

**REPORT OF THE COMMITTEE ON  
SUBMISSION AND ADDRESS TO THE  
PEOPLE, SUBMITTING THE PROPOSED  
REVISION OF THE PRESENT  
CONSTITUTION OF MICHIGAN**

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Report of the Committee on submission and address to the people, submitting the proposed revision of the present constitution of Michigan by Various

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**VARIOUS**

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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. 4, 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 **bold face** 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 most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the state of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred sixteen; thence due east with the north boundary line of the said state of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

The boundaries of 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. 11 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 bold face 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 methods 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 article 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 bold face, 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 bold face, 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 bold face 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. 8, Art. VII of the present constitution except as appears in bold face.

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 sutor 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. 8, 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 bold face, 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