

Obscene Language.

CHAPTER 87.

USING OBSCENE LANGUAGE PROHIBITED.

AN ACT to Punish the Use of Obscene Language.

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

§ 1. PENALTY.] That if any person shall utter or speak any obscene or lascivious language or words in any public place, or in the presence of females, or in the presence of children under ten years of age, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of this Territory, he shall be liable to a fine of not more than one hundred dollars, or imprisonment for not more than thirty days, or both, at the discretion of said justice.

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

Approved, February 13, 1883.

Pardons.

CHAPTER 88.

PRESCRIBING METHOD OF MAKING APPLICATION FOR PARDONS.

AN ACT to Regulate Applications for Pardons.

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

§ 1. APPLICATIONS FOR PARDONS.] All applications for pardons on behalf of any person or persons convicted in any court in this Territory, of any crime punishable under the laws thereof by

imprisonment in the territorial prison, and sentenced to such imprisonment, shall be made and conducted in the manner hereinafter prescribed.

§ 2. METHOD OF MAKING APPLICATION.] Notice of the application for such pardon shall be given to the judge who presided at the trial or his successor in office, and to the district attorney or his successor in office of the district who prosecuted the indictment against such person or persons so convicted and sentenced, at least thirty days before such application shall be filed with the Governor; the service of such notice upon the judge and district attorney aforesaid, shall be made and the return thereof certified in the same manner as now provided for the service of summons in the District Court, and such certificate of service shall accompany every such application to the Governor; a notice of such application setting forth the name of the person or persons on whose behalf it is made, the crime of which he shall have been convicted, the time of such conviction and the term of imprisonment shall also be published at least once each week for four successive weeks in some newspaper of general circulation in the county where the offense for which pardon is sought was committed, or if there be no newspaper published therein then such notice shall be posted in a conspicuous place on the door of the court house of such county for four successive weeks prior to the application; the affidavit of the publisher of such paper, or the person posting such notice, shall also accompany such application showing that such notice has been published or posted as herein provided.

§ 3. CONTEST OF APPLICATION.] Any person or persons feeling aggrieved by the application for any pardon may contest the same, and for that purpose may appear in person before the Governor during the consideration of said application, and show cause by written or oral testimony why such pardon should not be granted.

§ 4. GOVERNOR MAY MAKE RULES.] The Governor may in his discretion make such additional rules and regulations governing applications for pardons as may from time to time seem to him best, not in conflict with the provisions of this act; but the provisions of this act shall not apply to the applications for pardon to be granted within thirty days before the time when the convict would otherwise be legally entitled to discharge.

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

ENDORSED.—Received at Executive Office, February 7, 1883, at 12:40, P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,
Secretary of the Territory.