisions deserving particular mention by reason of their obvious importance. The following are specified:

- (1.) The elimination of the state census; (Sec. 4, Art. V, Revision).
- (2.) No local or special act of the legislature can be passed in any case where a general act can be made applicable; (Sec. 30, Art. V, Revision).
- (3.) No local or special act shall take effect until approved by a majority of the electors voting thereon in the district to be affected; (Sec. 30, Art. V, Revision).
- (4.) All legislation shall be by bill, thus preventing loose or hasty legislation by joint or concurrent resolution; (Sec. 19, Art. V, Revision).
- (5.) No bill shall be passed or become a law at any regular session of the legislature until such bill has been printed and in the possession of each house for at least five days; (Sec. 22, Art. V, Revision).
- (6.) The representatives in the legislature are placed upon a salary of \$800.00 for the term, with a proviso that when convened in extra session their compensation shall be five dollars per day for the first twenty days and nothing thereafter; (Sec. 9, Art. V, Revision).
- (7.) The local governments are granted enlarged powers; (See Art. VIII, Revision).
- (8.) A liberal scheme of home-rule for cities and villages has been incorporated; (Sec. 21, Art. VIII, Revision).
- (9.) Under safe restrictions cities and villages may operate public utilities being first authorized by the affirmative vote of three-fifths of the electors voting thereon; (Secs. 22, 23 and 24, Art. VIII, Revision).
- (10.) The elective franchise is extended to women upon questions which seek to impose direct taxes upon their property; (Sec. 4, Art. III, Revision; Sec. 25, Art. VIII, Revision).
- (11.) Committees of the legislature are placed under the control of a majority of that body, thereby subjecting bills and measures in the hands of committees to the control of a majority vote of either house; (Sec. 15, Art. V, Revision).
- (12.) The legislature is required to provide a system of uniform accounting by all state officials, boards and institutions, and by all county officials; (Sec. 18, Art. X, Revision).
- (13.) The governor is vested with power to veto specific items in appropriation bills; (Sec. 37, Art. V, Revision).
- (14.) Provision is made for the taxation of the property of express, telephone, telegraph, freight and other car companies, and all corporations engaged in any other public service business; (Sec. 5, Art. X, Revision).
- (15.) The general supervision of the Agricultural College and the

direction and control of its funds is vested in the state board of agriculture; (Sec. 8, Art. XI, Revision).

(16.) Provision is made for the election by the people of a state board of agriculture to consist of six members to supersede the present method of appointment by the governor; (Sec. 7, Art. XI, Revision).

(17.) It is provided that corporate franchises can not be granted for a longer term than thirty years; (Sec. 3, Art. XII, Revision).

(18.) No state money shall be deposited in banks other than those organized under the national or state banking laws; (Sec. 15, Art. X, Revision).

(19.) No state money shall be deposited in any bank in excess of fifty per cent of the capital and surplus of such bank; (Sec. 15, Art. X, Revision).

(20.) It is provided that any bank receiving deposits of state money shall show the amount of the state money so deposited as a *separate item* in all published statements; (Sec. 15, Art. X, Revision).

(21.) The legislature is authorized to provide for the reforestation of state lands; (Sec. 14, Art. X).

(22.) School districts are permitted to educate their children in neighboring districts and draw their proportion of the primary school money; (Sec. 9, Art. XI, Revision).

(23.) Trust companies are subjected to the provisions of the banking law; (Sec. 9, Art. XII, Revision).

(24.) Authority is granted the legislature to delegate power to a commission to fix just and reasonable charges for the transportation of property by railroad companies and express companies; (Sec. 7, Art. XII, Revision).

(25.) Provision is made for the submission of constitutional amendments to a vote of the people upon the petition of twenty per cent of the electors voting at the last preceding election for secretary of state; (Sec. 2, Art. XVII, Revision).

(26.) The legislature is authorized to submit any act passed by it and approved by the governor to a vote of the people, and it is provided that unless such act receives the vote of a majority of the electors voting thereon it shall not become a law; (Sec. 38, Art. V).

These provisions, without exception, are new. The importance and substantial character of each is obvious. The reasons which induced the convention to incorporate them into the revised instrument will be specifically stated under appropriate subdivisions.

Note:—Words printed in *italics* in the revision indicate the insertion of new matter. The use of stars, thus * * * indicates the omission of words contained in the present constitution.

FULL TEXT OF THE GENERAL REVISION
OF THE
Constitution of the State of Michigan,
WITH THE EXPLANATIONS OF PROPOSED CHANGES AND THE
REASONS THEREFOR.

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 present constitution has the following preamble: "The People of the State of Michigan do ordain this constitution." The change was made to give recognition in the constitution to the Supreme Being. Similar recognition is found in the constitutions of forty-two of our sister states.

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 more 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 this state are preserved as defined in the existing constitution. The word "point" is adopted in the place of the word "corner" for the purpose of precision in description, and the word "*Island Lake*" is a new insertion to make certain what is meant by the head waters of the Montreal river.

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

No change from Art. II of the present constitution.

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.

This section is new.

Section 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 of the present constitution.

Section 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 of the present constitution except for the purpose of improving the phraseology.

Section 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 of the present constitution except for the purpose of improving the phraseology.

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

No change from Sec. 7, Art. XVIII of the present constitution.

Section 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 of the present constitution.

Section 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 of the present constitution.

Section 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 of the present constitution.

Section 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 of the present constitution except for the purpose of improving the phraseology.

Section 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 of the present constitution.

Section 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 of the present constitution except for the purpose of improving the phraseology.

Section 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 of the present constitution.

Section 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 of the present constitution.

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

No change from Sec. 29, Art. VI of the present constitution.

Section 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 of the present constitution.

Section 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 of the present constitution.

Section 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 of the present constitution.

Section 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. * * *

No change from Sec. 25, Art. VI of the present constitution except to substitute the word "accused" for "party," and to omit the last clause, as follows: "The jury shall have the right to determine the law and the fact."

Section 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.*

The clause in italics is added to Sec. 28, Art. VI of the present constitution. This addition is designed to confirm the existing power of the trial court, in its discretion, to order the expense of an appeal from a judgment of conviction to be borne by the county.

Section 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 of the present constitution.

Section 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 of the present constitution except for the purpose of improving the phraseology.

Under the existing constitution the several sections contained in this article are distributed under what was deemed to be appropriate headings in that instrument. The convention believes that these provisions are far more accessible when grouped together in a single article. It is worthy of note that nearly every state in the union has a bill of rights, so-called, in its constitution. The arrangement observed gives method and symmetry to the revised instrument and without question renders these provisions more serviceable. The citizen need not look twice for these fundamental principles. He can turn at once in the constitution to the article on declaration of rights and under such article will be found the section he seeks.

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. * * * *

No change from Sec. 1, Art. VII of the present constitution except as indicated in italics, and this is a change in phraseology only. Certain unnecessary words are omitted.

Section 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.

No change from Sec. 5, Art. VII of the present constitution, except as appears in italics, for the purpose of improving the phraseology.

Section 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*.

No change from Sec. 7, Art. VII of the present constitution, except as appears in italics, the former word being "same."

Section 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.

The foregoing is a new section and its purpose is to give women taxpayers the right to vote upon any proposition which involves the expenditure of public money, or the issue of bonds for which their property may be assessed. This extension of the elective franchise to women taxpayers is in keeping with the principle that no person's property should be directly affected without the consent of the owner thereof. This right is also extended to women in the article of the revised constitution relating to local government. In the latter article women taxpayers are allowed to vote upon the same conditions as male electors when a city or village proposes to bond the municipality for the purpose of acquiring a public utility or borrowing money. The innate justice of this provision is generally recognized.

Section 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.

No change from Sec. 3, Art. VII of the present constitution except as appears in italics.

Section 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 of the present constitution.

Section 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 of the present constitution.

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

In Sec. 6, Art. VII of the present constitution this section is directory, the word "may" being used. The revision amends it by inserting the word "shall," thereby rendering it mandatory upon the legislature to pass laws to preserve the purity of elections.

