JURY TRIALS IN JUSTICE COURTS
Act 288 of 1929

AN ACT to provide for terms for the trial of jury cases in justice courts in cities; to provide for the selection of jurors to try such cases; and to provide for the rights, powers and duties of justices of the peace in such cases.

History: 1929, Act 288, Eff. Aug. 28, 1929.

The People of the State of Michigan enact:

730.251 Terms for trial of jury cases; adoption of law.

Sec. 1. Any city may by charter or ordinance establish terms for the trial of jury cases in the justice court of such city, and may provide that jury cases may be set for trial upon 1 or more certain days of each month or as soon thereafter as such trial can be reached. Any city so providing for terms for the trial of jury cases and having a justice court clerk who acts as clerk for all of the justices of the peace in such city, may by an ordinance passed by a 3/4 vote of the legislative body of said city, adopt the provisions of this act as the method of the selection of jurors for the trial of jury cases. In such ordinance it shall not be necessary to embody the terms of this act but the same may be adopted by reference only. After this act has once been adopted, such adoption may be rescinded by an ordinance passed by a 3/4 vote of the legislative body of such city.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16497;—CL 1948, 730.251.

730.252 Board of jury commissioners; members.

Sec. 2. A board of jury commissioners is hereby created for each city adopting the provisions hereof, which shall consist of the city treasurer, the city clerk and the city assessor, or if more than 1 city assessor then such one as shall be designated by a majority of the assessors.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16498;—CL 1948, 730.252.

730.253 Jury lists; duty of commissioners; qualification and term of jurors.

Sec. 3. The said board shall within 15 days after the adoption of this act in any city and during the month of November of every year thereafter, make and file with the clerk of the justice court a list of persons to serve for the succeeding calendar year as justice court jurors equal to 1 for each 200 inhabitants of the city, computed according to the last preceding census: Provided, That in no case shall it be necessary to file a list of more than 400 electors. If the names on such list shall be exhausted prior to the end of such calendar year, the justices of the peace shall order said board to make and file an additional list of persons to serve as jurors for the remainder of such year and it shall be the duty of said board to make and file such list. All persons selected for jury service by said board shall be qualified electors of the city and shall be drawn from the city at large and shall not be required to serve in any 1 year for a period of more than 1 jury term.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16499;—CL 1948, 730.253.

730.254 Jury lists; qualifications of persons chosen.

Sec. 4. The said board in making such selection shall file the names of such only as are not exempt from serving on juries, who are in possession of their natural faculties, not infirm or decrepit, of good character, of approved integrity, of sound judgment, and well informed and conversant with the English language, and free from all legal exceptions, and who have not made, and in whose behalf there has not been made to the members of said board, any application to be selected and returned as jurors.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16500;—CL 1948, 730.254.

730.255 Jury lists; persons not to be chosen.

Sec. 5. In making such selection said board shall avoid, as far as practicable, selecting any of the persons who were actually drawn and who served as jurors on any regular justice court panel during the preceding year.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16501;—CL 1948, 730.255.

730.256 Jury lists; duplicates, filing; duty of clerk of justice court.

Sec. 6. Such list of jurors shall be made in duplicate and 1 copy filed in the office of the city clerk and the other copy filed in the office of the clerk of the justice court. Upon receiving and filing such list, the clerk of the justice court shall write down the names contained therein on separate pieces of paper, of the same size

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and appearance as nearly as may be, and shall fold up each of said pieces of paper so as to conceal the names thereon.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16502;—CL 1948, 730.256.

730.257 Jurors; term of service.

Sec. 7. The persons whose names shall be returned as jurors shall serve as jurors for 1 year and until other lists shall be returned and filed.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16503;—CL 1948, 730.257.

730.258 Drawing of jurors; time, number.

Sec. 8. At least 10 days and not more than 20 days before the holding of any term for the trial of jury cases in the justice court in any such city, the clerk of the justice court shall draw the names of 10 persons and any additional number that may be ordered by the justices of the peace of the city. Additional jurors may be drawn from time to time to fill vacancies in the jury panel for any term of court upon the order of the justices of the peace.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16504;—CL 1948, 730.258.

