

Malicious Mischief.

CHAPTER 42.

AN ACT to amend Section Seven Hundred and Three of Chapter Fifty-six (56) of the Penal Code, relating to Malicious Mischief.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. AMENDATORY.] That section 703 of chapter fifty-six, be amended by adding at the end of subdivision one (1) of said section, the following: "Driving or riding through, into, or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injuring the same, or"—

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

Approved, February 22, 1879.

Opium Smoking.

CHAPTER 43.

AN ACT in Regard to the Smoking of Opium.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. UNLAWFUL TO SELL OPIUM FOR CERTAIN PURPOSES.] It shall be unlawful for any person by himself, by agent or otherwise, to either directly or indirectly sell or give away in any quan-

tity, opium or any other commodity whatever of which opium is an ingredient, to be smoked or used in, upon or about the premises where sold; or to either directly or indirectly sell or give away such opium or other commodity of which opium is an ingredient, to be smoked or used in any adjoining room, building or premises or other place of popular resort connected with said premises where sold, or to be used for the purposes of smoking in any place or in any building or upon and premises whatever.

§ 2. PENALTY FOR VIOLATING SECTION 1.] Any person or persons violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars and costs, or by imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment; and said buildings, rooms and premises shall be considered a public nuisance and liable to be abated as in other cases, and justices of the peace shall have jurisdiction to hear, try and determine any case arising under this act.

§ 3. DUTY OF JUDGE OF DISTRICT COURT AND MINISTERIAL OFFICERS.] The district court or the judge thereof may at any time, upon satisfactory proof that the smoking or use of opium is permitted or carried on in any building or premises, order and cause such building and premises to be abated as a public nuisance; and it is hereby made the especial duty of all ministerial officers to enter complaint in each case of the violation of this act, and they are hereby required to ascertain by inquiry and examination as to any such violations.

§ 4. This act shall take effect and be in force from and after its passage.

Approved, February 21, 1879.