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 of the present constitution.

Section 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 of the present constitution.

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 of the present constitution.

Section 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.

No change from Sec. 2, Art. IV of the present constitution except as indicated in italics, the former words being "senate districts, except."

Section 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.

The words "exclusive of persons of Indian descent who are not civilized or are members of any tribe" are omitted. This provision is no longer necessary. The meaning and effect of this section is otherwise unchanged. See Sec. 3, Art. IV of the present constitution.

Section 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.

This section abolishes the state census and bases the decennial apportionment of representatives upon the United States census. This action was taken because, in the judgment of the convention, the state census is unnecessary and, therefore, a burdensome expense. See Sec. 4, Art. IV of the present constitution.

Section 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 of the present constitution except in phraseology.

Section 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 of the present constitution.

Section 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.

No change from Sec. 18 of Art. IV except the insertion in italics. No public policy is to be subserved by prohibiting the members of the legislature from serving as notaries public.

Section 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 of the present constitution so as to limit the privilege from arrest to sessions of the legislature and for fifteen days next preceding the commencement and fifteen days after the termination thereof, and makes no other change except in phraseology.

Section 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.

No section received more extended discussion than the foregoing, which is a revision of Sec. 15, Art. IV of the present constitution. All distinction between the compensation of upper and lower peninsula members is abolished, the condition which originally justified it having disappeared, viz.: the difficulty of reaching the state capitol from the northern portion of the state. It was the unanimous conviction of the convention that the former per diem was unreasonably low, and this is generally conceded. However, the convention conservatively avoided

making too marked an increase. It is believed the increase in salary will make it possible for men to stand for the legislature who could not possibly afford to do so under the existing *per diem*; and it will have a wholesome tendency in encouraging more of the able men of the state to become members of the legislature. The length of the average session of our legislature is about one hundred fifty days, which would render the total compensation now received by members of the legislature four hundred and fifty dollars. The Convention believes that the provision of a salary per term will not only induce a stronger class of men to accept service in the legislature, but will materially shorten its sessions.

It was argued that the compensation of the members of the Michigan legislature should be fixed at twelve hundred dollars for the term with no compensation for extra sessions; and in support of this position attention was called to the compensation paid to members of the legislature of our sister states. It appears that the state of Massachusetts, where the term is one year, pays seven hundred fifty dollars. The state of Pennsylvania pays fifteen hundred dollars *per annum* or three thousand dollars for a term of two years. The state of New York pays fifteen hundred dollars *per annum* for a term of one year. The state of Wisconsin pays five hundred dollars *per annum* for a term of two years, and the state of Illinois pays one thousand dollars *per term* for regular sessions and five dollars per day for extra sessions. The state of Colorado pays a *per diem* of seven dollars, and the state of California a *per diem* of eight dollars, while the state of Indiana pays a *per diem* of six dollars. By analogy it was contended that Michigan should pay twelve hundred dollars per term. A majority of the convention, however, felt that eight hundred dollars for the regular session and five dollars per day for extra sessions would fully accomplish the objects sought to be reached, viz.: to broaden the field from which members of the legislature may be drawn and thereby increase the average level of the membership and, at the same time, fix the compensation at a conservative figure. It is estimated that the decrease in expense, incident to the shortening of legislative sessions, will more than compensate for the increase in salaries.

Compensation for special sessions was considered necessary, as a matter of public policy, to insure attendance and to provide remuneration for members who may have been appointed to fill vacancies occurring after the close of the regular session.

The allowance made at present to members for stationery and newspapers is omitted, and the provisions in this section as it now stands, limiting the bills which may be passed at a special session, will be found in section 22 of this article.

Section 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 in this section from Sec. 17, Art. IV

of the present constitution. The words "per diem" are eliminated.

Section 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 in meaning from Sec. 29, Art. IV of the present constitution. A rearrangement of the language of this section is made to improve the phraseology.

Section 12. The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, *nineteen hundred ten*, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

No change from Sec. 34, Art. IV of the present constitution except the change in dates appearing in italics.

Section 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.

This is a revision of Secs. 32 and 33, Art. IV of the present constitution and except for the change of date appearing in italics makes no change in their effect.

Section 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.

No change from Sec. 8, Art. IV of the present constitution except to insert the word "may."

Section 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.

Sec. 9, Art. IV of the present constitution is changed so as to prohibit the legislature from adopting any rule that will prevent a majority of its members from taking a bill from the hands of a committee. This amendment is deemed to be a wholesome one. Its purpose is to defeat the practice of committees refusing to report out bills in their hands, and thereby prevent action thereon. Under the two-thirds rule now existing a

minority are enabled to prevent a bill coming before the legislature. This amendment will place control of all bills in the hands of the majority where it clearly belongs. No other change is made in said section except for the purpose of improving its phraseology.

Section 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.

The words "members elected" in the present constitution, Sec. 10, Art. IV, are changed to "members present" in the revision. This will make it somewhat easier to obtain a yeas and nays vote in either house, as one-fifth of the members *present* is nearly always a smaller number than one-fifth of the members *elected*. This change was dictated by a desire to insure greater publicity of the acts and votes of the individual members.

Section 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 of the present constitution.

Section 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 of the present constitution.

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

This section formerly read as follows: "Bills may originate in either house of the legislature." It was changed to prevent legislation by concurrent resolution of the two houses. All legislation must be by bill under the revision, thus insuring greater publicity. Legislative action by joint resolution was designed chiefly for administrative purposes of a local and temporary character. The uses of the joint resolution have been unduly extended and it was deemed wise to forestall the abuses practiced under it by the foregoing section. See Sec. 13, Art. IV of the present constitution.

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

No change from Sec. 48, Art. IV of the present constitution.

Section 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.

This section combines Secs. 20 and 25, Art. IV of the present constitution and an important change is made therein. Under the present constitution any act can be given immediate effect by a two-thirds vote of each house. Under the new section only appropriation bills and acts necessary for the preservation of the public peace, health or safety can be given immediate effect. All other acts go into effect ninety days after the close of the session. This amendment is designed to give those persons affected by any act, and the public generally, ample notice of the time when such laws take effect.

Section 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.

This is a new section. It was inserted to prevent hasty and careless legislative action, also, to deal effectively with so-called snap legislation. The provision that no bill shall be passed until it has been printed and in the possession of each house for five days means much greater publicity in legislative proceedings. Time is thus provided whereby the people may become acquainted with proposed legislation and to petition, or remonstrate, before a bill is passed. It is believed that this provision will measurably improve the tone of legislative action. When the legislature is convened in special session the revision limits its action to those matters expressly stated in the governor's proclamation. This wisely limits the sphere of action of the legislature, in special session; and the governor's proclamation is notice to the public of the work which the legislature can lawfully undertake. The provision that no bill shall be *altered* on its passage so as to change its original purpose is included so that by no possibility can the publicity secured by the five day rule be nullified or evaded.

Section 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.

Provision having been made that all legislation shall be by

bill the words "joint resolution" where occurring in Sec. 19, Art. IV of the present constitution are eliminated in the foregoing section. There is no other change.

Section 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 of the present constitution.

Section 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 of the present constitution except for the purpose of improving the phraseology.

Section 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.

No change from Sec. 24, Art. IV of the present constitution except as appears in italics.

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

No change from Sec. 46, Art. IV of the present constitution.

Section 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 of the present constitution except for the purpose of improving the phraseology.

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

The foregoing section is a new one, and is inserted in the revision for the reason that doubt was expressed as to the power of the legislature in the premises without such a provision.

Section 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.

