

CHAPTER XIV.

An Act to Amend Chapter Eighty-nine of the Public Statutes, Relating to the Punishment of Crimes.

- SECTION 1. Amendment to chapter 89 of Public Statutes. Penalty for crime of taking life.
2. Amendment to section 14. What to be deemed manslaughter.
3. Amendment to section 84. Punishment for an assault with intent to kill.
4. Previous offences not to be affected by this act.
5. Act, when to take effect.

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

SECTION 1. Section two of chapter eighty-nine of the Public Statutes is amended to read as follows :

Such killing when perpetrated with a premeditated design to effect the death of the person killed, or any human being, shall be murder in the first degree, and the person who shall be convicted of the same, shall suffer the penalty of death : but any person convicted of any capital crime shall be kept in solitary confinement for a period of not less than one month, nor more than six months, in the discretion of the judge before whom the conviction is had; at the expiration of which time it shall be the duty of the Governor to issue his warrant of execution. Such killing when perpetrated by any act eminently dangerous to one or more persons, and evincing a depraved mind, regardless of the life of such person or persons, although without any design to effect death, shall be murder in the second degree, and shall be punished by imprisonment in the State prison for life; when perpetrated without any design to effect death by a person engaged in the commission of any felony, shall be murder in the third degree, and shall be punished by imprisonment in the State prison, not more than thirty years nor less than seven years.

Penalty for crime of taking life

SEC. 2. Section fourteen of said chapter is amended so as to read as follows :

The killing of a human being by another, without a design to effect death, but with a dangerous weapon, or in a cruel and unusual manner, in the heat of passion, upon

What to be deemed manslaughter

sudden provocation, or in sudden combat, shall be deemed manslaughter in the second degree.

SEC. 3. Section thirty-four of said chapter is amended so as to read as follows :

Punishment for
an assault with
intent to kill

If any person, being armed with a dangerous weapon, shall assault another with intent to rob, or to murder, or to do great bodily harm, he shall be punished by imprisonment in the State prison not more than five years nor less than one year.

Previous offence
n.t. to be affected

SEC. 4. No offence committed and no penalty incurred previous to the passage of this act, shall be affected thereby ; but the provisions amended by the foregoing sections, as they existed before such amendments, shall be in force and apply thereto, and control any judgment to be pronounced thereon.

SEC. 5. This act shall take effect in thirty days after its passage.

Approved February 24th, 1862.

CHAPTER XV.

An Act to Amend Sections Forty-three and Forty-four of Chapter Sixty-one (61) of the Compiled Statutes, Relating to Special Terms and Trials by the District Courts.

- SECTION 1. Amendment to section 43. Court to be open for the transaction of *ex parte* business—when.
 2. Amendment to section 44. Judges may appoint special terms in any county in their respective districts.
 3. Repeal of former acts.
 4. Act, when to take effect.

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

SECTION 1. That section forty-three of chapter sixty-one of the compiled statutes be amended so as to read as follows :