

MINNESOTA STATUTES 1953 ANNOTATIONS

600.21 DOCUMENTS AS EVIDENCE

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occurred on July 30, 1951. It necessarily follows that as of that date the 1950 census figures are to be applied in determining the salaries. OAG Sept. 11, 1951 (56-A).

The "official announcement" of decennial census figures of the city is construed to mean the date upon which the certified copies are filed by the governor with the secretary of state. OAG June 27, 1951 (56-A-64-S).

Where electors of an unorganized territory elected a chairman of the school board in the fall of 1950 under Laws 1941, Chapter 541, and change of population in the county became effective in December, 1951, the chairman was elected for a four year term, beginning January 1, 1951, notwithstanding the fact that Laws 1951, Chapter 496, took effect before the change of population became effective. OAG Dec. 21, 1951 (161-A-9).

If the director of the bureau of the federal census has authority to make a special census of school districts and does so and that a certified copy thereof showing the population of the school district is obtained by the governor and filed with the secretary of state, such special census can be used in determining the tax levy of the school district under the per capita tax law. OAG Aug. 16, 1950 (519-M).

600.21 COPIES OF RECORD OF DEATH; RECORDATION IN OFFICE OF REGISTER OF DEEDS

HISTORY. 1913 c 251 s 1; 1953 c 150 s 1.

600.23 REGISTERS AND CLERKS

The register of deeds should accept and file notice of a factor's lien though presented to him more than 15 days after the date of the execution of the written agreement. OAG June 22, 1948 (373-B-11).

600.24 FINDING OF PRESUMED DEATH UNDER FEDERAL MISSING PERSONS ACT

Evidence of death under Federal Missing Persons Act. 33 MLR 43.

CHAPTER 602

CONSTRUCTION STATUTES, EVIDENCE

602.01 CERTAIN STATEMENTS PRESUMED TO BE FRAUDULENT

The statutory presumption of fraud in obtaining a written statement from the plaintiff within 30 days after his injuries were sustained wholly disappear upon the introduction of evidence. *Koenigs v Thome*, 226 M 14, 31 NW(2d) 537.

If evidence as a whole so overwhelmingly preponderates in favor of a party as to leave no doubt as to factual truth, he is entitled to a directed verdict as a matter of law even though there is some evidence which, if standing alone, would justify a verdict to the contrary. *Hanson v Homeland Co.*, 232 M 403, 45 NW(2d) 637.

A party has a right to explain contradictory statements made by him which have been received in evidence and the fact that certain statements made by a witness are inconsistent does little to impair the credibility of such witness when the inconsistency has been explained by the witness and his testimony is otherwise corroborated by independent evidence. *Hanson v Homeland Co.*, 232 M 403, 45 NW(2d) 637.

The statutory requirement that a copy of a written statement obtained from and signed by an injured person must be given to the injured person within thirty days after the statement was procured as a prerequisite to admissibility of such

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APPEALS FROM DISTRICT COURT 605.01

statement in evidence is not unconstitutional as imposing an unreasonable, oppressive or arbitrary requirement which denies the equal protection of the laws or gives to one party an unfair advantage over the other or which in any way denies or violates the requirement of due process. *Yeager v Chapman*, 233 M 1, 45 NW(2d) 776.

The testimony of a highway patrolman as to admissions relating to an automobile collision made by the patrolman in a hospital shortly after the collision occurred was not inadmissible. Defendant's statement was not taken by an adverse party. The statute does not render such statements wholly inadmissible in any event. *State v Gensmer*, 235 M 72, 51 NW(2d) 680.

A release of all claims for non-injuries bars recovery for unknown consequences of known injuries, but it is not a bar to recovery for unknown injuries not within the contemplation of the parties at the time of contracting for such release. Whether the parties intended a release to cover unknown injuries is a question of fact. *Aronovitch v Levy*, M, 56 NW(2d) 570.

Section 602.01 relates to civil actions for damages and has no relation to evidence in a criminal case, and does not preclude the court from receiving evidence of a statement given by a person charged with crime to the sheriff on the trial of a criminal charge. OAG Oct. 15, 1948 (605-A-5).

CHAPTER 603

PROCURING EVIDENCE; INSPECTION

603.01 Superseded by Rules of Civil Procedure, Rules 34, 37.02.

APPEALS, REVIEWS; CIVIL ACTIONS

CHAPTER 605

APPEALS FROM DISTRICT COURT

605.01 APPEAL TO SUPREME COURT

Appealable orders in Minnesota. 37 MLR 309.

Time to appeal. 35 MLR 640.

The right to appeal is statutory. *Wallace v County Board*, 227 M 212, 35 NW(2d) 343.

Appeal from an order which was appealable in part and not appealable in part brings up for review only that part which is appealable. *Storey v Weinberg*, 226 M 48, 31 NW(2d) 912.

An order granting a motion to intervene in condemnation proceedings, determining that property has been taken, and appointing commissioners, is not appealable; and the merits of a nonappealable order cannot be reviewed in the supreme court by taking an appeal from an order denying a motion for amendment thereof or a new trial. The jurisdiction of the supreme court is not enlarged by consent or stipulation of the litigants. *State v Bentley*, 224 M 244, 28 NW(2d) 180.

Appeal from order setting aside verdicts for defendant and granting plaintiff new trial did not bring up for review non-appealable portion of such order denying