The foregoing is an entirely new section designed to work a wholesome legislative reform. One of the greatest evils brought to the attention of the convention was the abuses practiced under local and special legislation. The number of local and special bills passed by the last legislature was *four hundred fourteen*, not including joint and concurrent resolutions. The time devoted to the consideration of these measures and the time required in their passage through the two houses imposed a serious burden upon the state. This section, taken in connection with the increased powers of local self-government granted to cities and villages in the revision, seeks to effectively remedy such condition. This provision is believed to be far-reaching in its consequences. The evils of local and special legislation have grown to be almost intolerable, introducing uncertainty and confusion into the laws, and consuming the time and energy of the legislature which should be devoted to the consideration of measures of a general character. By eliminating this mass of legislation, the work of the legislature will be greatly simplified and improved.

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

No change from Sec. 23, Art. IV of the present constitution except to transfer the last clause to Sec. 27, Art. VIII of the revision.

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

No change from Sec. 26, Art. IV of the present constitution.

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

No change from Sec. 27, Art. IV of the present constitution.

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

No change from Sec. 31, Art. IV of the present constitution.

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

No change from Sec. 35, Art. IV of the present constitution.

Section 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.

This is a revision of Sec. 14, Art. IV of the present constitution, and omits in the first line the words "and concurrent resolution except of adjournment," and thus eliminates the distinction between concurrent and joint resolutions. Under the present constitution this distinction has given rise to much confusion. Concurrent resolutions must be signed by the governor, and matters formerly taken care of thereby, are more properly cared for by bill, as proposed in the revision.

Section 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.

The foregoing section is a new one. It is designed as a check upon extravagant and improper appropriations. It places, in part, the responsibility for appropriations made for the state upon the governor. He must, therefore, give careful scrutiny to each item in the appropriation bills. Should this power be arbitrarily exercised, which is not likely, the legislature has the power to pass the appropriation over the governor's veto by a two-thirds vote of each house. The necessity for this proviso is found in legislative experience. The mutual exchange of courtesies by members of the legislature whereby one agrees to support the appropriations desired by others, in consideration that the others will support those in which he is interested, has led to extravagance and to many vicious appropriations. The restrictions contained in this section, it is anticipated, will prevent such practice with distinct benefit resulting to the state. The granting of this veto power to the governor, while a departure from the constitution of 1850, is supported by abundant precedents. Such a provision is found in the constitutions of the following states, viz: Alabama, Arkansas, California, Colorado, Delaware, Florida, Idaho, Illinois, Kansas, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, South Dakota, Texas, Utah, Washington, Virginia, West Virginia and Wyoming.

It is to be noted that in all of the states where there has been a *recent* revision of their constitution, the power to veto items in appropriation bills has been given to the governor; and most of the states where the governor does not have such

power are those whose constitutions have not been revised in recent years. These precedents, as well as the results to be expected from fixing such responsibility upon the governor, were persuasive with members of the convention.

Section 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.

The foregoing is a new section designed to place beyond a doubt the power of the legislature to submit bills passed by it to a vote of the people in the manner specified. Whenever the legislature is of the opinion that the public welfare will be subserved by providing that a law ought not to become effective until such law shall receive the approval of the people, this section confers all necessary power in the premises.

Section 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.

The first sentence of this section makes an important change in Sec. 36, Art. IV of the present constitution. Heretofore the publication and distribution of the laws has not been done with sufficient promptness. The importance of having the laws enacted by the legislature speedily accessible in book form is obvious. This provision will require the publication in book form of all laws enacted at any session of the legislature at least thirty days before such acts take effect, with the exception of those given immediate effect. The latter relate to bills making appropriations and those laws necessary for the preservation of the public peace, health or safety, as provided for in Sec. 21, Art. IV of the revision.

Section 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.

This section corresponds with Sec. 15, Art. XVIII of the present constitution. The changes noted are for the purpose of requiring a compilation by general law. It is designed that the legislature shall enact a general law specifying the means and the manner by which a compilation of the laws shall be made. It will be noted that the proposed amendment gives

the legislature control over the revision, while in the present constitution, the method of revision is stated in Sec. 15 above specified.

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.

Portions of this section are found in the present constitution, in Secs. 1 and 3 of Art. V, and Secs. 1 and 2 of Art. VIII. The election of a superintendent of public instruction, omitted from this section, is provided for in Sec. 2 of Art. XI. The language "shall superintend them in person" is new and imperative. This language renders it mandatory that the officers chosen by the people for a particular office shall personally superintend the duties of such office. This requirement is dictated by sound business principles and the growing importance of the offices specified.

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

The word chief is inserted in Sec. 1, Art. V of the present constitution. The remainder of the section is found in Sec. 1 of this article.

Section 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 of the present constitution are here combined in one section, which enlarges the power of the governor so that he may require information in writing from "all executive and administrative state officers, elective and appointive," instead of merely "officers of the executive department." The purpose of the change is to make it clear that the governor may, while being excluded from interference with the judicial and legislative departments, exercise the fullest power of inquiry as to all other state officers.

Section 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 is made from Sec. 4, Art. V of the present constitution except for the purpose of improving the phraseology.

Section 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 is made from Sec. 8, Art. V of the present constitution except for the purpose of improving the phraseology.

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

No change is made from Sec. 10, Art. V of the present constitution.

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

No change is made from Sec. 7, Art. V of the present constitution.

Section 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 is made from Sec. 9, Art. V of the present constitution.

Section 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 is made from Sec. 11, Art. V of the present constitution.

Section 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 is made from Sec. 3, Art. VIII of the present constitution.

Section 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 is made from Sec. 18, Art. V of the present constitution except for the purpose of improving the phraseology.

Section 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 is made from Sec. 19, Art. V of the present constitution.

Section 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 is made from Sec. 2, Art. V of the present constitution except for the purpose of improving the phraseology.

Section 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.*

No change is made from Sec. 15, Art. V of the present constitution, except to add the italicized words.

Section 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 is made from Sec. 16, Art. V of the present constitution.

Section 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.

This section eliminates the words "in time of war" from Sec. 12, Art. V of the present constitution.

Section 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.

No change is made from Sec. 13, Art. V of the present constitution except to substitute the secretary of state for the president *pro tempore* of the senate. The obvious purpose is to make the secretary of state, who is elected at large, acting governor, instead of the president *pro tempore* of the senate who is elected from a single senatorial district. A further reason for this substitution is to avoid depriving the senate of one of its members in the event of such contingency.

Section 18. The lieutenant governor or *secretary of state*, while performing the duties of governor, shall receive the same compensation as the governor.

No change is made from Sec. 17, Art. V of the present constitution except to harmonize it with the substitution of "secretary of state" by the revision of the preceding section.

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

This revision of Sec. 14, Art. V of the present constitution limits the duties of the lieutenant governor to acting as president of the senate. It was apparent to the convention that the presiding officer of a deliberative body who participates in its debates and contentions upon the floor does so at the expense of his authority and usefulness as a presiding officer. His control over such a body is thereby greatly impaired. The right to vote in committee of the whole is taken away by the revision as such vote is without effect on legislation as the final vote in the senate determines the passage of a measure and not the vote in committee of the whole. It should be stated, however, that the privilege of voting by the lieutenant governor in committee of the whole has become practically obsolete, as the right has not been exercised for a generation or more. By this section the vesting of executive and legislative power in one person is obviated, and this consideration was a potent factor with the convention in confining the lieutenant governor strictly to the duties of presiding officer.

Section 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.

This is a revision of Sec. 4 of Art. VIII of the present constitution. By adding to the duties of this board the requirement that they shall act as a state board of escheats and fund commissioners the creation of new boards for such purpose is avoided; it being the judgment of the convention that new boards should be created only when the necessities of the public service clearly demand it.

Section 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.

This section supersedes all provision in the present con-

stitution relating to the salaries of the officers named. (See Sec. 1, Art. IX.) It is generally conceded that the present salaries of the above named officers are grossly inadequate. After mature deliberation the convention felt that it was called upon by the inherent importance of the subject, as well as what was deemed to be existing public opinion, to definitely fix the salaries of these officials.

The moderate amount of twenty-five hundred dollars provided for the secretary of state, state treasurer, commissioner of the state land office and auditor general will certainly meet the approbation of the most conservative in view of the provision in Sec. 1 of this article that each of the officers named is required to superintend such office in person.

