

**ANNUAL REPORT OF THE
ATTORNEY GENERAL OF THE
STATE OF
MICHIGAN FOR THE FISCAL YEAR
ENDING JUNE 30, A. D. 1904**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649459360

Annual Report of the Attorney General of the State of Michigan for the Fiscal Year Ending June 30, A. D. 1904 by Charles A. Blair

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Cover @ 2017

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CHARLES A. BLAIR

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OF THE
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FOR THE
FISCAL YEAR ENDING JUNE 30, A. D. 1904

CHARLES A. BLAIR
ATTORNEY GENERAL



BY AUTHORITY

LANSING, MICHIGAN
WYNKOOP HALLENBECK CRAWFORD CO., STATE PRINTERS
1905

ATTORNEY GENERAL'S OFFICE.

CHARLES A. BLAIR, Attorney General.
HENRY E. CHASE, Deputy Attorney General.

ASSISTANTS.

ROGER IRVING WYKES.
CHARLES W. MCGILL.
GEORGE S. LAW.*
THOMAS AMBROSE LAWLER.
MICHAEL P. BOURKE.
EDWARD H. HOLMES.

CLERKS.

HENRY G. CASSEY. FRED H. HADRICH.

STENOGRAPHERS.

DWIGHT B. HINKLEY. M. B. THOMPSON.

*Chief Law Clerk.

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ATTORNEYS GENERAL OF THE STATE OF MICHIGAN
SINCE 1836.

APPOINTED.

DANIEL LE ROY.....	July 18, 1836-1837
PETER MORLEY.....	March 21, 1837-1841
ZEPHANIAH PLATT.....	March 4, 1841-1843
ELON FARNSWORTH.....	March 9, 1843-1845
HENRY N. WALKER.....	March 24, 1845-1847
EDWARD MUNDY.....	March 12, 1847-1848
GEORGE V. N. LOTHROP.....	April 3, 1848-1850

ELECTED.

WILLIAM HALE.....	1851-1854
JACOB M. HOWARD.....	1855-1860
CHARLES UPSON.....	1861-1864
ALBERT WILLIAMS.....	1865-1866
WILLIAM L. STOUGHTON.....	1867-1868
DWIGHT MAY.....	1869-1872
BYRON D. BALL (a).....	1873-1874
ISAAC MARSTON.....	April 1, 1874-1874
ANDREW J. SMITH.....	1875-1876
OTTO KIRCHNER.....	1877-1880
JACOB J. VAN RIPER.....	1881-1884
MOSES TAGGART.....	1885-1888
STEPHEN V. R. TROWBRIDGE (b).....	1889-1890
BENJAMIN W. HUSTON.....	March 25, 1890-1890
ADOLPHUS A. ELLIS.....	1891-1894
FRED A. MAYNARD.....	1895-1898
HORACE M. OREN.....	1899-1902
CHARLES A. BLAIR.....	1903-1904

(a) Resigned April 1, 1874. Isaac Marston appointed to fill vacancy.

(b) Resigned March 25, 1890. Benjamin W. Huston appointed to fill vacancy.

ANNUAL REPORT.

STATE OF MICHIGAN,
Attorney General's Office.
Lansing, July 1., 1904.

To the Legislature of the State of Michigan:

In compliance with the law, I have the honor herewith to present the annual report of the business of this department for the fiscal year ending June 30, 1904; including an abstract of the official reports of the Prosecuting Attorneys of the Counties of the State, showing the number of prosecutions, convictions, acquittals, etc.

Two indexes have been prepared, one being a complete index of the report entire, the other an alphabetical table of the various cases which have come under the supervision or control of this department during the fiscal year.

Legal questions of a public character submitted to this department have been carefully considered and opinions rendered, a few of which such as are deemed of interest to the public, are presented in this report, and represent but a small portion of the aggregate number of opinions prepared.

The various matters contained in this report are systematically arranged under the title of Schedule A. to B. inclusive, and classified as follows:

SCHEDULE A.—Page 10—Statement of criminal and habeas corpus cases of which the Attorney General had charge during the fiscal year ending June 30, 1904.

SCHEDULE B.—Page 16—Statement of mandamus cases of which the Attorney General had charge during the fiscal year ending June 30, 1904.

