

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 All acts or parts of acts inconsistent with this act are hereby repealed.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

93 C 29
64-M - 49 To amend Secs.
66-M - 25 43 to 46 Chap.
66 G. S. 1878.

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and seventy-eight (1878) be and the same are hereby amended to read as follows:

Sec. 43. Bringing in additional parties plaintiff or defendant.—Whenever the plaintiff, or defendant, in case of a counter-claim or of a demand for affirmative relief, or his agent or attorney, in any action now or hereafter pending in any of the district courts of this state, shall discover that any party ought, in order to a full determination of such action, to have been made a plaintiff, or defendant therein, and shall make an affidavit stating the pendency of such action, and the reasons why the party ought to have been made a plaintiff or defendant therein, and present the same to said court or to a judge thereof, the said court or judge shall, if such reasons are deemed sufficient, grant an order reciting the summons by which the action was commenced, and requiring the said party to appear and answer the complaint in said summons named, or reply to the answer when the same contains a counter-claim or a demand for affirmative relief, within twenty (20) days after the service of such order upon him, exclusive of the day of such service; and in default thereof, the judgment or relief demanded in such complaint or answer will be rendered against him, in all respects as though he had been made a party to such action in the first instance.

Bringing in additional parties—plaintiff or defendant.

Sec. 44. The order shall be served upon the party in the manner now provided by law for the service of a summons in said court in civil actions.

Order—how served.

Sec. 45. The said court or judge may, upon application of the plaintiff or of the defendant, as the case may be, at the time of applying for the order named in section forty-three (43) aforesaid, or at any time thereafter, make an order staying all further proceedings in said action for such time as may be necessary to enable the plaintiff or defendant as the case may be, to have the additional party in said action named brought into court.

Stay order.

Sec. 46. After a party has been brought into court under the provisions of this act, the action shall proceed against all the parties thereto in the same manner as though they had all been originally named as parties therein.

After party is brought in.

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

Approved April 22, 1895.