

S. F. No. 626.

CHAPTER 306. C. 306

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Trials—im-
partial.

An act to enable parties to actions in the district court in this state to secure an impartial judge to hear and preside at the trial of said actions.

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

95 c 306
92-NW 529May object to
trial judge—
affidavit.

SECTION 1. Whenever in any civil action pending in a district court of this state, any party to the action shall, not less than six days before the first day of the term at which said action is noticed for trial, make and file with the presiding judge and serve on the opposite party or his attorney, an affidavit stating that on account of prejudice or bias on the part of said presiding judge he has good reason to believe and does believe that he cannot have a fair trial of said action, said presiding judge shall forthwith secure the services of some other judge of the same or another district to preside at the trial of said action, and said action shall be continued on the calendar until some other judge can be secured to preside at said trial. On making and filing with the presiding judge, such an affidavit by the defendant in a criminal action not less than two days before the expiration of the time allowed to him by law to prepare for trial, some other judge shall likewise be secured to preside at the trial of said action and said presiding judge shall in either of such cases be incapacitated to try said action; *provided*, if the judge against whom said affidavit is filed in a criminal action shall so order the place of trial of said action may be changed to another county of judicial district so as to secure a speedy trial before another judge.

Provided that in districts having more than one judge the affidavit above provided for may be filed within one day after it is ascertained which judge is to preside at the trial.

Provided, that this act shall not apply to any judicial district in this state having less than three (3) district judges.

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

Approved April 24th, 1895.