

## CHAPTER XXXIII.

*An Act in Relation to a Change of the Place of Trial in Civil Actions.*

- SECTION 1.** All papers and documents to be remitted to the county from which the venue was changed.
2. When judge of district is interested, any party to such action may apply for an order to change the venue.
  3. Act, when to take effect.

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

All papers and documents to be remitted to the county from which the venue was changed

**SECTION 1.** That whenever a change of venue or place of trial shall have been ordered in a civil action pending in any district court of this State, and such trial shall have been had in the county to which the action shall have been sent for trial, all the papers in the action, together with a transcript of the proceedings, in the case in the county where the trial shall have been had, duly certified, shall be remitted to the county from which the venue or place of trial was changed, and upon such remission of such papers and transcript, and the filing of such transcript, judgment shall be then entered upon the verdict or other determination of the action contained in the transcript in the same manner and with like effect, as if such verdict or other determination had been rendered in such county, and such transcript shall be included in the judgment roll.

When party may apply for an order to change the venue

**SEC. 2.** That whenever a judge of the district court shall be a party to, or interested in, any civil action pending in the district court of any county in his district, any party to such action may apply by petition to the judge of the district court of any adjoining judicial district for an order to change the venue or place of trial of such action to some county in a judicial district other than the one in which the same shall be pending. Such petition shall be verified to the effect that the same is in substance and matter of fact true, and a copy thereof, together with a notice of the application for an order for such change of venue or place of trial shall be served in

the manner provided for the service of notices of motion, at least eight days prior to the time of making such application. Unless the facts stated in the petition shall be controverted to the satisfaction of the district judge, to whom the application shall be made, he shall make and sign an order, changing the venue or place of trial of the case to some county in a judicial district other than the district in which the same shall be then pending. The convenience of the parties and the witnesses and the security of a fair and impartial trial shall be considered in determining the county to which such case shall be sent for trial. Such order shall be filed in the office of the clerk of the district court of the county in which the case shall be pending and shall be of the same force and effect, as if made in open court in such county, and thereupon the clerk shall immediately transmit to the clerk of the district court of the county to which the case shall be ordered for trial, all the papers filed in his office in such action, including such order, and a transcript of the entries in said action, in his register of actions, duly certified by him. The clerk to whom such papers shall be so transmitted, shall upon the receipt thereof, file the same in his office, and enter the case in his register of actions. If the action shall have been noticed for trial and placed upon the calendar, prior to such change of venue or place of trial, the same shall be put upon the calendar of the district court of the county to which the same shall be so sent, without any further notice of trial or note of issue. Otherwise, the case may be noticed for trial and placed upon the calendar in the same manner as other civil actions pending in such county.

Such order to be filed in the office of the clerk of the District Court of the county in which such case is pending

Sec. 3. This Act shall take effect immediately.

Approved February 21st, A. D. 1861.