

CHAPTER 188.

[H. F. No. 130].

AN ACT TO AMEND SECTION EIGHTEEN (18) OF CHAPTER SIXTY-SEVEN (67) OF THE STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), IN RELATION TO COSTS IN THE SUPREME COURT, AND TO REPEAL CHAPTER THIRTY-ONE (31) OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885).

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

SECTION 1. That section eighteen (18) of chapter sixty-seven (67) of the general statutes of one thousand eight hundred and seventy-eight (1878) be and the same is hereby amended so as to read as follows:

Costs in
Supreme Court.

Section 18. In an action for the recovery of money only said court may, if of opinion that the appeal was taken for delay merely, allow the plaintiff, in addition to costs and disbursements, a sum not exceeding three (3) per cent on the judgment in the district court, and all cases except where it is otherwise ordered by the court, the costs and disbursements provided for in this and the two preceding sections, together with the fees and charges of the clerk of said court, shall be paid before any remittur of the case shall be made or had, and as a condition precedent to any further proceedings in the cause by the adverse or losing party in the district court or court below; *Provided*, that whenever it appears to the satisfaction of said court that such party is unable to pay such costs in full, it shall be the duty of said court to remit the case to the court below upon payment of the clerk's fees only.

SEC. 2. That chapter thirty-one (31) of the general laws of one thousand eight hundred and eighty-five (1885) and all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

When act to
take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved Feb. 21, 1887.