

# MINNESOTA STATUTES 1953 ANNOTATIONS

1527

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**603.01** Superseded by Rules of Civil Procedure, Rules 34, 37.02.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