

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

Approved April 21, 1903.

CHAPTER 345.

S. F. No. 455.

An act to amend section fifty-one (51) of chapter sixty-six (66) of the General Statutes of 1878, as amended by chapter twenty-eight (28) of the General Laws of 1895, relating to the change of venue in civil actions.

Change of venue in 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 1878, as amended by chapter twenty-eight (28) of the General Laws of 1895, be and the same is hereby amended so as to read as follows:

Section 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, within thirty (30) days from the date of the service thereof, 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 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.

Demand to be accompanied by affidavit.

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

Court may change place of trial in designated 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 there-to from the proper county upon 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. This act shall take effect and be in force from and after its passage.

Approved April 21, 1903.

When
place of
trial is
changed.

S. F. No. 404.

CHAPTER 346.

Duties of
surveyors
general
of logs

An act to require the surveyors general of logs and lumber to inspect and survey cedar posts, poles and farm poles, cedar electric light, telephone and telegraph poles and to provide for the compensation thereof.

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

Requires
inspection
of cedar
posts, tele-
phone and
telegraph
poles.

SECTION 1. The surveyor general of each district shall by himself, or his deputy, at the request of the owner of any cedar posts, or farm poles, cedar electric light, telephone and telegraph poles, or at the request of any sheriff, coroner or constable, who has replevied, attached or levied upon any cedar posts, farm poles or cedar electric light, telephone and telegraph poles, or at the request of any person who has a written order from the owner thereof for the delivery thereof, repair to any part of his district and inspect and survey such cedar posts, and farm poles, electric light, telephone and telegraph poles, and upon completion of such inspection and survey, to make out a true and correct scale bill, or inventory thereof which shall contain