The salary of the governor and that of the attorney general is fixed at five thousand dollars. There was a strong sentiment for a further increase in the salary of the governor in view of the fact that his entire time is devoted to the duties of the office and under this revision additional responsibilities are placed upon him, requiring of him even a closer application to official duties than heretofore. The amount designated as the salary of the governor is deemed to be conservative.

For many years the salary of the attorney general has been eight hundred dollars. It has been necessary for the attorney general to engage in private practice in order to support himself. During recent years the state has been called upon to expend large sums of money in the retention of private counsel to assist in the conduct of important state litigation. The growing importance of the duties of this office require the selection of an experienced and competent lawyer to meet its responsibilities. A man of such training and standing is called upon to forego a private business, of a value, at least, equal to the salary named. The justice of the situation affecting this official appealed strongly to the convention as well as the business consideration that the attorney general, being required by Sec. 1 of this article to superintend the duties of this office *in person*, will certainly render value received for the compensation named.

There was a very strong sentiment in the convention to turn over to the legislature the matter of fixing all salaries for state officers. And this position is sustained by strong reasons. In order, however, that the people might know precisely what the adoption of the revised constitution will mean in the matter of salaries for these officials, the convention concluded to take the definite action contained in the foregoing section.

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.*

The added portion, in italics, changes Sec. 1, Art. VI of the present constitution so that additional courts may be created by the legislature. The two-thirds vote will, it is believed, guard against the creation of unnecessary courts.

THE SUPREME COURT.

Section 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.

This section recasts Sec. 2, Art. VI of the present constitution.

Section 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 of the present constitution.

Section 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 of the present constitution.

Section 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.

The italicized words take the place of the words "the circuit courts" in Sec. 5, Art. VI of the present constitution so as to extend the rules of the supreme court to all courts of record. No other change is made in the section.

Section 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.

This covers portions of Secs. 10 and 12 of Art. VI of the present constitution. It adds the appointment of a court crier to the powers of the supreme court, and determines that the clerk of the court shall be paid a salary prescribed by law, and that all fees, perquisites and income collected by him shall be paid into the state treasury, which change, it is believed, will result in a substantial net revenue to the state after payment to the clerk of a fair compensation. The other provisions of those sections are covered by Secs. 7 and 11 of this article.

Section 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.

The foregoing revises part of Sec. 10, Art. VI of the existing constitution. The words in italics indicate additional proceedings in the decision of which the supreme court shall file written opinions. Such proceedings frequently involve important questions of law and the written opinions therein will materially benefit litigants and the general public.

CIRCUIT COURTS.

Section 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.

This section combines Secs. 6, 7 and 11, Art. VI of the present constitution, except that all provisions in Sec. 6 for the counties named therein are omitted and certain changes made in phraseology. Circuit courts are required to be held four times, instead of twice, in each year, in every county organized for judicial purposes.

In addition the legislature is granted power to combine the circuits into judicial districts and provide the manner of holding court in such districts. It was the opinion of the convention that the judiciary would be strengthened and elevated

by adopting the system of rotating judges. Under such system the several judges in a district would not hold two terms in succession in the same circuit; but after holding one term of court in a designated circuit such judge would not again hold court therein until he had held at least one term of court in each of the other circuits in the district. This method would relieve judges from presiding when friends or neighbors of such judges are litigating their claims or when prejudice or excitement is prevalent in the locality or county of a judge's residence, which atmosphere might naturally be supposed to influence the attitude of a resident judge more or less. It, also, frees the judge from any temptation to engage in the contentions of party politics, and removes the judiciary as far as possible from any suspicion that the administration of the law is in any degree dictated by political considerations.

Section 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.

This section corresponds with Sec. 20, Art. VI of the present constitution with certain changes in phraseology, the last sentence being taken from Sec. 9, Art. VI of the present constitution.

Section 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 of the present constitution, except for the purpose of improving the phraseology.

Section 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.

This section revises portions of Secs. 10 and 12, Art. VI of the present constitution without changing their effect.

Section 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.

This section provides for the monthly payment of the salaries of judges instead of quarterly payment as provided in Sec. 9, Art. VI of the present constitution. The provision granting boards of supervisors power to pay additional salary is necessary to meet conditions existing in many counties in the state, and similar conditions which must necessarily arise from time to time.

PROBATE COURTS.

Section 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.*

No change is made from Sec. 13 of Art. VI of the existing constitution, except for the purpose of improving the phraseology, and the addition of the italicized words, these being added to make the powers conferred by law on probate courts in juvenile cases constitutional powers. The provision for a four year term of office has been taken out of this section and placed in Section 14.

Section 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.*

This section takes the place of Sec. 21 and a part of Sec. 13 of Art. VI of the present constitution. The words appearing in italics are new.

JUSTICES OF THE PEACE.

Section 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 of the present constitution, except for the purpose of improving the phraseology.

Section 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.

No change from Sec. 18, Art. VI of the present constitution, except that the last word "law" is substituted for "the legislature."

GENERAL PROVISIONS.

Section 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 of the present constitution, except for the purpose of improving the phraseology.

Section 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 of the present constitution, except for the purpose of improving the phraseology.

Section 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 of the present constitution, except for the purpose of improving the phraseology.

Section 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 of the present constitution, except for the purpose of improving the phraseology.

Section 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 of the present constitution.

Section 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 of the present constitution.

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 is made from Sec. 1, Art. X of the present constitution.

Section 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.

No change is made from Sec. 2, Art. X of the present constitution, except for the purpose of improving the phraseology and by increasing the population which a city must have before becoming eligible to organize as a county, from twenty to one hundred thousand; and also by requiring the affirmative vote of both the city and the remainder of the county, separately, on the proposition instead of the county as a whole. The reason for the increase of requisite population is because of the general increase of population in the state, while the separate vote is required to protect the interests of the minority residing outside a large city.

Section 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.

No change is made from Sec. 3, Art. X of the present constitution, except for the purpose of improving the phraseology, and omitting the words "and as often as vacancies shall happen." See Sec. 5, Art. XVI as to vacancies.

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

No change is made from Sec. 4, Art. X of the present constitution.

Section 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 is made from Sec. 5, Art. X of the present constitution.

Section 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.

This section is new. Circuit court jurors are now selected by a commission in many of the larger cities and several of the counties of the state. The foregoing provision is designed to require the passage of a general law whereby any county may avail itself of its provisions without being required to obtain a special act.

Section 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.

This section combines Sections 6 and 7 of Art. X of the present constitution without change except to improve the phraseology.

Section 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.

This is a subdivision of the power conferred generally upon townships, cities, villages and boards of supervisors by Section 38, Art. IV. The corresponding provision will be found under the sections dealing with the government of townships (Sec. 17) and cities and villages (Sec. 20).

Section 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.

The above section takes the place of Section 10, Art. X of the present constitution from which it differs in the following important particulars: It gives to boards of supervisors "exclusive power to fix the salaries" as well as provide compensation "of all county officials not otherwise provided for by law." This is a provision in extension of the right of home rule. This section also introduces the provision that "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," this provision not being found in the existing constitution.

It is the purpose of this provision to place counties on the same basis, respecting claims, as individuals and municipalities, such as townships, cities and villages, and to provide a less expensive and more adequate remedy of enforcing such claims than that of mandamus which now prevails.

Section 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 of the present constitution provides that "any county may borrow or raise by tax one thousand dollars" for the purposes specified in the above section. The provision of "one-tenth of one mill" was added to enable counties of large assessed valuation to raise sufficient money to care for the buildings and bridges which the wealth and requirements of such counties entail.

Section 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.

This section has no corresponding provision in the present constitution. Its purpose is to meet the modern conditions demanded for the treatment of contagious and infectious diseases, and to authorize counties to provide therefor through co-operation if they see fit.

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

The above section is designed by the use of the words "total debt" to make more certain a similar provision in Sec. 49, Art. IV of the present constitution.

