

§ 4. This act shall take effect and be in force from and after its passage and approval.

Approved, March 13, 1885.

Trials.

ISSUES AND MODE OF.

CHAPTER 146.

AN ACT to Amend Section Two Hundred and Thirty-six of the Code of Civil Procedure.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. ISSUE, HOW TRIED.] That section two hundred and thirty-six of the Code of Civil Procedure of the Territory of Dakota, be and the same is hereby amended so as to read as follows: "Section two hundred and thirty-six." An issue of law must be tried by the court or by the Judge. An issue of fact for the recovery of money only, or of specific real or personal property, must be tried by a jury, unless a jury trial be waived, as provided in section two hundred and sixty-five. Every other issue is triable by the court which, however, may order the whole issue or any specific question of fact involved therein, to be tried by a jury or may refer it as provided in sections two hundred and seventy-one and two hundred and seventy-two.

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

Approved, March 12, 1885.

ISSUES AND MODE OF TRIALS.

CHAPTER 147.

AN ACT amending Section Two Hundred and Thirty-seven of the Code of Civil Procedure.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. ISSUES OF FACT HOW AND WHEN TRIED.] That section two hundred and thirty-seven of the code of civil procedure be and same is hereby amended so as to read as follows: § 237: All issues of fact, triable by a jury, or by the court, must be tried before a single judge. Issues of fact must be tried at a regular term of the district court, when the trial is by jury, otherwise at a regular or special term, as the court may by its rules prescribe. Issues at law must be tried at regular or special term of the district court, or by the court in vacation, or judge at chambers. If by the court in vacation, or judge at chambers, the same may be heard, tried and determined in any county of the district, within which the action is brought and judgment thereon entered in the proper county, upon the giving by either or any party, of the notice prescribed by section two hundred and thirty-eight of the code of civil procedure: but in such case no note of issue need be filed: and any judgment, final decision or actual determination, made upon such trial and hearing, may be appealed from in the same manner and subject to the same rules and provisions, as in cases of other appeals from actual determinations and final decisions of any regular or special terms of the district courts of this Territory.

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

Approved, March 9, 1885.