

**JOURNAL OF THE HOUSE
OF REPRESENTATIVES OF
THE STATE OF MICHIGAN;
ADJOURNED SESSION. 1873**

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OF THE

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HOUSE OF REPRESENTATIVES

OF THE

STATE OF MICHIGAN;

ADJOURNED SESSION.

1837.

BY AUTHORITY.

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1837.

JOURNAL, &c.

ADJOURNED SESSION.

Thursday Nov. 9, 1837.

This being the day to which the legislature stood adjourned, at 12 o'clock, M. the Hon. Charles W. Whipple, Speaker of the House, took the chair.

On calling the roll, a quorum not being present, the House adjourned until eleven o'clock to-morrow morning.

Friday Nov. 10.

The House met pursuant to adjournment.

The roll having been called, and a quorum not being present, the House was adjourned until two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll having been called, and a quorum not being present, the House adjourned to 10 o'clock to-morrow morning.

Saturday, November 11.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names :

Messrs. Alden, Brown, Bingham, Cressey, Cornell, Ferrington,

Felch, Gilbert, Herrington, Howe, Heath, Kellogg, Levake, Munger, Martin, Purdy, Phillips, Ralph, Job Smith, Shattuck, Shellhouse, Thayer, Wisner, Yerkes, Speaker.

On motion of Mr. Bingham,

Resolved, That the clerk of this House inform the Hon. the Senate, that a quorum of the House of Representatives are present and ready to proceed to business.

The following message was received from the Senate :

Mr. SPEAKER—I am directed by the Senate to inform the House of Representatives, that the Senate is now organized and ready to proceed to business.

The Chair announced that he had received a communication from Mr. Ward informing him that he had resigned his seat as a member of this House.

The following communication was received from the Hon. Wm. A. Fletcher, the reviser of the laws of this state, which was laid on the table.

To the Honorable the Senate and House of Representatives of the State of Michigan :

The undersigned, appointed by the act of March 8th, 1836, a commissioner to prepare, digest and arrange a code of laws, begs leave to report: That he has nearly completed the labor assigned him; that under the resolution of the 21st of March last, he has employed the state printer to print such parts of his revised code as are now completed; and that the same will be ready for the use of the members of your honorable bodies at the commencement of the ensuing special session of the legislature: and he believes that the parts now ready to be submitted, are so much detached from those parts yet unfinished, that no delay or inconvenience will be occasioned in the proceedings of the legislature by taking up in the first place those parts now submitted.

The parts unfinished relate to the courts, judicial offices, remedies and proceedings in civil cases; and those parts will be printed and submitted to the legislature by about the third week of its session.

The undersigned has found the time too short to do justice to the important subjects entwined in a full code of statutory laws; but, having anticipated this from the beginning, he has principally

directed his attention and labors to the formation and arrangement of a code which might be plain, concise and systematic, easy to be understood, and which might be conveniently corrected and amended by the legislature as might, from time to time, be deemed necessary. Whether this result has been obtained, he cannot say; but the undersigned trusts that the legislature will readily perceive the alterations and amendments proposed, and that the arrangement he has adopted will be such as to facilitate the more important labors and proceedings of your honorable body in the final action upon the matters submitted. It was the intention of the undersigned to have submitted a detailed statement of the alterations and amendments proposed in the code he has submitted; but he has not had time to prepare such a statement. There is one subject which the undersigned has not considered, that is the militia law; believing that it was less connected with the general statutes than most other subjects of legislation, and not being familiar with the subject, and having little confidence in his own judgment upon that subject, and wanting time for the purpose, he has thought best to apprise the legislature of the fact that he had not revised that part of the law; but if they should deem it expedient, the subject might be revised by them in its ordinary manner of legislation.

All which is respectfully submitted.

WM. A. FLETCHER.

Ann Arbor, Nov. 6, 1837.

The Chair presented the following communication from the Executive:

EXECUTIVE OFFICE, }
November 11, 1837. }

SIR—Permit me, through you, to call the attention of the House of Representatives to the act of March, 1837, authorizing a loan for purposes of internal improvement. Certain defects in the law as it now exists, are in the opinion of the agents of the state impediments to the prompt and successful negotiation of the loan contemplated, and I would therefore suggest the following amendments as important and essential to the success of the undertaking, viz:

1st. In the first section, amend by declaring that "*the rate of interest shall not exceed six per cent.*"

2d. In the second section, after the word "elsewhere," strike out the words "in the United States."

