

Capital Punishment.

CHAPTER 9.

AN ACT to Amend Section Two Hundred and Forty nine (249), Chapter Seventeen (17) of the Penal Code

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

§ 1. PENALTY FOR MURDER.] That section two hundred and forty-nine (249) of chapter seventeen (17) of the Penal Code, be amended to read as follows :

“Every person convicted of murder shall suffer death, or imprisonment at hard labor in the Territorial Penitentiary for life, at the discretion of the jury.”

§ 2. JURY TO DESIGNATE PENALTY.] Upon trial of an indictment for murder, the jury, if they find the defendant guilty, must designate in their verdict whether he shall be punished by death or imprisonment for life at hard labor, and the judgment of the court shall be in accordance therewith.

§ 3. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

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

Approved, February 21, 1883.