

ments, in civil actions and appeals, in force at the time of the passage of this act, shall be applicable to the civil actions, proceedings and appeals authorized by this act, and all provisions for fees, costs, and disbursements in chancery suits and proceedings are hereby abolished: *Provided*, That in actions for the foreclosure of mortgages and for the partition of real property, where no issue is joined, the costs of the plaintiff shall be the same as if issue had been joined therein.

Taxes and costs.

SEC. 14. The Court of Chancery and the right to commence or institute chancery suits and proceedings, and all statutes and statutory provisions inconsistent with this act, shall be, and are hereby abrogated and abolished: *Provided, however*, That this act shall not apply to suits and proceedings commenced before this act takes effect, which shall be prosecuted and conducted to a final determination under the laws as they existed previous to the existence of this act.

Chancery proceedings abolished.

SEC. 15. This act shall take effect from and after its passage.

DAVID DAY,

Speaker of the House of Representatives.

MARTIN McLEOD,

President of the Council.

APPROVED—March fifth, one thousand eight hundred and fifty three.

ALEX. RAMSEY.

SECRETARY'S OFFICE,

St. Paul, March 16, 1853. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

ALEX. WILKIN,

Secretary of the Territory of Minnesota.

CHAPTER II.—AN ACT to amend the Revised Statutes, passed March 31st, 1851.

March 5, 1853.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the Revised Statutes of said Territory be, and the same are hereby amended as follows:

Statutes amended.

SEC. 1. Section 1 of article 7, chapter 8, page 72, is hereby amended so as to read as follows:

SEC. 1. The qualified electors in each of the organized counties of the Territory, shall at the annual election elect a surveyor, who shall hold his office for two years and until his successor shall be elected and qualified; and who shall reside in the county for which he shall have been elected, and shall previous to his entering upon the duties of his office, take and subscribe an oath or affirmation faithfully to discharge the duties of the same, and shall give bond to the clerk of the board of county commissioners of the proper county, in the sum of five hundred dollars, conditioned for the faithful discharge of his duties.

Surveyors to be elected, to take an oath and give bond

SEC. 2. Section 1 of chapter 64, page 269, is hereby amended so as to read as follows:

SEC. 1. Every conveyance or assignment in writing or other-

Certain conveyances to be void.

wise, of any estate or interest in lands or of goods, chattels, or things in action, or of any rents, issues or profits, made with the intent to hinder, delay or defraud creditors, or other persons of their lawful suits, damages, forfeitures, debts or demands, and every bond or other evidence of debt given, suits commenced, decree or judgment suffered, with the like interest as against the person so hindered, delayed or defrauded, shall be void.

SEC. 3. Section 123 of chapter 69, page 315, is hereby amended so as to read as follows:

Aggrieved party may appeal from justices' court.

SEC. 123. Any person aggrieved by any judgment rendered by any justice of the peace under this article, when the judgment shall exceed fifteen dollars, or in action of replevin, when the value of the property as sworn to in the affidavit for a writ of replevin shall exceed fifteen dollars, or when the amount claimed in the complaint shall exceed thirty dollars, may appeal by himself or agent, to the District Court of the county where the same was rendered: *Provided, however,* That when the claims of either party as proven in the cause at the trial, shall exceed one hundred dollars, or the claims of both parties as proven on the trial, shall exceed two hundred dollars, then either party may appeal from such judgment, although the recovery before the justice be less than fifteen dollars; in which case the fact of sum or sums having been proven on the trial shall be set forth and certified by the justice in his return: *Provided,* This law shall not interfere with any action in case of forcible entry and defainer. *And provided further,* That no appeal shall be allowed in any case unless the following requisitions are complied with within ten days after judgment rendered, viz:

To obtain appeal it is necessary to file affidavit, and enter into recognizance.

1st. An affidavit shall be filed with the justice before whom the cause was tried, stating that the appeal is made in good faith and not for the purpose of delay.

2d. A recognizance entered into by the party appealing, his agent or attorney, to the adverse party, in a sum sufficient to secure such judgment and cost of appeal, must be entered into with one or more sureties, to be approved by the justice.

SEC. 4. Section 83, page 339, is hereby amended so as to read as follows:

Several causes of action may be united.

SEC. 83. The plaintiff may unite several causes of action in the same complaint, whether legal or equitable, when they are included in either of the following classes:

1st. The same transaction or transactions connected with the same subject of action.

2d. Contracts expressed or implied.

3d. Injuries with or without force to person and property, or either.

SEC. 5. The following subdivisions shall be and are hereby added to section 140, on page 346.

Service of attachment and inventory.

