

## CHAPTER XXXIV.

*An Act to Amend an Act Entitled "An Act Authorizing a Change of Venue in Justice's Courts," Approved March Twentieth, One Thousand Eight Hundred and Fifty-Eight, being Section Seventy-Nine of Chapter Fifty-Nine of the Public Statutes.*

SECTION 1. Causes for which an action may be transferred—no cause to be removed more than once—costs to be paid before the transfer is made—fees for transcript of docket.

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

SECTION 1. That section seventy-nine of chapter fifty-nine of the compiled statutes is hereby amended so as to read as follows: If on the return of the process or at any time before the trial shall have commenced in any cause or proceeding, civil or criminal, either party, his agent or attorney, shall make affidavit that the justice before whom the same is pending is a material witness for said defendant, without whose testimony he cannot safely proceed to a trial thereof, or that from prejudice, bias, or other causes, he believes such justice will not decide impartially in the matter, or if it shall be proven that the justice is near of kin to the plaintiff, then in such case the said justice shall transfer said suit and all papers appertaining to the same, to the nearest justice of the same or an adjoining election district who may thereupon proceed to hear and determine the same, in the same manner as it would have been lawful for the justice before whom the said cause or proceeding was commenced to have done; *Provided*, That no cause or proceeding shall be removed more than once, and, *Further provided*, That in all civil actions no justice shall be required to transfer such suit unless all the costs of such justice in the suit are paid, together with fifteen cents per folio for a transcript of the said docket, *Provided*, That the fees for such transcript shall not exceed one dollar.

. Approved February 28th, A. D. 1861.