

MARTINDALE *v.* WAAS AND OTHERS.

Circuit Court, D. Minnesota.

March, 1882.

1. PRACTICE-REHEARING.

Where the court has passed upon all the issues necessary to determine the rights of the parties a motion for rehearing will be denied.

2. SAME-RULES OF PRACTICE.

A state law requiring a judge to give his decision in writing upon every issue made by the pleadings is not binding on the federal courts.

3. SAME-RULES OF PRACTICE IN FEDERAL COURTS.

The equity practice and procedure of the federal courts is regulated by the rules promulgated by the supreme court of the United States.

Motion for Rehearing.

A. F. Foster, for motion.

A. F. Scott, against.

NELSON, D. J. The motion is denied. The court passed upon all the issues necessary to determine the rights of the parties, and gave a decree in favor of the plaintiff. The law of the state of Minnesota requiring a judge to give his decision in writing upon every issue made by the pleadings is not binding upon the federal courts. The equity practice, as restricted by the rules promulgated by the supreme court of the United States, regulates the mode of proceedings, and no law of congress imposes upon the judge any such duty as indicated.

When the main issue which controls the result is determined, all others presented by the pleadings are, by implication, decided in harmony therewith.

See note on page 580.

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