Revised Statutes of 1846

R.S. of 1846

Chapter 13
Chapter 13. Of counties.
COUNTIES.

45.1 Counties; boundaries.

Sec. 1.

The boundaries of the several counties in this state, shall remain as now established, unless the same shall hereafter be changed by the legislature.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 300 ;-- CL 1871, 431 ;-- How. 437 ;-- CL 1897, 2439 ;-- CL 1915, 2241 ;-- CL 1929, 1099 ;-- CL 1948, 45.1

45.2 Counties; powers, duties, privileges and immunities.

Sec. 2.

All the rights, powers, duties, privileges and immunities of the several counties, shall remain as now established, until the same shall be altered by law.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 301 ;-- CL 1871, 432 ;-- How. 438 ;-- CL 1897, 2440 ;-- CL 1915, 2242 ;-- CL 1929, 1100 ;-- CL 1948, 45.2

45.3 County; body corporate, purposes.

Sec. 3.

Each organized county shall be a body politic and corporate, for the following purposes, that is to say: To sue and be sued, to purchase and hold real and personal estate for the use of the county; to borrow money for the purpose of erecting and repairing county buildings, and for the building of bridges, to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 302 ;-- CL 1871, 433 ;-- How. 439 ;-- CL 1897, 2441 ;-- CL 1915, 2243 ;-- CL 1929, 1101 ;-- CL 1948, 45.3

45.4 County property.

Sec. 4.

All real and personal estate, heretofore conveyed by any form of conveyance to the inhabitants of any county, or to the county treasurer, or the governor of the late territory of Michigan, or to any committee, trustees, or other persons, for the use and benefit of such county, shall be deemed to be the property of such county; and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such counties by their respective corporate names.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 303 ;-- CL 1871, 434 ;-- How. 440 ;-- CL 1897, 2442 ;-- CL 1915, 2244 ;-- CL 1929, 1102 ;-- CL 1948, 45.4

45.5 County lands; sale and conveyance.

Sec. 5.

The board of supervisors of each county, or other public officers having the charge and management of the county lands, may, by their order of record, appoint 1 or more agents to sell any real estate of their county not donated for any special purpose, and all deeds, made on behalf of such county, by such agents under their proper hands and seals, and duly acknowledged by them, shall be sufficient to convey all the right, title, interest and estate which the county may then have in and to the land so conveyed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 304 ;-- CL 1871, 435 ;-- How. 441 ;-- CL 1897, 2443 ;-- CL 1915, 2245 ;-- CL 1929, 1103 ;-- CL 1948, 45.5

COMMON JURISDICTION OF CERTAIN COUNTIES.

45.6 Wayne and Monroe counties; common jurisdiction as to Lake Erie.

Sec. 6.

The counties of Wayne and Monroe shall have jurisdiction, in common, of all offences committed on that part of Lake Erie, which lies within the limits of this state; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, and in like manner and to the same effect as if such offence had been committed in any other part of either of said counties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 305 ;-- CL 1871, 436 ;-- How. 442 ;-- CL 1897, 2444 ;-- CL 1915, 2246 ;-- CL 1929, 1104 ;-- CL 1948, 45.6

45.8 Wayne, Macomb and St. Clair counties; common jurisdiction as to Lake St. Clair.

Sec. 8.

The counties of Wayne, Macomb and St. Clair, shall have jurisdiction, in common, of all offences committed on that part of Lake St. Clair which lies within the limits of this state; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, in like manner, and to the same effect as if the offence had been committed in any part of either of said counties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 307 ;-- CL 1871, 438 ;-- How. 444 ;-- CL 1897, 2446 ;-- CL 1915, 2247 ;-- CL 1929, 1105 ;-- CL 1948, 45.8

45.10 Counties bordering on Lake Michigan; common jurisdiction.

Sec. 10.

The counties now existing, or which may be hereafter organized, bordering upon the shore of Lake Michigan shall have jurisdiction of all offences committed on that part of Lake Michigan which lies within the limits of this state; and such offences shall be heard and tried in either of the 2 counties nearest the place where the alleged offence was committed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 309 ;-- CL 1871, 440 ;-- How. 446 ;-- CL 1897, 2448 ;-- Am. 1909, Act 57, Eff. Sept. 1, 1909 ;-- CL 1915, 2248 ;-- CL 1929, 1106 ;-- CL 1948, 45.10

45.12 Counties bordering on Lake Huron; common jurisdiction.

Sec. 12.

