

## CHAPTER LX.

## AN ACT TO AMEND SECTION TWO HUNDRED AND THIRTY-SIX, CHAPTER SIXTY-SIX OF THE GENERAL STATUTES.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. Section two hundred and thirty-six of chapter sixty-six of the general statutes is hereby amended so as to read as follows: "When the application is made for a cause mentioned in the fourth, fifth and seventh subdivision of the last section, it is made either upon a bill of exceptions or a statement of the case, prepared as prescribed in the next section, for any other cause it is made upon affidavit; *Provided, however,* That the judge who tries the cause may in his discretion entertain a motion to be made on his minutes, or upon the minutes of the stenographic reporter where there is such a reporter, to set aside a verdict and grant a new trial upon exceptions, or for insufficient evidence, or for excessive damages, but such motions in actions hereafter tried, if heard upon the minutes, can only be heard at the same term or court at which the trial is heard. When such motion is heard and decided upon the minutes of the judge, and an appeal is taken from the decision, a case or exceptions must be settled in the usual form upon which the argument of the appeal must be had; and provided if during the trial any exception is taken to the ruling of the court, such exception may be forthwith taken and reduced to writing, and allowed and signed by the judge, together with so much of the testimony or charge as to make the ruling and exception intelligible, which shall be made a part of the record, so as to obviate a case or other bill of exception, and on appeal the court shall not infer that any other evidence was introduced to obviate the exceptions.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1875.