

Judgment in
civil actions.

SEC. 101. If the answer contains new matter and the plaintiff fails to reply or demur thereto within the time allowed by law, the defendant may move on notice for such judgment as he may be entitled to upon such statement, and the court may thereupon render judgment, or order a reference or assessment of damages by jury as the case requires.

Sec. 2. That section one hundred and two (102), of title six (6), chapter sixty-six (66), General Statutes one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

SEC. 102. If a reply to any new matter set up in the answer is insufficient, the defendant may demur thereto stating the ground thereof.

Sec. 3. That section one hundred and nineteen (119), of title six (6), chapter sixty-six (66), General Statutes of one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

Sec. 119. Every material allegation of the complaint not specifically controverted by the answer as prescribed, and every material allegation of new matter in the answer not controverted by the reply as prescribed, shall for the purpose of the action be taken as true, but the allegation of new matter in a reply is to be deemed controverted by the defendant, who may on the trial controvert it by proofs either in direct denial or by way of avoidance.

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

Approved February 19, 1881.

CHAPTER 45.

AN ACT TO AMEND SECTION FOUR (4) OF CHAPTER SEVENTY-ONE (71) OF THE GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO THE SUMMONING OF JURORS.

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

SECTION 1. That section four (4), of chapter seventy-one (71) of the General Statutes one thousand eight hundred and seventy-eight (1878), be amended by adding thereto the following:

Provided, that in the county of Hennepin, the petit jurors shall be summoned to appear at nine (9) o'clock A. M. on the second (2d) Tuesday of each general term of the District

When jurors
shall appear.

Court for said county, unless said court, by an order made at least fifteen (15) days before the term, shall direct that the petit jurors be summoned to appear at an earlier day in the term.

SEC. 2. This act shall take effect and be in force on and after the first (1st) day of April, one thousand eight hundred and eighty-one (1881).

Approved February 5, 1881.

CHAPTER 46.

AN ACT TO AMEND SECTION TWO HUNDRED AND THIRTY (230), TITLE ELEVEN (11), CHAPTER EIGHT (8), GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO BONDS OF COUNTY OFFICERS.

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

SECTION 1. That section two hundred and thirty (230), title eleven (11), of chapter eight (8), General Statutes one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

Sec. 230. There shall be elected in each county a surveyor who shall hold his office for two (2) years, and until his successor is elected and qualified; he shall reside in the county for which he is elected and shall, previous to his entering upon the duties of his office, take and subscribe the oath required by law, and give bond to the Board of County Commissioners in the sum of five hundred (500) dollars, conditioned for the faithful discharge of his duties. Said bond to be approved by the County Commissioners and recorded with the said oath of office in the office of the Register of Deeds, and he shall have power to administer oaths to chainmen and other persons under his charge.

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

Approved February 18, 1881.

County
surveyor
shall be
elected. Bond,
etc.