IMPEACHMENTS

Act 62 of 1872

AN ACT regulating trials of impeachment and providing for the expenses thereof.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872

The People of the State of Michigan enact:

6.1 Impeachment of civil officers; power of house, suspension; vacancies.

Sec. 1.

That the house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors, but a majority of the members elected shall be necessary to direct an impeachment. Every officer impeached may by the governor be suspended in the exercise of his office until his acquittal, and the governor may make a provisional appointment to a vacancy occasioned by the suspension of an officer until he shall be acquitted, or until after the election and qualification of a successor.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 50 ;-- CL 1897, 18 ;-- CL 1915, 32 ;-- CL 1929, 59 ;-- CL 1948, 6.1

CAUTION! This document is from an archive and may contain outdated information.

6.2 Impeachment; trial by senate, judgment.

Sec. 2.

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 2/3 of the members elected. Judgment, in case of impeachment, shall not extend further than removal from office, but the party convicted shall be liable to punishment according to law.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 51 ;-- CL 1897, 19 ;-- CL 1915, 33 ;-- CL 1929, 60 ;-- CL 1948, 6.2

6.3 Impeachment; prosecution by house.

Sec. 3.

When an impeachment is directed, the house of representatives shall elect from their own body 3 members, whose duty it shall be to prosecute such impeachment, and the house of representatives are hereby authorized to empower the said managers to prepare and present articles of impeachment in accordance with resolutions of said house.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 52 ;-- CL 1897, 20 ;-- CL 1915, 34 ;-- CL 1929, 61 ;-- CL 1948, 6.3

6.4 Impeachment; organization of senate as court, oaths, attendance of members.

Sec. 4.

Whenever an impeachment is directed the senate shall forthwith, after the hour of final adjournment of the legislature, be organized into a court for the trial of the same at the state capital, and such organization shall be deemed to be perfected when the presiding officer of the senate and all the members thereof, present, shall have taken oath or affirmation hereinbefore prescribed, and no member of the court shall sit, or give his vote upon such trial, until he shall have taken such oath or affirmation, which oath or affirmation shall be administered by the secretary of the senate, to the presiding officer thereof, and by the presiding officer to each of the members of the senate. The senate sitting upon the trial of an impeachment shall have the same power to compel the attendance of its members, as when engaged in the ordinary business of legislation.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 53 ;-- CL 1897, 21 ;-- CL 1915, 35 ;-- CL 1929, 62 ;-- CL 1948, 6.4

CAUTION! This document is from an archive and may contain outdated information.

6.5 Impeachment; appearance and answer of accused.

Sec. 5.

The senate when so organized shall forthwith cause the person impeached to appear and to answer the charge exhibited against him and upon his appearance, he shall be entitled to a copy of the articles of impeachment, and to a reasonable time to answer the same.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 54 ;-- CL 1897, 22 ;-- CL 1915, 36 ;-- CL 1929, 63 ;-- CL 1948, 6.5

6.6 Impeachment; counsel for accused.

Sec. 6.

The person accused shall be allowed counsel on the trial of the impeachment.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 55 ;-- CL 1897, 23 ;-- CL 1915, 37 ;-- CL 1929, 64 ;-- CL 1948, 6.6

6.7 Impeachment; trial, time, place, adjournment.

Sec. 7.

When issue shall be joined in an impeachment, the senate, sitting as a court for the trial of the same shall appoint a time and place for the trial thereof. At the time and place so appointed, the senate, as a court, shall proceed to hear, try and determine the impeachment, and may from time to time, if necessary, adjourn the trial to any other time or place at the state capital.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 56 ;-- CL 1897, 24 ;-- CL 1915, 38 ;-- CL 1929, 65 ;-- CL 1948, 6.7

6.8 Impeachment; acquittal.

Sec. 8.

If 2/3 of all the members elected to the senate shall not assent to a conviction, the person impeached shall be declared acquitted.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 57 ;-- CL 1897, 25 ;-- CL 1915, 39 ;-- CL 1929, 66 ;-- CL 1948, 6.8

6.9 Impeachment; president of senate, notice to senate.

Sec. 9.

