

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

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.

BISMARCK, Dak., March 7, 1887.

M. L. McCORMACK,
Secretary of the Territory.

INTOXICATING LIQUORS.

CHAPTER 70.

PROVIDING FOR PROHIBITION BY LOCAL OPTION.

AN ACT To Prohibit the Sale of Intoxicating Liquors by Local Option.

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

§ 1. PETITION OF VOTERS.] If a petition signed by at least one-third ($\frac{1}{3}$) of the legal voters of any county, as shown by the preceding general election, shall be presented to the county commissioners of any county, at least sixty (60) days before the Tuesday next after the first Monday in November, in the year 1887, praying that the question of prohibition of the sale of intoxicating liquors be submitted to a vote of such county, it shall be the duty of the board of county commissioners to order an election to be held on the Tuesday next after the first Monday in November, 1887, at which election the qualified voters of such county shall vote upon the question of prohibiting the sale of intoxicating liquors in such county. Such election shall be in all respects conducted as general elections are conducted.

§ 2. BALLOTS OF VOTERS.] All persons voting at any election held under the provisions of this act, who are opposed to the sale of such intoxicating liquors, shall have written or printed on their ballots "Against the Sale" and those who favor the sale of such intoxicating liquors, shall have written or printed on their ballots "For the Sale."

§ 3. WHEN LICENSE NOT TO ISSUE.] Should a majority of the ballots cast at such election be "Against the Sale," it shall be un-

lawful for the board of county commissioners of such county, to issue or grant a license for the sale of intoxicating liquors in such county; or for any common council or officers of any incorporated town, city or village in said county, to grant or issue any license for the sale of such intoxicating liquors. Any board, officer or person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined a sum not exceeding one thousand (1000) dollars and not less than two hundred (200) dollars or imprisoned in the county jail for a term not exceeding one (1) year or both such fine and imprisonment in the discretion of the court.

§ 4. WHEN QUESTION OF SALE OF INTOXICATING LIQUORS TO BE AGAIN SUBMITTED.] At any general election but at no other time, the question of prohibiting the sale of intoxicating liquors shall be again submitted to a vote of the qualified electors of any county, if one-third of the voters of such county as evidenced by the vote cast at the last preceding general election, petition the board of commissioners therefor, The result of any election held under the provisions of this act shall remain in force until changed at some subsequent election held hereunder.

§ 5. WHEN INJUNCTION MAY ISSUE TO RESTRAIN SALE.] In addition to the penalties now prescribed by law, any person or persons who may sell any intoxicating liquors without a license having been duly granted as provided by law, or where the license is granted in violation of this act, shall be restrained from so doing by proper injunction issued by the court or a judge thereof, and any person may secure such injunction, and may use the name of the county as plaintiff in the suit, and no security shall be required, and the district attorney of such county shall in all things conduct such prosecution.

§ 6. CONFLICTING ACTS REPEALED.] All acts special or general so far as they conflict with the provisions of this act are hereby repealed; *Provided*, That upon the canvass of the vote taken as provided by this act, where the result shall have been declared to be against the sale, the commissioners of any county within which such election may be held, shall at the first regular meeting thereafter, revoke all licenses theretofore granted, and refund any amount which may be due any person by reason of such revocation; *Provided, however*, That this act shall not be construed to repeal chapter one hundred and fifty (150) of the General Laws passed at the Sixteenth Session of the Legislative Assembly of the Territory of Dakota.

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

Approved, March 11, 1887.

CHAPTER 71.

INCREASING THE ANNUAL LICENSE FEE.

AN ACT To Amend Section Three, of Chapter Twenty-six, of the General Laws of 1879, Relating to the Sale of Intoxicating Liquors.

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

§ 1. AMENDING SECTION THREE, CHAPTER TWENTY-SIX, SESSION LAWS 1879.] That section three (3) of chapter twenty-six (26) of the General Laws of 1879 be amended by striking out of said section after the words "to be at the rate of not less than" the words "two hundred dollars, nor more than five hundred dollars," and insert in lieu thereof the words "five hundred dollars, nor more than one thousand dollars."

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved, March 11, 1887.

CHAPTER 72.

LICENSES REGULATED BY CITIES IN CERTAIN CASES.

AN ACT To Amend Section 1, Chapter 26, of the General Laws of 1879.

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

§ 1. LICENSE, HOW GRANTED.] That section one of chapter twenty-six of the General Laws of 1879 be amended by adding thereto, "and, *Provided, further,* That intoxicating liquors shall not be sold in any quantities in counties where no license is granted by the board of county commissioners, except as provided for in section thirteen of this chapter; *Provided,* That nothing in this act shall in any manner interfere with or invalidate any license granted by any city council, acting under the authority of a special charter or act granting exclusive authority in the matter of granting licenses for the sale of intoxicating liquors."

§ 2. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 3. That this act shall take effect and be in force from and after its passage and approval.

Approved, February 15, 1887.