

No. 529, A.]

[Published April 2, 1901.]

CHAPTER 101.

AN ACT to amend section 2625 of the Wisconsin statutes of 1898, relating to change of place of trial of civil actions.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Affidavit for change of venue to contain what; judge called in; notice from. SECTION 1. Section 2625 of the Wisconsin statutes of 1898 is hereby amended so as to read as follows: Section 2625. The court shall change the place of trial of any action or special proceeding upon the application of any party thereto, who shall file his affidavit, that he has good reasons to, and does believe, that he cannot have a fair trial of such action or proceeding on account of the prejudice of the judge, naming him, or in lieu of granting such application, such judge may in his discretion retain such action or proceeding in the same court without entering an order changing the place of trial until the last day of the then current term, if the application is made at a term at which the action is triable or the next term if it is made in vacation; and in the meantime shall call upon some other circuit judge or judges to attend and hold court during such current or next term for the purpose of exercising jurisdiction in all actions and proceedings in which applications for change of the place of trial have been made for such reason. And while so in attendance, said judge may make all orders and hear all applications and motions that may be brought on for hearing during the time, he shall so attend. If such other judge or judges (as may be necessary or convenient) can so attend and hold court for such purpose, at either such terms, the same shall be done with the same effect as if a change of venue to another circuit and a trial of such action or proceeding had been had therein; but if no such judge shall so attend, an order for a change of the place of trial shall be entered in each action and proceeding, wherein proper application has been made on the last day of such term, and thereupon such change shall be made. If such application shall be made after any continuance in the action or proceeding obtained by the party filing such affidavit, it shall be granted only upon payment of the costs of making the same and the costs of the term, but no costs for the attendance of witnesses shall be included if notice of the

application, with a copy of such affidavit, shall have been served upon the opposite party ten days before the commencement of the term. But one change of the place of trial shall be granted to the same side under the provisions of this section. When any judge shall be called in pursuant to this section and shall attend, he shall give to the clerk of the court five days notice of the time when he will so attend, and such clerk shall give to the attorneys of record of all the parties to the actions and proceedings in which application for a change of the place of trial have been made, immediate notice of the time when such judge will so attend.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1901.

No. 534, A.]

[Published April 2, 1901.

CHAPTER 102.

AN ACT to amend section 2261 of the Wisconsin statutes of 1898, relating to the recording of plats.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

When owner of platted land dies before certifying to plat.

SECTION 1. Section 2261 of the Wisconsin statutes of 1898 is hereby amended by adding to the end thereof the following: "provide however that if the owner of the land so platted and certified by the surveyor shall have died without having legally certified and acknowledged said plat so as to entitle it to be recorded, but shall have sold and conveyed lots therein describing them as lots within said plat, and the streets upon said plat if any there be thereon, shall have been opened pursuant to said plat for public use, and worked by public authority with the consent of said owner, such facts may be proven by the affidavit of the owner of any lot within said plat endorsed upon the back of said plat, and thereupon the said plat and the endorsements thereon shall be entitled to record in the same man-