Section 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 is made from Sec. 8, Art. X of the present constitution.

Section 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.

No change is made from Sec. 4, Art. XVIII of the present constitution, except for the purpose of improving the phraseology, and the addition of the matter italicized. The matter in italics was added to give to boards of supervisors authority to require reasonable compensation in return for the right or franchise granted.

Section 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.

This section takes the place of Sec. 11, Art. X of the present constitution. The provisions of that section relative to highways and bridges were eliminated as being covered in Section 10, while the word "consolidate" was added as conferring a power found necessary in the experience of northern counties.

TOWNSHIPS.

Section 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 is made from Sec. 2, Art. XI of the present constitution.

Section 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.

This is a subdivision of the power conferred generally upon townships, cities, villages and boards of supervisors by Sec. 38, Art. IV of the present constitution.

Section 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.

No change is made from Sec. 1, Art. XI of the present constitution, except the office of school inspector has been eliminated, the same having become obsolete.

Section 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.

This section is a new one. It secures publicity in the granting of franchises by townships, and is designed to carefully conserve the rights of townships when granting franchises to public utility corporations.

CITIES AND VILLAGES.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

The foregoing provisions for the government of cities and villages have no corresponding provisions in the present constitution. They supersede Sec. 38, Art. IV, and Secs. 13 and 14, Art. XV, so far as said sections relate to cities and villages.

The provisions herein contained are designed to meet the modern conditions affecting municipal affairs; to authorize through appropriate legislation that which has heretofore been denominated "Home Rule."

These provisions constitute a marked advance from the present constitutional provisions relating to cities and villages by doing away with the principle of classification and with special charters, granted and subject to amendment only by the state legislature. The purpose is to invest the legislature with power to enact into law such broad general principles relative to organization and administration as are or may be common to all cities and all villages, each city being left to frame, adopt and amend those charter provisions which have reference to its local concerns. The most prominent reasons offered for this change are that each municipality is the best judge of its local needs and the best able to provide for its local necessities; that inasmuch as special charters and their amendments are now of local origin, the state legislature will become much more efficient and its terms much shorter if the labor of passing upon the great mass of detail incident to municipal affairs is taken from that body and given into the hands of the people primarily interested.

Under these provisions, cities and villages, as under the present constitution, will remain subject to the constitution and all the general laws of the state.

The transfer of the powers of legislation from the state legislature to the people of the municipalities or their representatives necessitated the imposition of certain checks and prohibitions designed to secure conservative action on the part of those to become responsible for the future conduct of such affairs. So far as these checks and prohibitions have formerly been in the hands of the common councils, relating to franchises and the acquiring of public utilities, they are now made subject to the vote of three-fifths of the electors of the municipalities. The power to limit the rate of taxation and restrict the power of borrowing money and contracting debts is left to the legislature, as in the present constitution, where it may be subject to such changes as may be made necessary by changing conditions. The right conferred to establish certain essential

institutions involving public health and safety and to acquire the public utilities named, is conceived to be in line with the general privileges of home rule and one placing within the hands of municipalities, under the restrictions named, certain powers for potential competition with such corporations as from the very nature of the service required of them are monopolies.

The power granted municipalities to sell and deliver water, heat, power and light without their corporate limits to a limited extent, is designed to prevent the duplication of plants in contiguous localities and to allow the extension of the benefits of such improvement to territory not sufficiently populous to warrant the establishment of such utilities as either a public or private enterprise; while the limitations are such as to prevent the municipality going into such work as a purely commercial venture.

GENERAL PROVISIONS.

Section 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.

The foregoing section makes some important changes in Sec. 49, Art. IV of the present constitution. The provision for submitting the question of adopting a county road system to the electors may be applied to districts not governed by county lines. It is believed to be greatly in the interest of the state at large, as well as the respective counties, to improve the public highways. The foregoing section leaves it with the people of each county to say whether they desire to adopt a county or district road system and places a reasonable restriction upon the amount of money that each county can expend therefor in any one year. The debates indicate that wherever the system has been adopted the results have proven most gratifying. In order that the work may be carried on in the localities adopting it without too many limitations, this section increases the limit of taxation for road purposes from two dollars a year to three dollars on each one thousand dol-

lars valuation, and authorizes the legislature to change and abolish the powers and duties of township commissioners and overseers of highways. The three per cent limit on county indebtedness contained in the old section remains unchanged except to place it in a new section (Sec. 12 of this article) and make the restriction more positive.

Section 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.

This is a revision of part of Sec. 23, Art. IV of the present constitution, and makes no change except to extend its provision to alleys or public ground.

Section 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.

This is a new section and its purpose is to prevent the use of streets, alleys, highways and public places without the consent of the local authorities first had and obtained. The word "reasonable" was inserted to place a limitation upon the authority cities, villages and townships may exercise over the streets, alleys, highways and public places within their corporate limits. And it was pointed out in the debates that without the word "reasonable" or a similar qualification the section would practically deprive the state itself of authority over its highways and public places.

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

This provision is inserted in the revised constitution in order to fix a definite limit upon the term of a franchise or license. The debates developed the fact that in portions of the state, corporations have obtained franchises in one municipality for a term of fifty years, and in an adjacent municipality for a longer or a shorter time, and in a third municipality a perpetual franchise. In controlling a number of franchises for an indefinite time granted by contiguous municipalities, a public utility corporation is placed in practical command of the situation. If the franchise expires in one municipality that portion of the franchise is frequently of little value except to the corporation holding the unexpired franchise in the adjoining township or city. This provision compels a termination of all franchises granted by any municipality within thirty years. The city of Detroit and neighboring townships are principally affected.

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.

Section 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.

Section 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.

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

Section 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.

Section 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.

Section 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.

Section 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.

None of the eight sections of Article IX are changed in any manner, except for the purpose of improving the phraseology, and to strike out from Section 7 the authority of the governor to appoint a state officer for the remainder of an unexpired term, that being merely a repetition of the authority contained in Section 10 of Article VI.

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.

Section 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.

These sections change the language of Sec. 1, Art. XIV of the present constitution so as to insure to the primary school interest fund the income from all sources now contributing thereto. The words "interest and principal of the state debt" have been eliminated as the reasons therefor no longer exist.

The debates on the subject of the primary school fund unmistakably show that it is the purpose of the foregoing sections that all subjects of taxation now contributing to that fund are to continue to do so, including all increases in the value of such property, and all increases in properties of the same character. In other words, should a new railroad be constructed, the taxes accruing therefrom would become a part of the primary school fund. The provision safeguards the primary school fund as completely as does the existing constitution.

Section 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.

No change from Sec. 11, Art. XIV of the present constitution, except to insert the words in italics.

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

Section 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.

These sections materially strengthen the power of the legislature to impose specific taxes as conferred by Sec. 10, Art. XIV of the present constitution. The adoption of these sections was the result of a desire on the part of the convention to render such authority clear and definite, the language of the present constitution not being sufficiently clear on this subject. Authority is also conferred to provide for the assessment of all public service corporations, including those enumerated in this section, at their true cash value. Thereby distinct and clear provision is made for the taxation of corporations by both specific and ad valorem methods.

Section 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 of the present constitution.

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

No change from Sec. 12, Art. XIV of the present constitution.

Section 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.

No change from Sec. 13, Art. XIV of the present constitution, except as to the year named and the references to sections, and to insert the words "by law."

Section 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.

This is a new section and forever prohibits the surrender or suspension of the taxing power of the state or any municipality therein.

Section 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.

This section combines Secs. 3 and 4, Art. XIV of the present constitution, and changes materially the phraseology thereof. The maximum amount of indebtedness which the state may contract at any one time is fixed in the revision at two hundred fifty thousand dollars, instead of fifty thousand dollars under the present constitution. This change is considered necessary in order to meet the modern requirements of the state. Authority to contract debts to aid the United States in time of war is added in recognition of a natural obligation.

