
NOTES OF ISSUE.

CHAPTER 114.

[S. B. 47.]

NOTICE OF TRIAL.

AN ACT to Amend Section 5422 of the Revised Codes, Relating to Note of Issue, Notice of Trial and Order of Trials.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 5422 of the Revised Codes of North Dakota be and the same hereby is amended to read as follows, to-wit:

§ 5422. NOTE OF ISSUE. CONTENTS. NOTICE OF TRIAL. ORDER OF TRIAL.] At any time after issue and at least ten days before the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least eight days before the court, with a note of the issue containing the title of the action, the names of the attorneys and the time when the last pleading was served, and the clerk shall thereupon enter the cause upon the calendar according to the date of the issue. The party upon whom notice of trial is served may also file the note of issue and cause the action to be placed on the calendar without further notice on his part. There need be but one notice of trial and one note of issue and the action must then remain on the calendar until disposed of. Either party, after the notice of trial—whether given by himself or by the adverse party—may bring the issue to trial. The issues on the calendar shall be disposed of in the following order unless, for the convenience of parties or the dispatch of business, the court shall otherwise direct.

1. Issue of fact to be tried by a jury.
2. Issues of fact to be tried by the court.
3. Issues of law.

Approved March 2, 1899.