

piled Statutes, is hereby amended so as to read as follows:

Sec. 70. In any action in a District Court or a Justice's Court, to recover the possession of personal property, judgment may be rendered for the plaintiff and for the defendant in the same action, or for either of them; judgment for either party shall be for the immediate return and possession of the property, to which he shall be found entitled, or the value thereof, in case a delivery cannot be had, and damages for the detention thereof, with costs. If the property has been delivered to the plaintiff, and the action be dismissed for any cause, the defendant shall have judgment for the immediate return and possession of the property so delivered, or the value thereof, as admitted by the parties, or if no value be admitted, then the value as stated in the verified answer of the defendant therein, or if no value be stated in such answer, then for the value thereof, as stated in the affidavit on behalf of the plaintiff by law required in such action, in case a return cannot be had, and damages for taking and detaining the same, if any; but such judgment upon the dismissal of the action shall not be a bar to another action.

Judgment may be rendered for either party for immediate return of property or value thereof

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

Approved, March 5, 1863.

## CHAPTER XXVIII.

### *An Act to Punish Injuries to Real Estate.*

SECTION 1. Penalty for destroying any house or other building, or removing any fence.  
 2. When cases may come within the jurisdiction of Justices of the Peace.  
 3. When act to take effect.

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

SECTION 1. That if any person shall pull down, de-

Penalty for destroying any house or removing any fence

destroy, or remove any house or other building, or remove or destroy any detached material belonging thereto; or shall pull down, destroy or remove any fence, or any detached material belonging thereto, without the consent of the owner or owners thereof, such person so offending, shall upon conviction be punished by fine not exceeding two hundred dollars nor less than three dollars, or by imprisonment in the county jail not exceeding six months.

When cases may come within the jurisdiction of Justices of the Peace

SEC. 2. Every Justice of the Peace shall have concurrent jurisdiction in his own county, with the District Court, of all offences mentioned in the preceding section of this act, when the amount of damages and injury shall not exceed the sum of fifty dollars, and in such case the punishment shall be by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding three months.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 6, 1863.

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## CHAPTER XXIX.

*An Act to amend Sections Thirty and Thirty-one of Chapter One Hundred and Four, of the Public Statutes, relating to Indictments and Presentments by the Grand Jury.*

SECTION 1. Amendment to sections 30 and 31, Chapter 104, Public Statutes.

Section 30. Upon certain inquiries the defendant may be indicted.

31. In all other cases may proceed by presentment.

2: When act to take effect.

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

SECTION 1. Sections 30 and 31 of Chapter 104 of the Public Statutes of the State of Minnesota, page 752, are