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

This section omits the words "except for the redemption of stock previously issued," appearing in Sec. 7, Art. XIV of the present constitution. The exception quoted is obsolete.

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

No change from Sec. 6, Art. XIV of the present constitution, except the addition of the words "public or private."

Section 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.

Section 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.

This section corresponds with Sec. 9, Art. XIV of the present constitution. The proviso therein authorizing the city of Grand Rapids to issue its bonds for the improvement of the Grand River is eliminated, as such provision is unnecessary.

The authority granted the state to engage in reforestation removes a limitation in the present constitution. It is the intention of the revision that state lands, not desirable for agricultural purposes, may be utilized by the state for reforestation. The power thus conferred, if wisely used, it is believed will materially promote the future welfare of the commonwealth.

Section 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.

This is a new section designed to render the moneys belonging to the state absolutely secure. The provision requiring any bank having deposits of state money to show the amount there-

of, as a *separate item*, in all published statements of such bank secures a wholesome publicity. Under this provision all interested officials and the people themselves will know in what amounts the moneys of the state are deposited in the several depositories.

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

No change from Sec. 5, Art. XIV of the present constitution, except the insertion of the word "state."

Section 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.

Section 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.

The present constitution contains no reference to this subject. The convention believes that this provision will materially aid in placing the financial affairs of the state and the several counties thereof upon a sound business basis. Precedents therefore are found in the states of Ohio, Wisconsin and Wyoming. The states of New York and Massachusetts are moving in the same direction. In states where a system of uniform accounts has been adopted, it has resulted in the saving of large sums of public moneys, and has been otherwise distinctly beneficial. The necessity for more accurate and reliable public accounts is quite generally conceded, and so strong was the conviction upon this subject in the convention, that the installation of a uniform system of accounting, extending not only to state officials, boards and institutions, but embracing all the counties of the state, is made mandatory upon the legislature. Such a system should materially improve public service and administration in the state and its municipal divisions.

Section 19. No collector, holder or disbursing officer 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 of the present constitution.

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.

The above preamble is a quotation from the Ordinance of 1787. It is deemed a fitting introduction to this article.

Section 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 of the present constitution, and includes certain provisions of Sec. 1, Art. VIII, and Sec. 1, Art. IX. The propositions to make the office of superintendent of public instruction elective at the April election, to make him a member of the state board of education and other educational boards are not found in the existing constitution. The first change is designed to place his selection on the same basis as the selection of regents and judges, and the second is a recognition of certain present statutory provisions.

Section 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.

No change is made from Sec. 6, Art. XIII of the present constitution, except to improve the phraseology and to eliminate obsolete matter.

Section 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 of the present constitution, except to improve the phraseology.

Section 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.

No change from Sec. 8, Art. XIII of the present constitution except to improve the phraseology and make the superintendent of public instruction an ex-officio member of the board of regents with the power of speaking but not of voting. It was deemed desirable that the superintendent be given the same relation to the board of regents as he now occupies to the other educational boards of the state.

Section 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.

No change from Sec. 9, Art. XIII of the present constitution, except to provide for the election of members of said board at the spring election, and to improve the phraseology. Reference to the superintendent of public instruction is omitted, but by the provisions of section 2 of this article he is made one of the members of said board.

Section 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."

This is a new section making the state board of agriculture a constitutional board, elected by the people, instead of a statutory board appointed by the governor as it has existed since 1861. The object of the change is to make it a non-partisan board as near as may be and secure its permanence.

Section 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.

This is also a new section, supplementary to the preceding one. Its purpose is to define the organization, power and duties of the state board of agriculture.

Section 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.

This section covers Secs. 4 and 5, Art. XIII of the present constitution. The change made is to the effect that if any school district does not maintain a school for five months in each year, instead of three months as now provided, such district shall forfeit its proportion of the "primary school interest fund," instead of the "income of the primary school interest fund and of all funds arising from taxes for the support of schools," as now provided. The purpose of the increase from three to five months is to provide for the better education of the young, and the provision as to forfeiture is changed so as to exclude everything except the primary school interest fund. The provision for the education of pupils in another district than that of their residence is to accommodate sparsely populated school districts.

Section 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.

This is a new section and renders it mandatory upon the legislature to maintain the educational institutions therein specified.

Section 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 of the present constitution.

Section 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 of the present constitution.

Section 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.

Certain obsolete provisions relative to the establishment of an agricultural college, which appear in Sec. 11, Art. XIII of the present constitution, are omitted in the revision of said section. The italicized words "funds or" are inserted to secure appropriated funds as well as lands to the purpose named.

Section 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.

This section takes the place of Sec. 12, Art. XIII of the present constitution, the only change being the insertion of the word "cities" and the elimination of the following: "unless otherwise ordered by the township board of any township or the board of education of any city: Provided, That in no case shall such fines be used for other than library or school purposes." The purpose of such elimination being to require the use of such funds for library purposes exclusively.

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

No change from Sec. 10, Art. XIII of the present constitution, except to insert the word "feeble-minded" for the purpose of making a constitutional provision for the care of this class of unfortunates as well as the others named.

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.

The above section is a revision and enlargement of the first two sentences of Sec. 1 of Art. XV of the present constitution and omits the third sentence of said section, which is as follows: "But the legislature may, by a two-thirds vote of the members elected to each house, create a single bank with branches." The words "except for municipal purposes" are also omitted from the end of the first sentence as provision is made in Sec. 21, Art.

VIII whereby municipal corporations may frame, adopt and amend their charters, subject to general laws. The italicized words indicate the increased scope of the section, the purpose being to further restrict the power of the legislature to grant corporate privileges by special act and to extend its power of amending corporate grants to laws heretofore or hereafter passed.

Section 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 is made from Sec. 11 of Art. XV of the present constitution, except for the purpose of improving the phraseology.

Section 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.

This is a revision of Sec. 10, Art. XV of the present constitution. It takes plank road corporations out of the list of corporations which may be organized for more than thirty years, and adds to such excepted list those named in italics. There is no good reason for limiting the term of religious and the other corporations above named when organized without capital stock.

Section 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 is made from Sec. 7 of Art. XV of the present constitution.

Section 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.

No change is made from Sec. 12 of Art. XV of the present constitution, except to omit after the first word "estate" the words "hereafter acquired," as being unnecessary.

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

This is a revision of Sec. 8 of Art. XV of the present constitution which prohibited altering, amending, renewing or extending any act of incorporation granted before its adoption, without the assent of two-thirds of the members elected to each house, except as to municipal corporations. The purpose of the revision is to entirely prohibit the renewing or extending of any special act of incorporation.

Section 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.

This changes Sec. 1 of Art. XIX-a of the present constitution, by inserting the words in italics, which authorizes the legislature to delegate power to establish rates for the transportation of property by railroad and express companies to a commission. The proper regulation of so vast and complicated a matter as the regulation of freight rates requires expert knowledge and the subject is too intricate, extensive and difficult to be properly regulated by so large a body as the legislature, holding as it does infrequent sessions. Such commissions have been established in the states of New York and Wisconsin and the result attending the experiment being made there will serve to guide the legislature of Michigan in its exercise of the power hereby conferred upon it.

Section 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 is made from Sec. 2 of Art. XIX-a of the present constitution, except for the purpose of improving the phraseology.

Section 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.

This section is substituted for Sec. 2, Art. XV of the present constitution which reads as follows: "No general banking law shall have effect until the same shall, after its passage, be

submitted to a vote of the electors of the state at a general election and be approved by a majority of the votes cast thereon at such election."

The substituted provision requires a two-thirds vote of the members of each house in order to adopt, amend or repeal a general law for the incorporation of trust companies or corporations for banking purposes. The great importance of this subject is believed to justify the requirement of a two-thirds vote of each house before any such general law shall be adopted, amended or repealed. The language "such laws shall not authorize the issue of bank notes or paper credit to circulate as money" abrogates the provisions of Sec. 4, Art. XV of the present constitution. The issue of money by state banks is thus prohibited, and such limitation is justified by experience in the state and throughout the country and well authenticated public sentiment on the question.

