

CHAPTER 46.

S. F. No. 82.

Amendment.
Granting new
trials.

An act to amend section two hundred and fifty-three (253), title twenty (20), of chapter sixty-six (66) of the General Statutes of the State of Minnesota, as amended by chapter eighty (80) of the General Laws of the State of Minnesota for the year 1891, being section five thousand three hundred and ninety-eight (5398) of the Statutes of the State of Minnesota for 1894, relating to new trials.

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

SECTION 1. That section two hundred and fifty-three (253), title twenty (20), of chapter sixty-six (66) of the General Statutes of 1878 of the State of Minnesota, as amended by chapter eighty (80) of the General Laws of the State of Minnesota for the year 1891, being section five thousand three hundred and ninety-eight (5398) of the Statutes of the State of Minnesota for 1894, be and the same is hereby amended to read as follows, to-wit:

Sec. 253. A verdict, report or decision may be vacated and a new trial granted, on the application of the party aggrieved, for any of the following causes materially affecting the substantial rights of such party:

First—Irregularity in the proceeding of the court, jury, referee or prevailing party, or any order of the court or referee, or abuse of discretion, by which the moving party was prevented from having a fair trial.

Causes for
new trials.

Second—Misconduct of the jury or prevailing party.

Third—Accident or surprise which ordinary prudence could not have guarded against.

Fourth—Excessive or inadequate and insufficient damages appearing to have been given under the influence of passion or prejudice.

Fifth—That the verdict, report or decision is not justified by the evidence, or is contrary to law.

Sixth—Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial.

Seventh—Error in law occurring at the trial and excepted to by the party making the application.

Provided, that when a new trial is granted, under the provisions of this section, it shall not be presumed upon appeal that such new trial was granted upon the ground that the verdict, report or decision was not justified by the evidence, unless so expressly stated in the order granting such new trial or in a memorandum attached thereto.

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

Approved March 14, 1901.

S. F. No. 121.

CHAPTER 47.

Amendment.
Decisions of
courts.

An act to amend section 5386 of the General Statutes of 1894, relating to the decisions of courts, when and how made, and penalties for the failure to make within a limited time.

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

SECTION 1. That section 5386 of the General Statutes of 1894 be and the same is hereby amended so as to read as follows:

How and
when to be
made.

Sec. 5386. Upon the trial of an issue of fact by the court, its decision shall be in writing; in giving the decision of facts found and the conclusions of law shall be separately stated; judgment upon the decision shall be entered accordingly. All questions of fact and law, and all motions and matters which shall hereafter be submitted to a judge for his decision or disposition, shall be decided by him, and his decision in writing filed with the clerk within five (5) months after such submission, unless prevented by sickness or unavoidable casualty, or the time be extended by stipulation in writing signed by the counsel for the respective parties and filed with the judge before the expiration of the five (5) months; that the provisions of this act shall be construed as mandatory and not directory, and the state auditor is hereby directed not to sign or to issue a warrant upon the state treasurer for the payment of the salary, or any installment of the salary, of any judge of the district court of this state unless the voucher or requisition, for such warrant, filed with the state auditor, shall contain, or be accompanied by, a certificate of the judge requesting such warrant, that all matters submitted to him for decision five months or more prior to the filing of said application have been decided as required herein; and, in case the time has been extended by stipulation in writing, as herein provided, or a decision has been prevented by sickness, or unavoidable casualty within the limitation of time herein fixed, said certificate shall state the facts excusing the delay, and the making and filing of a false certificate shall be deemed just cause for complaint to the next legislature.