

**TAKING OF PUBLIC UTILITY BY CITY (EXCERPT)**  
**Act 119 of 1919**

**213.120 Jury to determine necessity; oath; duties; instruction; written verdict.**

Sec. 10.

Whenever the city attorney, corporation council [counsel] or the law officer of the city shall request that the jury be empaneled under the proviso contained in section 3 of this act, such jury shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether it is necessary to take for public use the absolute title in fee to the public utility which the petition describes and prays may be taken for public use, and faithfully and impartially discharge all other duties as devolve upon you in this case and unless discharged by the court a true verdict give according to the laws and the evidence, so help you God (or under the pains and penalties of perjury)." The jury shall hear the proofs and allegations of the parties and if so ordered by the court shall, in charge of an officer, go to the place where the public utility sought to be taken is situated and upon or as near thereto as practicable and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman or by all the jurors.

**History:** 1919, Act 119, Eff. Aug. 14, 1919 ;-- CL 1929, 3820 ;-- CL 1948, 213.120