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.

This section is a substitute for Secs. 9 and 15, Art. XV of the present constitution. The amendment consists in the insertion of the language "without the necessity therefor being first determined" and the requirement for "just" compensation.

Section 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 of 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.

This section adds to Sec. 2, Art. XVIII of the present constitution the words "or road commissioners" in order to conform with the existing road laws of the state.

Section 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.

This section changes Sec. 14, Art. XVIII of the present constitution by omitting the first sentence which is fully covered in Sec. 1 of this article. The jury is limited to six freeholders and interested parties may, at their option, submit the entire question to three commissioners. These changes simplify the proceedings and decrease the expense thereof.

Section 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.

Without the power to condemn lands for its use the university is at the mercy of private owners of such land as may be necessary to meet the needs and growth of the institution. It is deemed essential to the highest welfare of the university that no individual, or private corporation, should have power to thwart its development, plans or purposes. This provision places in the hands of the regents the necessary power to protect the state and the university from the exactions of mercenary private owners. The power of eminent domain is possessed by the various municipalities of the state, and the wisdom of conferring such power upon the regents of the university is conceded.

ARTICLE XIV.

The following article upon the subject of exemptions remains unchanged from the first four sections of Art. XVI of the present constitution, except changes in phraseology deemed necessary to make more certain its provisions. Sec. 5 of said article is transferred to Miscellaneous Provisions, Sec. 8, Art. XVI.

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.

Section 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 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.

Section 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.

Section 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.

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.

Section 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.

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

No change is made from Art. XVII of the existing constitution, except for the purpose of improving the 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 relating to the various state and county offices repeated in various sections of the existing constitution.

Section 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 is made from Sec. 1, Art. XVIII of the present constitution.

Section 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.

This revises Sec. 21, Art. IV and Sec. 20 of the schedule of the present constitution making no material change, except as indicated by the words in italics.

Section 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 is made from Sec. 5, Art. VIII of the present constitution.

Section 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 is made from Sec. 37, Art. IV of the present constitution, except for the purpose of improving the phraseology.

Section 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 is made from Sec. 6, Art. XVIII of the present constitution.

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

No change is made from Sec. 23, Art. VI of the present constitution.

Section 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 is made from Sec. 5, Art. XVI of the present

constitution, except for the purpose of changing the phraseology.

Section 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 is made from Sec. 13, Art. XVIII of the present constitution.

Section 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.

No change is made from Sec. 12, Art. XVIII of the present constitution, except the addition of the words "for agricultural purposes" to make the section more clear and definite.

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, of the present constitution.

Section 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 petition 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.

Section 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.

These sections represent a compromise between those who desired no change in the manner of amending the constitution provided by Sec. 1, Art. XX of the existing constitution (Sec. 1 of this article), and those who favored the initiative method of amendment by the people without the proposed amendment being first submitted to the legislature. The resulting compromise, embodied in the foregoing sections, provides a new method of amending the constitution. Whenever the required number of electors petition for an amendment to the constitution it becomes the duty of the secretary of state, upon filing of such petition in his office, to certify the same to the legislature at the opening of the next regular session. The secretary of state must, also, submit the amendment to the electors at the first regular election thereafter, unless the legislature in joint session shall disapprove of the proposed amendment by a majority vote of the members elected to each house. A method is thus provided whereby the language, scope and purpose of the

proposed amendment will be scrutinized and discussed by a deliberative body, and its terms made to harmonize with other provisions in the constitution. The convention realized the far-reaching effect that each amendment to the constitution may have beyond the immediate purpose intended by it, and it was deemed essential in so important a matter as changing the fundamental law of the state that the very greatest care should be required in both the form and substance of amendments to it. Such care is secured by requiring the amendments proposed to pass the scrutiny of the legislature. In this manner the purpose and terms, as well as the legal effect, of such amendments will become the subject of popular discussion; in other words, the utmost publicity is secured.

It is generally conceded that the effect of this provision will be the submission to a vote of the electors of practically all amendments petitioned for. The legislature may change the phraseology and harmonize the provisions of the amendment with those portions of the constitution not intended to be affected by it, before submitting it to the electors. No one doubts the response of the legislature, in normal times, to a petition containing twenty per cent of the electors specified. It is foreseen that in seasons of great stress, disturbance and excitement, a petition might be presented designed to serve a temporary or unjust purpose. In such an event the time required under this section for consideration of such petition by the legislature will afford opportunity for normal conditions to return, and if, after due deliberation by the legislature, a majority of that body deem it unwise or improper to submit the amendment to the electors, the power to do so is conferred. The consideration was potent with the convention that public opinion is subject to sudden fluctuations; that the cherished policies of one year may be discarded the next upon fuller information and maturer thought. Living as we are under "a government of laws and not of men" the wisdom of preserving the stability of our fundamental laws was most persuasive with the convention.

Section 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.

The foregoing section is substituted for Sec. 2, Art. XX of the present constitution. It was deemed advisable to place in the constitution itself the manner in which a convention might be called to revise it; and to provide in a general way its procedure. This section is designed to place beyond question the power such a convention shall exercise. An important question has arisen under the act pursuant to which this convention is assembled as to the power of the legislature to control, or limit in any way, the action of a constitutional body chosen by the people to revise the organic law. The present constitution presents a question of grave doubt as to whether a constitutional convention called under it has a right to submit a complete instrument and also at the same time, separate amendments embodying distinct issues which, upon adoption by the people, may become a part of such instrument. This section is designed to provide a method for submitting special questions each presenting vital issues about which there might be great conflict of opinion to a vote of the electors, separate and apart from the instrument embodying the usual subjects regulated in a state constitution.

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. * * * *

No change from Sec. 1 of the Schedule of the present constitution except to omit the final words "by the legislature."

Section 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 from Sec. 2 of the present Schedule except changes in phraseology.

Section 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 from Sec. 3 of the present Schedule, except to improve the phraseology.

Section 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 from Sec. 4 of the present Schedule, except in phraseology.

Section 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 of the present Schedule.

Section 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.

This section takes the place of Sec. 8 of the present Schedule and the language is changed so as to meet present conditions.

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

This section takes the place of Sec. 20 of the present Schedule with such modification as is necessary to adapt it to present conditions.

Section 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.

This section supersedes Sec. 14 of the present Schedule with such changes in language as present conditions require.

Section 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 of the present Schedule except to improve the phraseology.

Section 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.

This section takes the place of Sec. 16 of the present Schedule making necessary changes in phraseology to meet existing conditions.

Section 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.

This section takes the place of Secs. 17, 18 and 19 of the present Schedule with necessary changes in phraseology to adapt its provisions to existing conditions.

ELIMINATED SECTIONS OF THE PRESENT CONSTITUTION.

The following sections of the present constitution are eliminated, in all cases for the reason that the convention considered them obsolete and without application to existing conditions, unless otherwise noted:

Art. IV, Sec. 4. All that portion is eliminated which directs the taking of a state census once in ten years. Reasons for such elimination will be found under Sec. 4, Art. V of the revision.

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. Compulsory prepayment of postage has made this obsolete.

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 is superseded by Sec. 9, of Art. VIII of the revision.

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 is eliminated 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. By Sec. 9 of Art. XII of the revision, the issue of bank notes or paper credits to circulate as money is prohibited.

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. Sec. 1 of Art. XII of the revision prohibits the granting of special charters to corporations.

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 the preceding section and defining his duties and powers.

Art. XIX, Sec. 3. Providing for a district attorney for the district referred to in the preceding section.

Art. XIX, Sec. 4. Prescribing the representation of said district in the legislature.

Art. XIX, Sec. 5. Providing salaries in said district for the district judge and district attorney, and for extra compensation to members of the legislature from such territory.

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. Said corporations are not now taxed in that manner.

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 the special charters then existing of mining corporations.

Schedule, Sec. 5. Providing for the election of governor and lieutenant governor to serve after the term of the incumbents of the offices when the present constitution was adopted.

