

had in the proper county, and the place of trial shall be thereupon changed to the proper county, by order of the court, unless the parties consent thereto.

When act to take effect—application.

SEC. 2. This act shall take effect, and be in force from and after its passage, and apply to cases now pending where such demand in writing has heretofore been made.

Approved March 1, 1876.

CHAPTER XLIX.

AN ACT TO AMEND SECTION 105, OF CHAPTER 66, OF THE GENERAL STATUTES, RELATING TO CIVIL ACTIONS.

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

SECTION 1. That section 105, of chapter 66, of the general statutes, be and the same is hereby amended so that the same shall read as follows :

Judicial powers.

Sec. 105. The court may likewise, in its discretion, allow an answer or reply to be made or other act to be done after the time limited by this chapter, or by an order enlarge such time ; and may also, in its discretion, at any time within one year after notice thereof, relieve a party from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, suspense or excusable neglect, and the court may as well in vacation and out of term as in term, and without regard to whether such judgment or order was made and entered, or proceedings had in or out of term, upon good cause shown, set aside or modify its judgments, orders or proceedings, although the same were made or entered by the court, or under or by virtue of its authority, order or direction, and may supply any omission in any proceeding. And whenever any proceeding taken by a party fails to conform to the statute, the court may permit an amendment to such proceeding so as to make it conformable thereto ; but this section does not apply to a final judgment in an action for divorce.

Does not apply to divorce.

When act to take effect—application.

SEC. 2. This act shall take effect and be in force from and after its passage, and apply to suits and proceedings now pending or hereafter commenced.

Approved March 6, 1876.