

No. 38, S.]

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## CHAPTER 152.

AN ACT to amend section 2625, of Sanborn and Berryman's annotated statutes, relating to the place of trial of civil actions.

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

SECTION 1. Section 2625, of Sanborn and Berryman's annotated statutes, is hereby amended so as to read as follows: "Section 2625. The court shall change the place of trial of any action upon the application of any party thereto, who shall file his affidavit that he has good reason to believe and does believe, that he cannot have a fair trial of such action 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 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 in which applications for a change of the place of trial have been made for such reason. And while so in attendance said judge shall have full authority to make all orders and hear all applications and motions that may be brought on for hearing, during the time said judge 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

Time and place of trial of actions may be changed on filing affidavit with the court, in discretion of the judge.

of such action 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, 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 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, and no such change shall be granted unless the affidavit of prejudice is filed on or before the second day of the term at which the action is subject to trial."

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

Approved April 1, 1897.