

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2101 Cases tried without jury; objections to testimony or evidence; exclusion of testimony from record; taking of excluded testimony; return of excluded testimony to court of appeals or supreme court.

Sec. 2101.

In all cases tried without a jury, the court shall rule upon all objections to the competency, relevancy, or materiality of testimony, or evidence offered; and in all cases where the court is of the opinion that any testimony offered is incompetent, irrelevant, or immaterial, the same shall be excluded from the record. If the testimony so offered and excluded is brief, the court may in its discretion permit the same to be taken down by the reporter or recorder separate and apart from the testimony received in the case; and in case of appeal, the excluded testimony may be returned to the appellate court under the certificate of the trial court. If the excluded testimony is not taken and returned to the court of appeals or supreme court on appeal, and upon the hearing of the appeal, the court of appeals or supreme court shall be of the opinion that the testimony is competent and material, it may order that the testimony be taken by deposition or under a reference, and returned to the court.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 1986, Act 308, Eff. Jan. 1, 1987