

CHAPTER XX.

An Act to Amend an Act to Regulate the Foreclosure of Real Estate, Approved March 10th, A. D. 1860.

- SECTIONS 1. Amendment to section 3 of the act approved March 10th, 1860—waive right of redemption.
 2. Act, when to take effect.

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

SECTION 1. That section three of an act entitled an act to regulate the foreclosure of real estate, approved March tenth, one thousand eight hundred and sixty, be and the same is hereby so amended as to read as follows :

Any person may in writing, executed and recorded in the same manner as mortgages are now executed and recorded, waive (with the exception of one year's time) his right of redemption, as allowed by this Act, or any portion of said time of redemption. Any waiver of the right of redemption or any part thereof may be included in the instrument by which the mortgage is created. Waive right of redemption

SEC. 2. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXI.

An Act to provide for Appeals to the Supreme Court in certain cases.

- SECTIONS 1. Parties deeming themselves aggrieved may appeal, whether the order does or does not contain leave to amend or answer.
 2. Judge to make order for judgment on pleadings when applied for.
 3. Act when to take effect.

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

SECTION 1. That whenever any district court or judge

Parties deeming themselves aggrieved may appeal, whether the order does or does not contain leave to amend or answer

thereof shall have made any order upon a demurrer to any pleading in an action pending in such court, any party deeming himself aggrieved by such order, may appeal therefrom to the supreme court, whether such order does or does not contain leave to amend or answer the pleading demurred to. *Provided*, That whenever an appeal from such order shall have been taken to and decided by the supreme court, no appeal from the final judgement of the district court rendered in such action, in obedience and pursuant to the decision of the supreme court thereon shall be allowed, nor shall any writ of error be allowed upon such judgement; but this proviso shall not be so construed as to forbid or prevent an appeal from, or writ of error upon, the final judgement in such action, in case the pleadings therein or any of them shall be amended or changed subsequent to the decisions of the supreme court upon the appeal from such order. In case the order so appealed from shall contain leave to amend or answer the pleading demurred to, and shall be affirmed by the supreme court, the party to whom such leave was by the order granted, shall have the same length of time, after notice of such affirmance, in which to avail himself of such leave that the order so affirmed, originally granted to him; but the supreme court in the order affirming the order appealed from, or the district court, or the judge thereof, upon proper application therefor, may extend or increase the time within which to comply with such leave, as to such court or judge shall appear reasonable or proper. In case the order so appealed from and affirmed shall not contain any such leave, or in case the order so appealed from shall be reversed by the supreme court, such court may in such order of affirmance or reversal, grant such leave to amend or answer over as the nature of the case may require, and to such court shall appear reasonable and proper.

In case to make order for judgment when applied for

SEC. 2. That whenever either party to an action pending in any district court, shall apply to such court or to the judge thereof for an order for judgment on the pleadings in the action, such court or judge shall make an order thereon, and any party deeming himself aggrieved by such order, may appeal therefrom to the supreme court, and in making the decision or order on such appeal, the supreme court may grant to the party against whom the decision may be, such leave to amend as may be

reasonable and proper, and the nature of the case may require, upon such terms as such court may impose and prescribe.

Sec. 3. This Act shall take effect from and after its passage.

Approved March 8th, A. D. 1861.

CHAPTER XXII.

An Act Relating to Appeals to the Supreme Court and Amending Section Eleven of Chapter Seventy-one of the Public Statutes of Minnesota.

- SECTION 1. Appeals may be taken to the Supreme Court from any judgment rendered.
 2. To apply to orders heretofore made—time when appeal to be taken.
 3. Act, when to take effect.

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

SECTION 1. That section eleven, of chapter seventy-one be, and the same is hereby amended so as to read as follows:

1st. An appeal may be taken to the supreme court, or brought there from another court from any judgment rendered in such court, and upon the appeal from such judgment the court may review any intermediate order involving the merits or necessarily affecting the judgment.

Appeals may be taken to the Supreme Court from any judgment rendered

2d. From an order granting, or refusing a provisional remedy, or which grants, refuses or dissolves an injunction, or an order vacating or sustaining an attachment.

3d. From an order involving the merits of the action, or some parts thereof.

4th. From an order granting or refusing a new trial.

5th. From an order, which, in effect, determines the action, and prevents a judgment from which an appeal might be taken.

6th. From a final order affecting a substantial right made in a special proceeding, or upon a summary appli-