3d. To the third section add—"and in case the loan authorized by this act, or any part thereof, be negotiated in Europe, then it shall be redeemable as aforesaid, at the rate of four dollars and forty-four cents for every pound sterling of Great Britain, or the guilder of Holland, at the rate of forty cents for each; and all payments of interest in Europe shall be also computed at the rates aforesaid, and at no greater rates."

With the amendments to the law here suggested, I cannot doubt from the arrangements I have entered into, that the loan authorized by the act of March last, can be speedily accomplished, and on terms most advantageous to the state.

The earliest action on the subject by the legislature is desired by the parties connected with the negotiation.

Very respectfully,

Your obedient servant,

STEVENS T. MASON.

Hon. CHARLES W. WHIPPLE,

Speaker of the House of Representatives.

On motion of Mr. Alden, the above communication was referred to the committee on the judiciary.

On motion of Mr. Wisner, Mr. Bingham was elected to supply the vacancy in the committee of investigation elected at the extra session of the legislature, to inquire into the official conduct of George Morell, one of the associate justices of the supreme court of this state, occasioned by the resignation of Mr. Ward.

On motion of Mr. Felch,

Resolved, (if the Senate concur) That a committee of five be appointed, three from the House and two from the Senate, to consider and report upon the most advisable method of proceeding with the revised laws, reported to this legislature by the Hon. Judge Fletcher, a commissioner appointed to revise the same.

The following message was received from the Senate through their Secretary:

Mr. SPEAKER—In pursuance of the rules of the Senate, I am directed to inform the House of Representatives, that the Senate have concurred in the resolution from the House, relative to the

revised laws ; and that Messrs. Barry and McKey have been appointed the committee on the part of the Senate, in pursuance of said resolution.

The Chair announced the following as the committee on the part of the House, in pursuance of the joint resolution, relative to the revised laws : Messrs. Felch, Alden and Cressey.

On motion of Mr. Cressey, the House adjourned until Monday morning, at 10 o'clock.

Monday, November 13.

The House met pursuant to adjournment.

The roll being called, the following members were absent :

Messrs. Almy, Burbank, Ballard, Burke, Calkin, Eldred, Farrington, Foote, Kingsley, King, Lothrop, Martin, McKeen, Mosely, Jos. Smith.

The journal of the previous day being read,

Mr. Alden presented a petition from sundry citizens of Branch, relative to a state road. Referred to the committee on roads and bridges.

Mr. Felch, from the joint select committee appointed in pursuance of the joint resolution, relative to the revised laws, made the following report, which was adopted :

The joint committee, appointed to recommend the manner in which the two houses shall take up for consideration the report of the commissioner appointed to revise the laws, recommend, that the Senate take up and act upon titles two, four, six, eight, ten, twelve, and fourteen, and that the House take up titles one, three, five, seven, nine, eleven and thirteen ; that when any of these titles shall have passed either branch of the legislature, it shall be sent to the other branch, together with the amendments made thereto, for its action on the same.

On motion of Mr. Felch,

Resolved, That the clerk of this House be authorized to employ an assistant clerk.

Resolved, That titles three, five, seven and nine, as reported by

the commissioner to revise the statutes of Michigan, be severally referred to special committees, to consist of five members each.

Mr. Cressey moved the suspension of so much of the forty-third rule, as relates to the presentation of petitions and memorials, which motion was laid upon the table.

On motion of Mr. Felch,

Resolved, That the committee on banks and incorporations, be instructed to inquire into the expediency of so amending the general banking law, as to preclude any institutions, not yet in operation, from organizing under its provisions. Also, to report to this House the propriety and best method of ascertaining whether any violations of law have occurred in the transactions of those associations, which are now in operation under its provisions; and to inquire into and report, generally, whether any amendments to said general banking law, or the law authorizing the suspension of specie payments, be expedient.

On motion of Mr. Alden,

The House took up for consideration, title one, part first of the revised statutes. Said title was read the first and second times, and on motion of Mr. Alden, was considered as in committee of the whole House.

On motion of Mr. Ralph, the fifth section of chapter first was amended by inserting after the word "coroners," in the fourteenth line, the words "justices of the peace and."

Mr. Felch moved further to amend said section, by inserting after the word "Michigan," in the eleventh line, the words "governor's private secretary," which motion was negatived.

On motion of Mr. Wisner, modified by Mr. McGaffey, said section was further amended by adding, "the library of the university of Michigan and each branch of the university."

Mr. Wisner moved further to amend said title, by striking out the third clause of section two, chapter two, which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Cressey,
Mr. Levake,

Mr. McGaffey,
Mr. Wisner,

Mr. Yerkes,
Mr. Speaker,