

admission of, a deceased or insane party or person, relative to any matter at issue between the parties; *provided*; that where the testimony of the party or person, since deceased, or insane, shall have been taken prior to death or disability, either in form of a deposition or by court stenographer in court and can be had and read as the testimony of such witness; wherein such party or person shall have testified concerning any conversation with the opposite party or person or concerning admissions made to such party; upon a trial of the issues after the death or disability of such party or person as contemplated in this section, the opposite party may testify fully in reference to conversations and admissions to which the aforesaid deposition or evidence shall relate.

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

Approved April 25, 1895.

CHAPTER 28.

An act to amend section fifty-one (51) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) relating to change of place of trial of civil actions.

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

SECTION 1. That section fifty-one (51) of chapter sixty-six (66) of the general statutes of one thousand eight hundred and seventy-eight (1878) be amended so as to read as follows:

Sec. fifty-one (51). If the county designated for that purpose in the complaint is not the proper county, the action may notwithstanding be tried therein, unless the defendant before the time for answering expires demands in writing that the trial be had in the proper county, which demand shall be accompanied by an affidavit of the defendant, his attorney, or agent, as to the actual residence of the defendant at the time of the commencement of the action and upon filing due proof of the service of such demand and affidavit upon the attorney of plaintiff in the office of the clerk of the district court in the county in which such action is commenced such action shall thereupon be transferred and the place of trial thereof changed to the county of which such defendant is a resident without any other steps or proceedings whatever. Where in any action there are

H. F. No. 228.

To amend Sec. 51 Chap. 66 G. S. 1878.

95 C 28
66-M - 213
70-M - 186
68-NW 976
72-NW 1070
75-NW 592
77-NW 41
95 C 28
72-M 153
74-M 211
77-M 302
79-NW 960
83-NW 342

95 C 28
83-M - 448
80-M - 373
86-NW 416
88-NW 758

(Change of venue—when.

95 c 28
05 - 245
86-M - 289
92-NW 518

C. 28

88-M . 95
92-M . 205
92-M . 402

several defendants residing in different counties the action shall be tried in the county upon which a majority of such defendants shall unite in such demand.

The court may change the place of trial in the following cases:

First—When there is reason to believe that an impartial trial cannot be had in the county in which the action is then pending.

Second—When the convenience of witnesses and the ends of justice would be promoted by the change.

Provided that when the defendant is upon proper demand made entitled to a change of the place of trial from the county in which the action against him was commenced to the county in which he resides upon the ground that the county designated in the complaint is not the proper county such action cannot for any of the reasons or upon any of the grounds specified in this section be retained for trial in the county where the same was commenced, but can only be tried therein upon removal thereto from the proper county upon the order of the district court in and for such proper county.

Third—A change of venue may in all civil cases be made upon the consent in writing of the parties or their attorneys. When the place of trial is changed, all other proceedings shall be had in the county to which the place of trial is changed unless otherwise provided by the consent of the parties in writing duly filed, or order of the court, and the papers shall be filed or transferred accordingly.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1895.

H. F. No. 422.

CHAPTER 29.

An act to amend sections forty-three (43) forty-four (44) forty-five (45) and forty-six (46) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) providing for bringing in additional parties plaintiff or defendant.

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

SECTION 1. That sections forty-three (43), forty-four (44), forty-five (45), and forty-six (46) of chapters sixty-six (66), of the general statutes of eighteen hundred

05 C 29
64-M - 46 To amend Secs.
66-M - 25 43 to 46 Chap.
66 G. S. 1878.

95 c 29
92-NW 464

C. 29 88-M. 4