730.259 Drawing of jurors; justice and chief of police to be present; adjournment.

Sec. 9. Such drawing shall be made in the presence of at least 1 of the justices of the peace and the chief of police, or in the event of his absence or inability to attend, then in the presence of the officer at the time being in command of the police department of the city. The clerk of the justice court shall notify the justices of the peace of said city and the chief of police, personally or by registered mail, of the time and place of making such drawing by depositing such notice in the United States mails at least 3 days prior to such drawing, enclosed in an envelope addressed to such persons at their respective addresses. If the persons required to be present at such drawing do not appear the clerk of the justice court may adjourn such drawing from time to time. It is hereby made the duty of the justices of the peace and the chief of police, or in his absence or inability, the commanding officer of the police department, to attend such drawing.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16505;—CL 1948, 730.259.

730.260 Drawing of jurors; procedure, record.

Sec. 10. The clerk of the justice court shall conduct such drawing as follows:

(a) He shall place in a box prepared for that purpose all of the names contained in the list of jurors returned by the board of jury commissioners, except the names of those persons who have been previously drawn on a jury panel during the current year, each name appearing upon a separate slip of paper as above provided. He shall then shake the box so as to mix the slips of paper upon which names were written, as much as possible.

(b) He shall publicly draw out of such box 1 slip of paper and hand the same to 1 of the attending justices of the peace, whose duty it shall be to keep a minute of the names drawn. When such justice shall have made a minute of the names so drawn, the clerk of the justice court shall proceed in the same manner to draw other names from said box until the required number of jurors has been selected.

(c) A minute of the drawing shall be kept by such attending justice of the peace in which shall be entered the name contained on every slip of paper so drawn before any other slip shall be drawn.

(d) If after drawing the required number of justice court jurors, the name of any person shall appear to have been drawn who is dead, insane, or who has permanently removed from the city, to the knowledge of the clerk of the justice court or any other attending officer, an entry of such fact shall be made in the minutes of the drawing and the slip of paper containing such name shall be destroyed. Another name shall then be drawn from the box in the manner above provided and entered in the minutes of the drawing. The same proceeding shall be had as often as may be necessary until the whole number of jurors required shall have been drawn.

(e) The minutes of the drawing shall then be signed by the clerk of the justice court and the attending justice of the peace and filed in the office of the clerk of the justice court.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16506;—CL 1948, 730.260.

730.261 Venire delivered to constable; notice to jurors, return.

Sec. 11. The clerk of the justice court shall deliver to 1 of the constables, or in their absence, to a deputy sheriff, a venire containing the names and places of residence of the several jurors and specify for what term of court said jurors were drawn. The constable or deputy sheriff to whom such venire shall have been delivered, shall serve a personal notice upon each of the persons whose names are contained in such venire by making out a written notice to each such person and enclosing the same in a sealed envelope addressed to such person at his last known place of residence, which written notice enclosed in said envelope and

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addressed to the person summoned, shall be sent to his last known place of residence by registered mail at least 5 days before the first day of the term of court for which he is to serve, with a demand in writing on said envelope for a return registry receipt. Said constable or deputy sheriff shall make and file a return with the clerk of the justice court at the opening of the term for which said jurors have been summoned, specifying to whom said notice has been sent and attaching to his said return the returned registry receipts demanded and received from the persons so summoned.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16507;—CL 1948, 730.261.

730.262 Exemptions and excuses from jury service.

Sec. 12. All persons who are exempt from service on juries in the circuit courts of this state shall be exempt from service on juries in justice courts of cities adopting this act. Likewise all persons who are entitled to be excused from service on juries in circuit courts in this state shall be entitled to be excused from service as jurors in justice courts in cities adopting this act. In such cases the same proceedings shall be taken as in circuit courts.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16508;—CL 1948, 730.262.

