

SALE OF LIQUORS.

CHAPTER XXX.

AN ACT TO REGULATE THE SALE OF SPIRITUOUS LIQUORS AND FOR OTHER PURPOSES.

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

License

Section 1. That no person shall be permitted to sell spirituous liquors in this Territory by measure, [less] than one quart, without having first obtained a license from the board of county commissioners, or if they be not in session from the clerk of the board of county commissioners of the proper county, for that purpose.

Amount necessary to be paid for license

Sec. 2. Every person applying for a license to sell spirituous liquors in less quantity than one quart, shall pay into the county treasury, the sum of not less than thirty dollars nor more than one hundred dollars per annum in the discretion of the board of county commissioners, or in case they are not in session, in the discretion of the clerk of the board of county commissioners ;

Provide

Provided, That no license shall be granted for a less period than six months ;

Provided, further, The applicant for such license shall execute a bond in the penalty of five hundred dollars, with two or more sureties, to be approved by the board or by the register of deeds, conditioned, that the applicant will keep an orderly house and that he will not permit any unlawful gaming or riotous conduct in his house.

Issuing of license

Sec. 3. On the applicant's producing to the board of county commissioners, or if they are not in session, then to the clerk of the board of county commissioners, the receipt of the county

treasurer for the payment of the sum fixed in accordance with the preceding section, the clerk of the board of county commissioners shall issue license for the term the receipt calls for; such license shall describe the house and place where the spirituous liquor is intended to be sold, and no person obtaining such license shall be authorized to sell or vend spirituous liquors in more than one place.

Sec. 4. Upon application for license to sell spirituous liquors ^{same} the board of county commissioners, or if they be not in session the clerk of the board of county commissioners may grant or reject the same, at discretion.

Sec. 5. The board of county commissioners shall upon complaint being made to them, revoke any license granted to sell any spirituous liquors whenever they may be satisfied that the person or persons in whose name or names any license has been granted, suffer any disorder, drunkenness, or unlawful gaming. ^{License may be revoked}

Sec. 6. If any person or persons shall barter, sell or dispose in any manner, any spirituous liquors without having first obtained a license agreeable to the provisions of this act, he or they shall on conviction thereof be, by indictment in any court having jurisdiction of the same or by complaint before a justice of the peace, fined in any sum not exceeding one hundred dollars, nor not less than ten dollars for the use of the common schools in the county where the offense shall have been committed. ^{Penalty for selling liquor without license}

Sec. 7. That for all fines and costs assessed against any person for any violation of this act the real estate and personal property of such person of any kind without exemption, shall be liable for the payment thereof, and such fine and costs shall be a lien upon such real estate until paid. ^{Property liable for fines}

Sec. 8. And it is hereby made the duty of the county attorney, sheriff, constables and justices of the peace, knowing of any violations of the provisions of this act, to make complaint thereof to the grand jury at the next term of the district court of the county in which the offense may have been committed or to a justice of the peace which justice shall have power to proceed to judgment therein, and the money collected on such judgment except taxable costs, shall be paid to the treasurer of the proper county for the use of the common schools therein. ^{Who to make complaint}

List of licenses
to be furnished
to court

Sec. 9. Every clerk of the board of county commissioners shall on the first day of the term of each district court deliver to the grand jury, an accurate list of all persons holding license under the provisions of this act within the county, which list shall show the date and expiration of such license.

Grand jury to
return bill of
indictment

Sec. 10. It shall be the duty of the grand jury at each and every term of the district court in every county in the Territory to make a strict inquiry and return bills of indictment against every person violating any of the provisions of this act;

Provided, That if a party or parties has or have been convicted and fined for any offense against the provisions of this act, by a justice of the peace, he or they shall not be subject to indictment by the grand jury for the same offense.

Certain laws
repealed

Sec. 11. Chapter eighty-three of the session laws of 1862, and section eight to fifteen inclusive of chapter twenty-three of the session laws of 1863 and 1864, are hereby repealed.

When to take
effect

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved, January 8, 1868.

SETTLERS.

CHAPTER XXXI.

AN ACT RELATING TO SETTLERS UPON LAND WITHOUT THE LEGAL RIGHT THERETO

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

Section 1. If any person or persons shall settle upon or take possession of any tract of land, or any part thereof being the property of