

H. F. No. 553.

CHAPTER 344.

Amendment.
Relating to
second
trials in
ejectment.

An act to amend section five thousand eight hundred and forty-five (5845) of the General Statutes of Minnesota of 1894, being section eleven (11) of chapter seventy-five (75), General Statutes of 1878, as amended by section one (1) of chapter seventy-one (71) of the General Laws of 1881 relating to second trials in ejectment.

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

SECTION 1. That section five thousand eight hundred and forty-five (5845) of the General Statutes of 1894, being section eleven (11) of chapter seventy-five (75), General Statutes of 1878, as amended by section one (1) of chapter seventy-one (71) of the General Laws of 1881, be amended so as to read as follows:

Any person against whom a judgment is recovered in action for the recovery of real property, may within six months after written notice of such judgment, upon payment of all costs and damages recovered thereby, demand another trial by notice in writing to the adverse party or his attorney in the action, and thereupon the action shall be retried and may be brought to trial by either party; *provided*, that in all causes in which an appeal shall be taken from such judgment to the supreme court, such demand for another trial may be made at any time within six months after written notice of the determination of such appeal, and thereupon the action shall be retried, and may be brought to trial by either party. *Provided*, that unless such notice of demand for a new trial, with proof of service thereof, be filed with the clerk of the court in which judgment has been or shall be recovered in such action within two years after the entry of such judgment, or in case of an appeal to the supreme court, within two (2) years from the date of filing in the district court a remittitur from said supreme court showing the final determination of said appeal, no retrial shall be had of such action hereunder.

SEC. 2. This act shall take effect and be in force from and after the first (1st) day of September, A. D. 1901.

Approved April 13th, 1901.