4th. The sheriff shall serve a copy of the warrant of attachment, and inventory certified by him upon the defendant if he can be found within the county, and if not so found, by leaving the same at his usual last place of abode.

SEC. 6. Subdivision three, of section 165, page 350, is hereby amended so as to read as follows:

3. In actions where the service of the summons was by publication or by leaving a copy of the same at the usual last place of abode of the defendant, the plaintiff may in like manner apply for

judgment, and the court must thereupon require proof to be made of the demand mentioned in the complaint, and must require the plaintiff or his agent, to be examined on oath, respecting any payments that have been made to the plaintiff or to any one for his use on account of such demand, and may render judgment for the amount which he is entitled to recover; before judgment the plaintiff must give satisfactory security to abide the order of the court, touching the restitution of any property collected or received under the judgment, in case the defendant or his representatives are admitted to defend the action and succeed in the defence.

Service by publication or leaving copy, plaintiff may apply for judgment.

Security necessary

CRIMINAL PROCEEDINGS.

SEC. 7. Section 2 of chapter 100, page 492, is hereby amended so as to read as follows:

SEC. 2. Such killing when perpetrated with a pre-meditated design to effect the death of a 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. When perpetrated by any act eminently dangerous to others, and evincing a depraved mind regardless of human life, although without any pre-meditated design to effect the death of any particular individual, shall be murder in the second degree, and shall be punished by imprisonment in the territorial prison or penitentiary, 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 territorial prison not more than fourteen years, nor less than seven years.

Murder in first degree.

Penalty.

Murder in second degree.

Penalty.

Murder in third degree.

Penalty.

SEC. 8. Sections 30 and 31 of chapter 116, page 539, are hereby amended so as to read as follows:

SEC. 30. Upon such inquiry, if from the evidence, the grand jury believe any person charged with a public offence to be guilty of the same or any other public offence, they shall find an indictment, against such person.

Duty of grand jury.

SEC. 31. In all other cases, if upon investigation, the grand jury believe that a person is probably guilty of such offence, the grand jury shall proceed by presentment only.

May proceed by presentment.

SEC. 9. All territorial officers who are required to render accounts to the Legislative Assembly, shall close those accounts on the 31st day of December, in each year, and shall render such accounts as soon after that day in each year as may be practicable.

When officers shall render accounts.

SEC. 10. That from and after the passage of this act, the county commissioners of each county shall have authority to make any alterations that they may deem necessary, in the road districts in their respective counties, and to appoint supervisors in any district whenever a vacancy may occur.

Road districts and supervisors.

DAVID DAY,
Speaker of the House of Representatives.
 MARTIN McLEOD,
President of the Council.

APPROVED—March fifth, one thousand eight hundred and fifty-three.

ALEX. RAMSEY.

SECRETARY'S OFFICE,
St. Paul, March 16, 1853. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

ALEX. WILKIN,

Secretary of the Territory of Minnesota.

March 5, 1853.

CHAPTER III.—AN ACT to establish the terms of the Supreme and District Courts of the Territory, and for other purposes.

Terms of Supreme Court.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That there shall be two terms of the Supreme Court annually at the seat of Government of said Territory, to be held on the last Monday of February and the first Monday of September, in each year, and such other special terms thereof as the judges of said court may deem necessary and shall from time to time order.

SEC. 2. The terms of the District Court of the Territory shall be held at the times and places following, to wit:

Ramsey county.

In the county of Ramsey, on the third Monday of April and the third Monday of October, in each year.

Washington.

In the county of Washington, on the first Monday of April and on the first Monday of October, in each year.

Chisago.

In the county of Chisago, on the first Monday of June, in each year.

Benton.

In the county of Benton, on the second Monday of June and second Monday of December, in each year.

Hennepin.

In the county of Hennepin, on the first Monday of April and the first Monday of September, in each year.

Dakota.

In the county of Dakota, on the second Monday of September, in each year.

Scott.

In the county of Scott, on the third Monday of September in each year.

Le Sueur.

In the county of Le Sueur, on the fourth Monday of September, in each year.

Blue Earth.

In the county of Blue Earth, on the first Monday of October, in each year.

Nicollet.

In the county of Nicollet, on the second Monday of October, in each year.

Wabasha.

In the county of Wabasha, on the second Monday in June, in each year.

Fillmore.

In the county of Fillmore, on the fourth Monday of June, in each year.

First district.

SEC. 3. The counties of Ramsey, Washington and Chisago, shall constitute the first judicial district and the Hon. H. Z. Hayner, or any judge appointed in his place, is hereby assigned to the same as district judge thereof.