If the president of the senate shall be impeached, notice thereof shall be immediately given to the senate by the house of representatives, that another president may be chosen.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 58 ;-- CL 1897, 26 ;-- CL 1915, 40 ;-- CL 1929, 67 ;-- CL 1948, 6.9

6.10 Impeachment; writs and process, signing and testing, enforcement.

Sec. 10.

The writs and process of the senate sitting as a court for the trial of an impeachment, shall be signed by the secretary of the senate and tested in the name of the presiding officer, and the senate as such court shall have power to enforce obedience to its process by attachment and punishment as for contempt of the process of a court of record.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 59 ;-- CL 1897, 27 ;-- CL 1915, 41 ;-- CL 1929, 68 ;-- CL 1948, 6.10

CAUTION! This document is from an archive and may contain outdated information.

6.11 Impeachment; duties of secretary; record of proceedings, oaths.

Sec. 11.

It shall be the duty of the secretary of the senate in all cases of impeachment to keep a full and accurate record of the proceedings which shall be taken and held as a public record, and he shall have power to administer all requisite oaths or affirmations.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 60 ;-- CL 1897, 28 ;-- CL 1915, 42 ;-- CL 1929, 69 ;-- CL 1948, 6.11

6.12 Impeachment; senate appointment and removal of subordinate officers.

Sec. 12.

The senate sitting as a court of impeachment shall have power from time to time to appoint such subordinate officers or clerks and reporters as may be necessary for the convenient transaction of business, and at any time to remove such officers.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 61 ;-- CL 1897, 29 ;-- CL 1915, 43 ;-- CL 1929, 70 ;-- CL 1948, 6.12

6.13 Impeachment; powers of managers, rights of process.

Sec. 13.

The managers elected by the house of representatives, shall have all necessary powers for conducting the trial of impeachments before the senate, and they, and also the person impeached, shall severally be entitled to process for compelling the attendance of persons, or the production of papers and records required for the trial of the impeachment.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 62 ;-- CL 1897, 30 ;-- CL 1915, 44 ;-- CL 1929, 71 ;-- CL 1948, 6.13

6.14 Impeachment; senate rules and regulations.

Sec. 14.

The senate sitting as a court of impeachment, shall have full power and authority to establish such rules and regulations as may be necessary in the trials of impeachment.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 63 ;-- CL 1897, 31 ;-- CL 1915, 45 ;-- CL 1929, 72 ;-- CL 1948, 6.14

6.15 Impeachment; compensation of members of court, managers, and other officers; payment.

Sec. 15.

The presiding officer and members of the senate, while sitting as a court of impeachment, and the managers elected by the house, shall receive the sum of 5 dollars each per day, and mileage at the rate of 10 cents per mile in going from and returning to their places of residence by the ordinarily traveled routes; and the compensation of the secretary, sergeant-at-arms, and all subordinate officers, clerks, and reporters, shall be an amount as shall be established by the vote of the members of the court. The state treasurer shall, upon presentation of a certificate or certificates signed by the presiding officer and secretary of the senate pay all the expenses of the senate and managers elected by the house, which may be incurred under this act.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 64 ;-- CL 1897, 32 ;-- CL 1915, 46 ;-- CL 1929, 73 ;-- CL 1948, 6.15 ;-- Am. 2002, Act 364, Imd. Eff. May 23, 2002

6.16 Application of act.

Sec. 16.

The provisions of this act shall apply to all resolutions and proceedings heretofore had, or hereafter to be had, to impeach any civil officer of this state.

History: 1872, Act 62, Imd. Eff. Mar. 30, 1872 ;-- How. 65 ;-- CL 1897, 33 ;-- CL 1915, 47 ;-- CL 1929, 74 ;-- CL 1948, 6.16

CAUTION! This document is from an archive and may contain outdated information.