

RIGHTS OF PERSONS.

CHAPTER 79.

AN ACT TO DEFINE THE RIGHTS OF PERSONS WHO ARE
ACCUSED OF CRIMES AND OFFENCES.

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

SECTION 1. No person shall be held to answer for criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army, or in the militia when in actual service in time of war or public danger.

Held to answer
for criminal
offences only,
when.

SECT. 2. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf, and in prosecutions by indictment or information, to a speedy public trial by an impartial jury of the county or district wherein the offence shall have been committed, which county or district shall have been previously ascertained by law.

Rights of ac-
cused.

SECT. 3. No person indicted for an offence shall be convicted thereof, unless by confession of his guilt in open court, or by admitting the truth of the charge against him by his plea or demurrer, or by the verdict of a jury accepted and recorded by the court.

No person con-
victed except,
when.

SECT. 4. No person shall be held to answer on a second indictment for an offence of which he has been acquitted by the jury, upon the facts and merits, upon a former trial; but such acquittal may be pleaded by him in bar of any subsequent prosecution for the same offence, notwithstanding any defect in the form or in the substance of the indictment on which he was acquitted.

No person held
to answer twice
for same offence,
when.

If acquitted on
ground of vari-
ance, &c.

SECT. 5. If any person who is indicted for an offence shall, on his trial, be acquitted upon the ground of a variance between the indictment and the proof or upon any exception to the form or the substance of an indictment, he may be arraigned again on a new indictment, and may be tried and convicted for the same offence, notwithstanding such former acquittal.

No punishment
until convicted,
how.

SECT. 6. No person who is charged with any offence against the law, shall be punished for such offence, unless he shall have been duly and legally convicted thereof, in a court having competent jurisdiction of the cause and of the person.

Take effect,
when.

SECT. 7. This act shall take effect and be in force from and after its passage, and approval by the governor.

Approved April 30, 1862.

W. JAYNE, *Governor.*

SALVAGE.

CHAPTER 80.

AN ACT RELATIVE TO SALVAGE.

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

When boat,
&c., found adrift,
may be secured
and retained,
with what effect.

SECTION 1. When any boat, canoe, or other vessel or raft shall be lost, wrecked, or found adrift and in a perishable condition, on or in any river in this territory, any person may take up and secure the same, at or near the place where found, and may retain the same against the rightful owner or owners thereof, until salvage be paid; or may have and maintain a civil action against such owner or owners for the amount of salvage due, under the provisions of this chapter.

Taken up, to do
what.

SECT. 2. Whenever any boat, canoe, or other vessel or raft, shall be taken up and secured, if the same shall exceed the