The counties now existing, or which may be hereafter organized, bordering upon the shore of Lake Huron shall have jurisdiction of all offences committed on that part of Lake Huron which lies within the limits of this state; and such offences shall be heard and tried in either of the 2 counties nearest the place where the alleged offence was committed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 311 ;-- CL 1871, 442 ;-- How. 448 ;-- Am. 1885, Act 98, Imd. Eff. May 14, 1885 ;-- CL 1897, 2450 ;-- CL 1915, 2249 ;-- Am. 1927, Act 157, Eff. Sept. 5, 1927 ;-- CL 1929, 1107 ;-- CL 1948, 45.12

45.14 Counties bordering on Lake Superior; common jurisdiction.

Sec. 14.

The county of Chippewa, and such other counties as may hereafter be organized upon the shore of Lake Superior, shall have jurisdiction, in common, of all offences committed on that part of Lake Superior which lies within the limits of this state, and such offences may be heard and tried in either of such counties in which legal process against the offender shall be first issued, in like manner and to the same effect as if the offence had been committed in any part of either of said counties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 313 ;-- CL 1871, 444 ;-- How. 450 ;-- CL 1897, 2452 ;-- CL 1915, 2250 ;-- CL 1929, 1108 ;-- CL 1948, 45.14

COUNTY BUILDINGS.

45.16 County courthouse, jail, offices, and other buildings; location, construction, maintenance, and expense thereof; examination of plan for jail.

Sec. 16.

Each organized county shall, at its own cost and expense, provide at the county seat thereof a suitable courthouse, and a suitable and sufficient jail and fireproof offices and all other necessary public buildings, and keep the same in good repair. However, and notwithstanding the provisions of section 11 of Act No. 156 of the Public Acts of 1851, as amended, being section 46.11 of the Compiled Laws of 1948, a jail may be located anywhere in the county. Before the plan of any jail which has been duly authorized to be built shall be determined or accepted, or contracted for, the plan shall be submitted to the department of corrections for its examination and opinion, and such department shall carefully examine and give the benefit of its study and experience in such matter to the counties submitting such plans and report its opinion to the county clerk of the county so submitting plans. No

contract for the erection of any county jail shall be valid or binding, nor shall any money be paid out of the county treasury for the construction of a jail until such opinion has been filed with the county clerk of the county submitting such plans.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 315 ;-- CL 1871, 446 ;-- Am. 1877, Act 61, Eff. Aug. 21, 1877 ;-- How. 452 ;-- Am. 1897, Act 226, Eff. Aug. 30, 1897 ;-- CL 1897, 2454 ;-- CL 1915, 2251 ;-- CL 1929, 1109 ;-- CL 1948, 45.16 ;-- Am. 1971, Act 113, Imd. Eff. Sept. 21, 1971
Compiler's Notes: The board of corrections and charities, referred to in this section, was abolished by MCL 400.19 and its powers and duties transferred to the department of social services.

45.16a County jails; contracts for use; lockup required.

Sec. 16a.

In lieu of providing a jail, as required in section 16, each county may contract with other counties for the use of such counties' jails. However, each county shall maintain a lockup which meets the standards established by the department of corrections by rules promulgated in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: Add. 1968, Act 93, Imd. Eff. June 4, 1968
Admin Rule: R 791.701 et seq. of the Michigan Administrative Code.

45.17 County prison limits.

Sec. 17.

The prison limits of each county, shall extend to all places within the boundaries of the county.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 316 ;-- CL 1871, 447 ;-- How. 453 ;-- CL 1897, 2455 ;-- CL 1915, 2252 ;-- CL 1929, 1110 ;-- CL 1948, 45.17

45.18 Escape due to insufficiency of county jail; liability of sheriff.

Sec. 18.

In case of the escape of any prisoner, by reason of the insufficiency of the jail, whereby the sheriff, or other officer performing the duties of sheriff, shall be made liable to any party at whose suit such prisoner was committed, the county shall re-imburse and pay all sums of money recovered of the sheriff or such other officer by such party, by reason of such escape.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 317 ;-- CL 1871, 448 ;-- How. 454 ;-- CL 1897, 2456 ;-- CL 1915, 2253 ;-- CL 1929, 1111 ;-- CL 1948, 45.18

UNORGANIZED COUNTIES.