SCHEDULE C.—Page 20—Statement of quo warranto proceedings, instituted by the Attorney General upon his own relation, or upon the relation of some other person, over which the Attorney General had supervision or control, during the fiscal year ending June 30, 1904.

SCHEDULE D.—Page 22—Statement of chancery cases conducted by the Attorney General during the fiscal year ending June 30, 1904.

SCHEDULE E.—Page 40—List of chancery and other cases referred to the Prosecuting Attorneys of the various counties in which commenced and left in their charge. These are cases wherein some State officer has been made a party, or in which the State has some interest.

SCHEDULE F.—Page 41—Statement of assumpsit cases, appeals under inheritance tax law, certiorari cases, disbarment proceedings, ejection cases, replevin cases, trespass cases, and other cases of which the Attorney General had charge during the fiscal year ending June 30, 1904.

SCHEDULE G.—Page 58—Contains a list of cases in which costs of suit were taxed by and paid to the State, during the fiscal year ending June 30, 1904.

SCHEDULE H.—Page 59—Statement of money collected and turned over to the State Treasurer during the fiscal year ending June 30, 1904, from estates which had escheated to the State and on account of the claim of the State of Michigan against the City Savings Bank.

SCHEDULE I.—Page 60—Statement of money collected and turned over to the State Treasurer, through the efforts of the Attorney General, with the cooperation of the Medical Superintendents of the various asylums, and the Judges of Probate of the various counties, during the fiscal year ending June 30, 1904, as a reimbursement to the State, for the support of certain insane persons at State asylums.

SCHEDULE J.—Page 62—List of Insurance Companies whose articles of association, amendments to articles of association, etc., have been approved during the fiscal year ending June 30, 1904, and a statement of the amount of money received as approval fees.

SCHEDULE K.—Page 64—Statement of money collected and turned over to the State Treasurer through the efforts of the Attorney General, also including the sum received as fees for approving articles of association, etc., of Insurance Companies, for the fiscal year ending June 30, 1904.

SCHEDULE L.—Page 65—Official opinions, rendered during the fiscal year, which are deemed to be of general interest.

SCHEDULE M.—Page 136—Abstract of the semi-annual reports of the Prosecuting Attorneys of the official business of the various counties, for the fiscal year ending June 30, 1904.

SCHEDULE N.—Page 145—Recapitulation of the semi-annual reports of the Prosecuting Attorneys of the official business of their respective counties, during the fiscal year ending June 30, 1904.

SCHEDULE O.—Page 148—List of counties and county seat, with name and address of Prosecuting Attorneys.

SCHEDULE P.—Table of Cases, alphabetically arranged.

SCHEDULE Q.—Index of names of opinions.

SCHEDULE R.—General Index to report, subjects of opinions, etc.

Respectfully submitted,
CHARLES A. BLAIR,
Attorney General.

SCHEDULE "A."

Contains a list of all criminal cases brought to the Supreme Court on exception, writ of error, certiorari, and habeas corpus, whether disposed of or pending, in which the Attorney General has appeared, or which are of general interest to those intrusted with the administration of the criminal laws of the State.

UNITED STATES SUPREME COURT.

CASES DISCONTINUED.

William VanPelt, Plaintiff in error, Defendant and Appellant v. The People of the State of Michigan, Defendant in error, Plaintiff and Appellee. Violation of the game laws. Discontinued by stipulation under date of July 10, 1903. Order entered in pursuance thereof, dated October 13, 1903.

MICHIGAN SUPREME COURT.

CASES DECIDED.

People v. George Hossler. Exceptions from Bay Circuit Court. Manslaughter. Affirmed. Reported in 10 D. L. N. 798; 97 N. W. 754.

People v. Samuel Robinson. Error to Eaton Circuit Court. Violation of the local option law. Affirmed. Reported in 10 D. L. N. 857; 98 N. W. 12.

People v. Thomas F. McGarry. Exceptions from Allegan Circuit Court. Bribery. Affirmed. Reported in 11 D. L. N. 11; 99 N. W. 147.

People v. Joseph W. Stockwell. Error to Genesee Circuit Court. False pretenses. Affirmed. Reported in 10 D. L. N. 805; 97 N. W. 765.

People v. Isaiah Row. Error to Oceana Circuit Court. Rape. Reported in 10 D. L. N. 841; 98 N. W. 13.