

GENERAL REPEALING ACT.

AN ACT Declaring Certain Acts Repealed, and for Other Purposes.

§ 1. ACTS OF FIRST SESSION, 1862.] *Be it enacted by the Legislative Assembly of the Territory of Dakota:* The following acts passed at the first session of the legislative assembly, in the year 1862, are repealed:

Chapters one, two, three, five, six, seven, eight, nine, ten, eleven, twenty, twenty-three, twenty-five, twenty-six, twenty seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-nine, ninety, and ninety-one.

§ 2. SECOND SESSION, 1862-3.] The following acts passed at the second session of the legislative assembly in the years 1862-3, are repealed:

Chapters one to thirty-two inclusive, and chapters thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-two, fifty-three, fifty-six and fifty-seven.

§ 3. THIRD SESSION, 1863-4.] The following acts passed at the third session of the legislative assembly in the years 1863-4, are repealed:

Chapters one, two, three, six, seven, eleven, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, forty, forty-one and forty-two.

§ 4. FOURTH SESSION, 1864-5.] The following acts passed at the fourth session of the legislative assembly in the years 1864-5, are repealed:

Chapters two, three, four, six, seven, ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, thirty, thirty-one, thirty-two, and thirty-three.

§ 5. FIFTH SESSION, 1865-6.] The following acts passed at the fifth session of the legislative assembly in the years 1865-6, are repealed:

Chapters one, an act to establish a civil code; two, an act to establish a justices' code; and chapters three, four, five, six, seven, eight, nine, ten, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, thirty-one, thirty-two and thirty-three.

§ 6. SIXTH SESSION, 1866-7.] The following acts passed at the sixth session of the legislative assembly in the years 1866-7, are repealed:

Chapters one, two, three, four, eight, nine, ten, eleven, twelve, thirteen, sixteen, seventeen, eighteen, twenty and twenty-three.

§ 7. SEVENTH SESSION, 1867-8.] The following acts passed at the seventh session of the legislative assembly, in the years 1867-8, are repealed:

An act to simplify and abridge the practice, pleadings and proceedings in the courts of this territory, and chapters one, two, three, four, five, six, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-seven.

§ 8. EIGHTH SESSION, 1868-9.] The following acts passed at the eighth session of the legislative assembly in the years 1868-9, are repealed:

Chapters one, two, three, four, five, six, seven, eight, nine, ten, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven.

§ 9. NINTH SESSION, 1870-1.] The following acts passed at the ninth session of the legislative assembly in the years 1870-1, are repealed:

Chapters one, two, three, four, five, six, seven, eight, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight and thirty-nine, and chapter five of the special and private laws.

§ 10. TENTH SESSION, 1872-3.] The following acts passed at the tenth session of the legislative assembly in the years 1872-3, are repealed:

Chapters one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, and chapters one, two, and ten of the special and private laws.

§ 11. ELEVENTH SESSION, 1874-5.] The following acts passed at the eleventh session of the legislative assembly, in the years 1874-5, are repealed:

Chapters five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-four, thirty-six, thirty-seven, thirty-nine, forty, forty-one, forty-two, forty-three, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one and ninety-three, and chapters eight, ten and fourteen of special and private laws.

§ 12. FORMER LAWS SUSTAIN RIGHTS, SUITS AND LIABILITIES THEREUNDER.] The repeal of the several acts in this act enumerated; shall not affect any act

done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

§ 13. SAME OF PENALTIES AND FORFEITURES.] All offenses committed, and all penalties or forfeitures incurred under any statute hereby repealed, prior to such repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made: *Provided*, That all acts passed at the present session of the legislative assembly, relating to civil and criminal procedure, shall apply to and govern, so far as applicable, in all actions and proceedings now pending.

§ 14. LIMITATIONS, CIVIL AND CRIMINAL CONTINUE.] All acts of limitation, whether applicable to civil or criminal actions, or for the recovery of penalties or forfeitures, embraced in any of said codes, and covered by the repealing provisions of this act, shall not be affected by such repeal, but all civil and criminal actions, and all proceedings, for causes arising or acts done or committed, prior to said repeal, may be commenced and prosecuted, within the same time, as if said repeal had not been made.

§ 15. TITLES AND ORDER OF CODES.] The several codes enacted by the legislative assembly, shall be known as the political code, the civil code, the code of civil procedure, the probate code, the justices' code, the penal code, and the code of criminal procedure, and by such titles may be referred to and amended, and in the publication and binding, shall be arranged in the above order, and the whole body of laws shall be designated, as the revised codes of the territory of Dakota.

§ 16. CONSTRUCTION—CODES DEEMED ONE ACT.] For the purposes of construction, the several codes passed at the present session of the legislative assembly shall be held and deemed to have been passed on the same day and as parts of the same statute. But if the provisions of any law passed at the present session of the legislative assembly contravene, or are inconsistent with the provisions of either of the codes, the provisions of such law shall prevail.

§ 17. CONFLICT ADJUSTED.] If the provisions of any code, title, chapter, or article, conflict with or contravene the provisions of any other code, title, chapter, or article, the provisions of each code, title, chapter, or article must prevail as to all matters and questions arising thereunder out of the same subject matter.

§ 18. SECRETARY MAY ARRANGE AND COMPILER.] In the publication of the codes and general statutes the secretary of the territory has power, without altering the general plan, to renumber and readjust sections, chapters, articles and subdivisions, and also to place and distribute general statutes, not now embraced in the codes in the same, under the appropriate chapter or other heading.

§ 19. DATE OF EFFECT.] This act shall take effect and be in force from and after its passage and approval.

Approved, Feb. 17, 1877.