45.19 Unorganized counties; annexation, effect.

Sec. 19.

Unorganized counties and other districts, annexed, or hereafter to be annexed to any organized county for judicial purposes, shall, for every purpose, be deemed to be within the limits of the county to which they are or may be so annexed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 318 ;-- CL 1871, 449 ;-- How. 455 ;-- CL 1897, 2457 ;-- CL 1915, 2254 ;-- CL 1929, 1112 ;-- CL 1948, 45.19

DIVISIONS OF COUNTIES, ETC.

45.20 Division or alteration of county; lands within county limits.

Sec. 20.

When a county seized of lands shall be divided into 2 or more counties, or shall be altered in its limits, by annexing a part of its territory to any other county or counties, each county shall become seized to its own use, of such part of said lands as shall be included within its limits, as settled by such division or alteration.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 319 ;-- CL 1871, 451 ;-- How. 457 ;-- CL 1897, 2459 ;-- CL 1915, 2256 ;-- CL 1929, 1113 ;-- CL 1948, 45.20

45.21 Division or alteration; apportionment of personalty.

Sec. 21.

When a county possessed of, or entitled to money, rights, credits, things in action or personal property, shall be so divided or altered, or when any unorganized county or district annexed to any county for judicial purposes, shall be organized into a separate county, such money, rights, credits, things in action or personal property, shall be adjusted and apportioned, and a settlement thereof made between the counties interested therein, by the supervisors thereof, as to them or a majority of them shall appear to be just and equitable.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 320 ;-- CL 1871, 452 ;-- How. 458 ;-- CL 1897, 2460 ;-- CL 1915, 2257 ;-- CL 1929, 1114 ;-- CL 1948, 45.21

45.22 Division or alteration; settlement by meeting of county supervisors.

Sec. 22.

The supervisors aforesaid shall meet for the purpose of such settlement, at such time as shall be prescribed by the law making such division or alteration; or if no time is prescribed by such law, at such time as the board of supervisors of either of the counties interested shall appoint, at the office of the treasurer of the county retaining the original name of the county so divided or altered.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 321 ;-- CL 1871, 453 ;-- How. 459 ;-- CL 1897, 2461 ;-- CL 1915, 2258 ;-- CL 1929, 1115 ;-- CL 1948, 45.22

45.23 Division or alteration; apportionment of debts.

Sec. 23.

Debts owing by a county so divided or altered, shall be apportioned in the manner prescribed in section 21 of this chapter, and each county shall thereafter be charged therewith, according to such equitable apportionment.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 322 ;-- CL 1871, 454 ;-- How. 460 ;-- CL 1897, 2462 ;-- CL 1915, 2259 ;-- CL 1929, 1116 ;-- CL 1948, 45.23

45.24 Disagreement over settlement; arbitration commissioners, appointment.

Sec. 24.

In case of the division or alteration of a county as aforesaid, if the supervisors cannot agree upon a settlement, as provided in this chapter, the supervisors of either of the counties interested may apply to the circuit court for any adjoining county, for the appointment of 5 judicious men residing within a county not interested, to be commissioners for the purpose of settling and determining the matters aforesaid between such counties; and upon such application, such circuit court shall appoint such commissioners for the purpose aforesaid.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 323 ;-- CL 1871, 455 ;-- How. 461 ;-- CL 1897, 2463 ;-- CL 1915, 2260 ;-- CL 1929, 1117 ;-- CL 1948, 45.24

45.25 Arbitration commissioners; meeting; determination, finality.

Sec. 25.

Such commissioners shall meet at such time as they may appoint, and after being duly sworn faithfully and impartially to perform their duties as such commissioners, shall proceed to examine into the merits of the matters aforesaid, and shall make such determination in relation thereto as to them, or a majority of them shall appear to be just and equitable, which determination shall be entered at length by the clerks of the respective counties so interested as aforesaid, upon the journals of the board of supervisors thereof, and shall be final and conclusive between such parties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 324 ;-- CL 1871, 456 ;-- How. 462 ;-- CL 1897, 2464 ;-- CL 1915, 2261 ;-- CL 1929, 1118 ;-- CL 1948, 45.25