

## Grand Jury Probe Off Following Court Report

A probable one-man grand jury investigation of county officials and departments is abandoned following a statement last Thursday by Judge Frank L. Doty and Judge F. L. Covey. They contend that the petitions, recently filed by 300 persons in the county and city, asking for an investigation are insufficient to warrant the calling of a one-man grand jury.

Judge Glenn C. Gillespie, with whom the petitions were originally filed, stated, however, that public sentiment warranted the inquiry.

The two other judges were called into consultation by Judge Gillespie, following a report from the grand jury of the county of Detroit, that the signatures of the three must appear on the appeal to the presiding judge for an outside judge investigation.

Claiming that the petitions were not definite and placed no specific charges, Judge Doty and Judge Covey held that they were not.

Judge F. L. Covey said: "I regret I cannot agree with the distinguished associate judge Gillespie for whom I have the highest respect, but each must decide the questions put before him based on his best judgment, in accordance with the dictates of his conscience and in compliance with his oath of office, the Constitution and the laws of the State.

"It is understood that our opinions are to be filed with the presiding clerk attached to the petitions and made a permanent record. It is not that the public understand the reasons motivating our action.

"A petition of this kind should be based on the facts of an unbiased, unprejudiced and impartial manner and in accordance with the law, the same as a legal proceeding brought to the attention of the court, and in passing upon the question involved here, although the results may not meet with popular favor, I am passing upon them in accordance with my oath of office, law and justice, as I see them, without fear or favor.

"This is my conception of duty as a Circuit Judge and I can see no reason why conception of duty should not be followed in this case, the same as any other.

"After careful consideration I have come to the conclusion that the petition in this case is illegal and void and any finding based upon it will of necessity be of no effect. The court has no authority to call a grand jury under it, no authority to proceed, no power to compel the attendance of witnesses and any determination will be a nullity. With this petition, no judge would know where to begin, what office or what period of time to investigate, and the whole proceeding will serve no purpose.

The law governing this matter, and under which the petition was filed, is found in section 3, Chapter 2 of Act 175 of the Public Acts of 1922, and reads as follows:

"Whenever by reason of the filing of any complaint, which may be upon information and belief, any justice of the peace, police judge or judge of a court of record shall have probable cause to believe that any crime, offense, misdemeanor or violation of any city ordinance has been committed within his jurisdiction, and that any person may be able to give material evidence respecting such offense, misdemeanor or violation, he shall, as far as possible, be the same as proceedings to summon witnesses and compel their attendance and testimony, and such witnesses shall be entitled to the same compensation as in other criminal proceedings."

"Prior to the enactment of this statute there was no provision for the laws of this state for the holding of such investigations by a Circuit Judge. The petitions are in the following form:

STATE OF MICHIGAN  
IN THE CIRCUIT COURT  
FOR THE COUNTY OF OAKLAND  
TO THE PRESIDING JUDGE  
IN THE CIRCUIT COURT  
FOR THE COUNTY OF OAKLAND, MICHIGAN:  
Your petitioners, citizens of Oakland County, respectfully show:

1. THAT WHEREAS, certain reports have been received and certain charges are being and have been circulated, charging various county officials of Oakland County have been careless, negligent and dishonest, and the petitioners are informed and believe that certain crimes and offenses have been committed in the County aforesaid.

2. Your petitioners herein named therefore pray that this court require an investigation to be made and witnesses to appear before it and answer questions concerning said charges and abuses.

3. There is no allegation in the petition as to what crime, offense or misdemeanor has been committed. No person is mentioned as being able to give any evidence of any kind.

4. It will be readily seen that the petition is not in accordance with the law, and no action based upon it can have any binding effect. It would, therefore, involve an expense of thousands of dollars, endless litigation, and with no legal results accomplished.

5. "If any offense, crime, misdemeanor or violation of any city ordinance has been committed by any person in this county, a complaint can be filed in accordance with the law, and a legal investigation held and a legal result obtained. The people investigated and the law are entitled to this.

6. For reasons above stated, under the petition filed, the calling a grand jury cannot be justified, and which will cost a nullity and a useless expense to the people of this county."

The opinions of the three judges follow:

Judge F. L. Covey  
Below is the statement of Judge Frank L. Covey:

Recently there was submitted to me a petition signed by some 250 citizens of the county asking for an investigation in accordance with the provisions of Section 3, et seq. of Chapter 2 of Act 175 of the Public Acts of 1922. The matter was subsequently certified to the entire bench for determination. This statute, commonly known as the "One Man Grand Jury Act," was originally enacted by the Legislature of 1917. It subsequently was repealed by the Legislature of 1922 and reenacted in the Criminal Code, being the act above referred to. The statute is as follows:

"Sec. 3. Whenever by reason of the filing of any complaint, which may be upon information and belief, any justice of the peace, police judge or judge of a court of record shall have probable cause to believe that any crime, offense, misdemeanor or violation of any city ordinance has been committed within his jurisdiction, and that any person may be able to give material evidence respecting such offense, misdemeanor or violation, he shall, as far as possible, be the same as proceedings to summon witnesses and compel their attendance and testimony, and such witnesses shall be entitled to the same compensation as in other criminal proceedings."

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do not confer any jurisdiction upon this court or any of the judges thereof to order such an investigation as is contemplated. Therefore, they should be denied, and the so-called complaint dismissed without prejudice, however, to the institution by proper and legal means of proceedings to determine whether or not any public official of Oakland County has been guilty of any misdemeanor or malfeasance in office."

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"But didn't I give you an afternoon off last night, because your grandmother was dead?"

"Yes, sir—she is still dead, sir."

—Bulletin, Sydney.

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Heavy, juicy, Large size

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Marvett Hill, West Maple Avenue.

"The Birmingham Department is to be commended in their untiring effort to apprehend the man who robbed our store last week. Their quick discovery of the theft and subsequent stamp down of the class stamp there as being efficient and conscientious in the work."