730.263 Compensation of jurors and constables.

Sec. 13. Each justice court juror shall be entitled to receive $6.00 for each day's attendance, and $3.00 for each half day's attendance upon any term of justice court, to be paid out of the city treasury of the city on the certificate or order of the clerk of the justice court: Provided, There shall be deducted therefrom the amount of any certificate issued to such juror on account of services performed as a juror in a case brought for a violation of the criminal laws of the state. The constable, or deputy sheriff, summoning said jurors, shall be entitled to receive the sum of 50 cents for each summons so served, and the constable shall be entitled to $4.00 per day for each day's attendance and $2.00 for each half day's attendance upon the jury at any such jury term, to be paid out of the city treasury on the certificate or order of the clerk of the justice court. Any city may by ordinance increase the compensation of jurors and constables to a sum not exceeding $6.00 for each day's attendance and $3.00 for each half day's attendance.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16509;—CL 1948, 730.263;—Am. 1957, Act 247, Eff. Sept. 27, 1957.

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730.264 Demand for jury trial.

Sec. 14. When any cause shall become at issue, any party thereto shall be entitled to a jury trial by filing with the justice of the peace a demand for a jury, and in case said cause be a civil action, by depositing with the clerk of the justice court the sum of 12 dollars, which sum shall be taxed as costs if the party depositing the same shall prevail on the trial of said cause; and said sum will be returned to the person depositing the same if said cause shall be disposed of without a trial thereof by a jury.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16510;—CL 1948, 730.264.

730.265 Trial of jury cases; discharge of jurors.

Sec. 15. At each jury term all jury cases set for trial at said term shall be tried in the order in which they become at issue unless for good cause shown a continuance shall be granted until the next term of court or until a subsequent date during the same term. The jurors impaneled for such term shall be discharged from further attendance as jurors when all cases ready for trial shall have been disposed of, and all cases not ready for trial shall stand adjourned until the next succeeding jury term of court unless otherwise disposed of.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16511;—CL 1948, 730.265.

730.266 Justice may order jury impaneled.

Sec. 16. Nothing in this act contained shall prevent any justice of the peace, when no jury is in attendance, in his discretion and in order to avoid hardship, from delay, from ordering a jury impaneled in accordance with the method provided by law to secure a jury in trials before justices of the peace in townships.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16512;—CL 1948, 730.266.

730.267 Drawing of jury; challenges.

Sec. 17. As the cases shall be called for trial during each jury term, each jury shall consist of 6 persons and shall be drawn from the list of jurors impaneled for the term in the manner provided by the general laws of the state for drawing juries in the circuit court, as near as may be, and no person so drawn shall be excused from serving except for causes recognized in the trial of cases in the circuit court; except that the plaintiff and defendant in each civil action may respectively challenge peremptorily not more than 2 jurors, and in each criminal action and action for violation of ordinances, the attorney representing the people may challenge

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peremptorily not more than 2 jurors and the defendant may challenge peremptorily not more than 4 jurors. No jurors shall be disqualified by reason of having sat as juror on any number of cases during any 1 term for the trial of jury cases.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16513;—CL 1948, 730.267.

730.268 Failure to attend and continue in attendance as juror; penalty.

Sec. 18. Any person who shall fail to attend and continue in attendance at the justice court room in the city as a juror for the term for which he or she shall have been selected and duly summoned, as herein provided, without the consent of the justice presiding on that particular day or that particular term, shall be punished by a fine of not more than $100.00, or by imprisonment for not more than 90 days, or both.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16514;—CL 1948, 730.268;—Am. 1985, Act 50, Imd. Eff. June 14, 1985.

730.269 Presiding justice.

Sec. 19. If in any city adopting this act there is more than 1 justice of the peace, such city may by charter or ordinance provide for the selection of a presiding justice by the justices of the peace of such city, and in such case the action of the presiding justice as to any matter herein required shall be deemed the action of the justices of the peace of such city.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16515;—CL 1948, 730.269.

730.270 Instructions to jury.

Sec. 20. It shall be the duty of said justices to instruct the jury in all cases as to the law applicable to the case, which instruction shall be received by the jury as the law of such case. Either party may present written requests to charge to the justice, who shall present the same to the jury as requested if he shall deem the same to correctly state the law applicable to such case.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16516;—CL 1948, 730.270.

730.271 Directed verdicts.

Sec. 21. The justices shall have the same power to direct a verdict for either party as is had by judges of circuit courts of this state in similar cases.

History: 1929, Act 288, Eff. Aug. 28, 1929;—CL 1929, 16517;—CL 1948, 730.271.

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