

shall receive as fees the sum of fifty (50) cents. This act shall not apply to the county of Rice.

When act to
take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23, 1889.

CHAPTER 161.

[H. F. No. 1064.]

AN ACT ENTITLED AN ACT PROVIDING FOR CHANGING THE PLACE OF TRIAL OF ACTIONS COMMENCED IN MUNICIPAL COURTS AND COURTS OF JUSTICES OF THE PEACE IN CERTAIN CASES.

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

Place of trial
of actions,
changes how
made.

SECTION 1. In any action hereafter brought in any municipal court of any city or town of this state if the county designated as the place of trial in the summons be not the county where the defendant or defendants reside, the action may notwithstanding be tried therein unless the defendant, after answering, and before the time fixed for the trial of said cause demands in writing that the trial be had in the district court of the county where the defendant or defendants reside, and the place of trial shall thereupon be changed to the proper county by the order of the court, and thereupon the clerk of such municipal court shall transmit to the clerk of the district court where the defendant or defendants reside, copies of all papers and files relating to said cause.

Actions, how
transferred.

SEC. 2. When an action has been instituted in any county of this state in any justice court of any county against any person not a resident of the county where the justice issuing the process resides, and said action shall be appealed to the district court in said county where said justice resides, the action may be transferred to the district court of the county where the defendant resides upon filing with the clerk of the district court of the county to which said action has been appealed, an affidavit of the defendant or his attorney setting forth that the defendant, or when there is more than one defendant, a majority, resides in some other county in this state, which affidavit shall be filed within ten (10) days after the appeal has been perfected, and thereupon such action shall be transferred by order of the court to the district court of the county where the defendant or majority of the defendants reside, and the clerk of such district court shall thereupon transmit to the clerk of

the district court of the proper county, certified copies of all papers and files in said cause.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved April 24, 1889.

CHAPTER 162.

[H. F. No. 1176.]

AN ACT ENTITLED AN ACT TO PROVIDE FOR THE FORMATION OF SCHOOL DISTRICTS.

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

SECTION 1. Whenever any territory in this State of not less than two and one half ($2\frac{1}{2}$) sections of land in extent, the governmental subdivisions of which said territory contiguous is included in and forms a part of two (2) or more school districts of this state, and contains twenty (20) or more children of school age whose parents or guardians are residents of said territory, a majority of such parents and guardians may present a petition in writing to the board of county commissioners of the county in which such territory is situated, setting forth a description of such territory, the names of all the parents and guardians so residing in said territory, and that by reason of swamps, marshes, rivers or other natural impediments it is impracticable for a majority of such children to travel to the school houses of the district in which their said parents or guardians respectively reside, and that by reason thereof said majority of such children are prevented from attending school during a large portion of the school year, the said board of county commissioners shall act upon said petition and shall have the power to form a new school district out of the territory mentioned in said petition or any part thereof, in such manner as in the judgment of said board seems most practicable to answer the educational needs of the petitioners and the other districts affected thereby, *Provided*, that such new district as finally formed shall not contain less than two (2) sections of land, nor less than fifteen (15) children of school age. Formation of school districts

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved April 24, 1889.