

Security--representatives of--have remedy against creditor or his assignee, etc. but not extended to official bonds of officers, guardians, ex'rs, adm'rs or bonds with collateral securities.

Security or representative paying debt or part thereof upon judgt--such security on motion may have judgt in same court where original judgt.

Securities two or more and one subjected to judgt and payment and the principal shall be insolvent--the court where judgt, shall on motion, grant judgt and require the co-securities to pay proportional amounts.

Security shall not confess or permit judgt by default to distress principal, if principal enter himself def't and give collateral security to be approved, etc.

Special bail of judgt debtor, if indemnified by payment or part thereof may on motion in the same court recover the amt against such bail or his representatives

Notice ten days to be given before motions under this act and to whom.

heir, executor or administrator of any deceased security against the creditor or his assignee, executor, administrator upon his compliance with the first section of this act; but nothing herein contained shall be so construed to extend to the official bonds of public officers, guardians, executors, administrators, or bonds with collateral securities.

SEC. 3. That when any security, his heirs, executors or administrators, pays or discharges the debt or contract of his principal, or part thereof, upon judgments rendered against him, he shall have judgment to recover the value or amount so paid or discharged, together with the interest and costs, upon motion in the court where such judgment may have been rendered against such security, his executors or administrators of such principal debtor, his heirs, executors or administrators.

SEC. 4. That in case, when there are two or more securities to any bond, bill, note or contract, and one or more of such securities are subjected by judgment of any court, to the payment of the debt or damage by default of the principal obligor, and such obligor be insolvent, so that the amount or value thereof cannot be recovered of him, the court before whom such judgment may be rendered shall upon motion of such surety or sureties grant judgment, that they recover against all and every other co-sureties, their heirs, executors and administrators for their and each of their respective shares and proportions of the amount or value of such judgment with damages and costs.

SEC. 5. That no surety, his heirs, executors or administrators, shall be suffered to confess or suffer judgment by default so as to distress his principal, if such principal will enter himself defendant to such suit, and tender to such surety or his legal representatives aforesaid, good collateral security to be approved by the court before whom such suit is depending.

SEC. 6. That when the special bail of any judgment debtor shall be indemnified by the payment of such judgment, or part thereof, it shall be lawful for such bail, his executor, administrator or heir, to recover the amount of such payments with interest and costs upon motion, in the same court where judgment was rendered against such bail or his legal representatives of said debtor, his heirs, executors or administrators.

SEC. 7. That in all proceedings by motion under this act, ten days notice of such motion shall be given to the person against whom such judgment is to operate.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

Nov. 1, 1849.

CHAP. XVII.—An Act concerning Seals.

Sec'y of the Territory to furnish certain seals.

Great seal, description of such devices as may be agreed on by the Governor and delegate in Congress--who to have the custody of the seal--papers issuing under seal--to be recorded.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the Secretary of the Territory is hereby required to furnish for the purposes hereinafter specified, a great seal of the Territory, a seal for the supreme court and seals for the several district courts, seals for the several counties (*courts*) of probate and for the several boards of county commissioners of this Territory.

SEC. 2. The great seal of the Territory shall be of the diameter of the temporary seal of this Territory now in use, and shall be encircled with the words "great seal of the Territory of Minnesota, organized A. D., 1849," and the centro of said seal may contain such emblems, devices and mottoes as may be agreed upon by the Governor and delegate in Congress; and the person administering the govern-

ment of the Territory shall have the custody of said seal, and all such matters and things as issue under the said seal shall be entered on record in the office of the Secretary of the Territory.

SEC. 3. Encircling the seal of the supreme court shall be engraven the words "seal of the supreme court of the Territory of Minnesota;" and encircling the seals of the several district courts shall be the words "seal of the district court of the county of _____, Minnesota;" and the seal of the several courts of probate shall have engraven thereon the words "seal of the court of probate, county of _____, Minnesota Territory;" and the seal of the board of county commissioners shall have engraven thereon the words "seal of the board of county commissioners, county of _____, Minnesota Territory."

Supreme court seal, what to have engraven on--district court seal--probate court seal--comm'r's seal, etc.

SEC. 4. The seals mentioned in the third section of this act may contain such devices, emblems and mottoes as may be thought proper by the said Secretary; and the said Secretary shall as soon as the said seals are obtained by him dispose of the said seals as follows: The seal of the supreme court shall be placed in the custody of the clerk of the supreme court. The seal of the several district courts of this Territory shall be placed in the custody of the clerk of the district court of the proper county. The seals of the several courts of probate shall be placed in the custody of the judges of probate. And the seals of the several boards of county commissioners shall be placed in the custody of the clerks of the said boards respectively.

Sec'y may put such devices as he may think proper on seals and make certain disposition of said seals.

SEC. 5. When any district or probate court shall be unprovided with a seal, the judges of said court may authorize the use of a temporary seal, or of any device as such seal.

Courts unprovided with seal the judge thereof to authorize the use of temporary seal.

SEC. 6. The said Secretary is hereby authorized and required to pay such sum of money for the seals mentioned in this act, and the necessary presses for the same, as may be necessary and proper.

Sec'y authorized to pay for the seals.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

CHAP. XVIII.—An Act fixing the time of the annual meeting of the Legislative Assembly.

Oct. 27, 1848.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the annual meeting of the Legislative Assembly of this Territory shall hereafter be begun and held in the capitol, at the seat of government of this Territory, on the first Wednesday in January of each year; *Provided,* That nothing herein contained shall be so construed as to compel the meeting of the Legislature on the first Wednesday in January, eighteen hundred and fifty.

The annual meeting of the legislature, where held and when to take place--proviso excepting for the year 1850.

APPROVED the twenty-seventh day of October, one thousand eight hundred and forty-nine.

CHAP. XIX.—An Act organizing a board of County Commissioners in each county in this Territory.

Oct. 27, 1848.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, There shall be and hereby is organized in each county in this Territory, (except those now in the Indian territory attached to other counties for judicial purposes) a board of county commissioners, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the sev-

Commissioners of county--to consist of three, two to form a quorum--to be elected and duty of, etc., except, etc.