Schedule, Sec. 7. Continuing in office the members of the legislature of 1851 until their successors are elected and qualified.

Schedule, Sec. 8. Continuing county officers in office until January 1, 1853, and continuing in force existing laws as to the election of township officers until the legislature shall otherwise provide in conformity to the constitution.

Schedule, Sec. 9. Providing that the term of office of judges of the Supreme Court and of county courts and of clerks of the Supreme Court shall expire on January 1, 1852.

Schedule, Sec. 10. Providing for the transfer of causes on January 1, 1852, from the courts then existing to the new courts created by the constitution.

Schedule, Sec. 11. Continuing the jurisdiction and powers of the Probate Courts, Courts of Justices of the Peace, and the Police Court of Detroit, until otherwise provided by law.

Schedule, Sec. 12. Continuing the office of state printer until the expiration of the time for which he was elected.

Schedule, Sec. 13. Making it the duty of the legislature at its next session to adapt the laws to the provisions of the constitution.

Schedule, Secs. 16, 17, 18 and 19. Relating to the submission of the constitution of 1850 to the people for their adoption or rejection. Such provision as the present revision contains for such submission will be found in Secs. 10 and 11 of the Schedule.

Schedule, Sec. 20. Continuing the same salaries for persons holding office in 1850 until superseded by others under the constitution. A provision similar to that part of this section prohibiting change of an official's salary during a term of office will be found in Sec. 3 of Art. XVI of the revision.

Schedule, Sec. 21. Directing the legislature at its first session to

provide for payment of expenses of the convention to revise the constitution and publish the same.

Schedule, Sec. 22. Defining the representation of certain counties in the legislature. The final part of this section relative to representation generally is dealt with in Sec. 3 of Art. V of the revision.

Schedule, Sec. 23. Directing the legislature at its session in 1851 to provide for the transfer of causes pending in the court of chancery to the supreme or circuit courts established by the constitution.

Schedule, Sec. 24. Providing that the term of office of governor and lieutenant governor shall commence on the first day of January next after their election. The revision contains substantially the same provision in Sec. 1 of Art. XVI.

Schedule, Sec. 25. Providing that the Upper Peninsula shall constitute a part of the Third Circuit for the election of a Regent of the University.

Schedule, Sec. 26. Authorizing the legislature to abolish the office of district judge or district attorney for the Upper Peninsula after the expiration of the term of the judge first elected.

Schedule, Sec. 27. Directing the legislature to apportion the state into senatorial and representative districts at its session in 1851. The provisions of the revision as to such apportionment will be found in Sec. 4 of Art. V.

Schedule, Sec. 28. Providing that the terms of office of all state and county officers, circuit judges, members of the board of education, and members of the legislature shall begin on the first day of January next succeeding their election. The revision similarly provides for the beginning of all official terms, except as otherwise prescribed, in Sec. 1, Art. XVI.

Schedule, Sec. 29. Dividing the state, exclusive of the Upper Peninsula, into judicial circuits.

CONCLUSION.

A study of the present constitution and the revision will show that all that is essentially of force in the former is retained in the latter and that many provisions are included in the revision calculated to establish a more economical and efficient administration of all the departments of the state government. The executive department has been charged with larger responsibility and granted additional powers with which to discharge it. The result should be distinctly beneficial to the state. An instance is the power given to the governor to veto separate items in appropriation bills. This imposes the duty of careful scrutiny of the appropriation of state funds upon the governor and gives him power to make his objections effective, unless overruled by a two-thirds vote of each house.

The requirement that banks holding deposits of state money shall show the amount thereof in their published statements as a *separate item* it is believed imposes a most wholesome restraint upon the use of the state funds. Under this provision the public moneys will serve political and personal ends to a less extent in the future than they have

heretofore. Greater care, also, will be observed by state treasurers in the selection of depositories for state funds and like care in the amounts deposited in each. This whole subject, under the revision will be brought out in the open, and become a matter of common knowledge among the people as it certainly should be. The people have a right to know what banks are holding the public moneys and the amount held by each. The effect of this provision, it is believed, will prove helpful to public officials as well as to the people of the state.

The legislature, under the revision, will be placed upon a higher level and freed from the annoying burdens of petty local measures and will have ample time for the study of legislation, and be better prepared to determine what laws on the statute books should be repealed and give more mature consideration to general measures.

The broad powers of home rule conferred by Art. VIII, it is believed, will conserve the highest interests of the cities and villages of the state. It places the responsibility for local legislation in the hands of those primarily concerned, and thus permits each municipality, under well guarded general provisions, to legislate for itself. The provisions of this article received most careful scrutiny at the hands of the convention and like scrutiny is invited at the hands of the people.

We invite comparison of the schedule of new matters written into the revision and the obsolete matters eliminated from the existing constitution scheduled, respectively, at pages 4 and 69 of this address.* It will be noted that much useless material in the existing constitution has been discarded and much that is wholesome and even vital to the state has taken its place. These two schedules present this question: Is it desirable to change the one for the other? This the people of the state of Michigan must answer. The revision should be judged, we submit, not by proposals *omitted* from its pages, but by the value and wisdom of its *new provisions*. Judged by this standard it is submitted that all that is material in the old instrument is preserved in the new; that the revision is simply the present constitution brought down to date and carefully reformed to meet the demands of a state grown beyond the limitations of its fundamental law.

VICTOR M. GORE, Benton Harbor, Mich.,
LEVI L. BARBOUR, Detroit, Mich.,
NATHAN S. BOYNTON, Port Huron, Mich.,
GEORGE B. HORTON, Fruit Ridge, Mich.,
VICTOR HAWKINS, Jonesville, Mich.,
WALTER R. TAYLOR, Kalamazoo, Mich.,
CALVIN E. HOUK, Ironwood, Mich.,
FRANK R. MONFORT, Ithaca, Mich.,
LAWTON T. HEMANS, Mason, Mich.,
E. J. ADAMS, Grand Rapids, Mich.,
CHARLES C. SIMONS, Detroit, Mich.,
CHARLES THEW, Allegan, Mich.,
LOUIS E. TOSSY, Detroit, Mich.,
J. M. C. SMITH, Charlotte, Mich.,
FRANK S. PRATT, Bay City, Mich.,

Committee on Submission and Address to the People.

*NOTE.—This reference is to the pamphlet copy of the Address.

Adopted by the Constitutional Convention at the capitol at Lansing, Michigan, February twenty-first, nineteen hundred eight.

PAUL H. KING,
Secretary.

JOHN J. CARTON,
President.

Mr. Watson moved that the Convention take a recess until 3:10 o'clock p. m.

The motion prevailed, the time being 2:50 o'clock p. m.

AFTER RECESS.

3:10 o'clock p. m.

The Convention was called to order by the President.

Mr. H. M. Campbell moved that the President be authorized to enter into a contract with Paul H. King for indexing the Journal of the Convention and other services provided for by the action of the Convention today.

The motion prevailed.

The President then laid before the Convention the contract and a bond executed for the performance of the terms thereof.

The following is the contract:

This Contract, Based upon the report of the Committee on Permanent Organization and Order of Business of the Constitutional Convention, now in session, adopted by said Convention on the twenty-first day of February, nineteen hundred eight, and made and entered into this twenty-first day of February, nineteen hundred eight, between Paul H. King, Secretary of said Constitutional Convention, party of the first part, and the State of Michigan represented by John J. Carton, President of the Constitutional Convention, party of the second part;

Witnesseth, That the said party of the first part does hereby agree, undertake, bind himself and contract to make within a reasonable time and superintend the publication of an index to the Journal of the Constitutional Convention, to mail as soon as published copies of such index and of the index to the Proceedings and Debates to the persons whose names appear on the mailing list; to supervise the binding of the Journals and Debates at such time as such Journals and Debates shall be ready for binding, to attend to the distribution and shipment thereof, and to perform such other services as may be necessary after final adjournment to complete the mailing of the Address of the Convention to the people.