

CHAPTER XXVI

An Act to Amend Sections Forty-Three and Forty-Four of Chapter Sixty-One, of the Public Statutes of Minnesota, Relating to Special Terms of the District Courts.

SECTION 4. Judges to assign by rule or notice, such special terms as may be necessary—
 what questions to be heard and determined.

2. Judges to appoint time when.

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

SECTION 1. That section forty-three of chapter sixty-one, be, and the same is hereby amended, so as to read as follows:

In addition to the regular terms of the district courts, in this State, as prescribed by law, the judges of the several district courts shall assign by rule or notice, such special terms as may be necessary for the transaction of the business of their respective districts. And the said courts at such special terms shall hear and determine all questions which may arise in said courts, in the following cases:

Judge to call
 special term—
 what questions to
 be heard

1st. Applications for judgment in all actions other than those arising on contract for the payment of money only, when a summons has been personally served upon the defendant, and no answer has been made to the complaint, after the time for answering the same has expired. The said court at such term may, upon any such application, whenever it shall be proper so to do, take an account, or hear proof, and render judgment thereon, or may order a reference as herein provided; and when the action is for the recovery of money only, or of specific, real or personal property, with damages for withholding thereof, the court may hear and determine the same at such term, and assess the damages itself, or order a reference for that purpose, or assessment by a jury.

2d. In all cases where an action has been removed to the district court by a *certiorari* to a justice of the

peace, the same may be brought on for argument before the court at such term, and heard and determined as fully as if the same had been determined at general term.

3d. All motions made to the said court in actions or proceedings pending therein, may be heard and determined by the court at such term.

4th. All applications for judgment upon special verdicts, and all questions reserved for argument or further consideration, all motions for new trials, and all issues and questions of law pending in the said court may also be heard and determined at said special term as well as at general term. And the said court may at any time make orders upon a party or parties to show cause why the relief demanded, or remedy sought to be enforced, should not be granted, and may proceed to hear and determine the questions arising thereon, at the time specified in said order, as fully, and in the same manner as if the same had been noticed for general term.

Judge to appoint
time when

Sec. 2. That section forty-four of chapter sixty-one of the public statutes of Minnesota, be, and the same is hereby amended, to read as follows: When the judges of any district shall not have assigned any special terms, and in cases where the rights of parties demand immediate action, and an application shall be made to the judge of any of the district courts in vacation, for the hearing and determination of any of the cases mentioned in the preceding section, or any like case, the judge shall appoint a day on which the court will hear and determine the same.

Approved February 21st, A. D. 1861.