

HOTEL KEEPERS.

CHAPTER 71.

[H. B. No. 70.]

PENALTY FOR DEFRAUDING HOTEL KEEPERS.

AN ACT Declaring it a Misdemeanor to Practice Fraud on Hotel Keepers.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. FINE—IMPRISONMENT.] A person who obtains any food or accommodation at any inn, hotel or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at any inn, hotel or boarding house by use of any false pretence, or who, after obtaining food or accommodations at an inn, hotel or boarding house, absconds and surreptitiously removes his baggage therefrom without paying for his food and accommodation, is guilty of a misdemeanor, and on conviction thereof shall be fined not more than one hundred dollars, nor less than five dollars, or imprisoned in the county jail for not more than thirty days, nor less than ten days, or both such fine and imprisonment at the discretion of the judge or justice of the peace before whom the trial is held.

Approved, March 11, 1895.

INTOXICATING LIQUORS.

CHAPTER 72.

[S B. No. 10.]

RELATING TO SALE OF INTOXICATING LIQUORS.

AN ACT To Amend Section 2 of Chapter 110, of Session Laws of 1890, Entitled "An Act to Prescribe Penalties for the Unlawful Manufacture, Sale, Barter and Giving Away of Such Liquors for Medicinal, Scientific and Mechanical Purposes."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 2, Chapter 110, of Session Laws of 1890, be amended to read as follows:

§ 2. AMENDMENT.] It shall be unlawful for any person or persons to sell or barter, for medicinal, scientific or mechanical purposes, any malt, vinous, spirituous, fermented or other intoxicating liquors, without first having procured a druggist's permit therefor from the county judge of the county wherein such druggist may be doing business at the time; and such county judge is hereby authorized in his discretion to grant a druggist permit for the period of one year, to any person of good moral character who is a registered pharmacist under the laws of this State, and lawfully and in good faith engaged in the business of a druggist in his county, and who in his judgment can be entrusted with the responsibility of selling such liquors for the purposes aforesaid in the manner hereinafter provided. In order to obtain a druggist permit under this act, the applicant shall file in the office of the county judge of the county wherein he is doing business, not less than thirty days prior to the hearing thereof, a petition signed by the applicant and twenty-five reputable freeholders, having the qualifications of electors of the town, village, township or ward of any city, and twenty-five reputable women over twenty-one years of age, who are residents of the town, village, township or city wherein such business is located; *Provided, however,* That when the number of freeholders having the qualifications of electors residing within the town, village, township or ward shall not exceed forty, and when the number of reputable women over twenty-one years of age, who are residents of the town, village, township or city, shall not exceed forty, then the petition of applicant signed by seventy per cent. of such number of qualified men and women as reside within the town, village, township or ward, shall entitle the applicant to the permit. All petitions shall set forth:

First. The town, village, city or township, and particular place therein wherein such business is located, and that the applicant is a person of good moral character, and does not use intoxicating liquors as a beverage, and can be entrusted with the responsibility of selling the same.

Second. That said applicant is a pharmacist as aforesaid, and is lawfully and in good faith engaged personally in the business of a druggist, as the proprietor thereof, at the place designated in the petition, and well versed in the profession.

Third. That said applicant has, in his said business, exclusive of intoxicating liquors and fixtures, a stock of drugs, if in any city, of the value of at least \$1,000, and if elsewhere, of the value of at least five hundred (500) dollars.

Before any such petition shall be heard, or any permit issued to such applicant, he shall publish, for at least thirty days next prior thereto, a notice in some newspaper in the town, village, township or city where such business is located, or if none be published therein, then in some paper of general circulation in the county, stating the time and place set by said judge for the

hearing of such petition. The applicant shall be required to prove the truthfulness of each and every statement contained in such petition, and the state's attorney of such county shall, and any other citizen of the county may appear and cross-examine the witnesses of the applicant, and may introduce evidence in rebuttal of the evidence offered by the applicant. If satisfied that the signatures of such petition were signed by such persons, and that such petitioners are freeholders or citizens of such town, village, township, city or ward as above expressed, and that the statements in such petition are true, the county judge may in his discretion grant a permit to the applicant to sell intoxicating liquors for medicinal, mechanical and scientific purposes only; and such permit shall be recorded upon the journal of the county court, and a certified copy thereof shall be posted in a conspicuous place in the store wherein said business is carried on before it shall be of any validity. Before such permit shall be of any validity, such druggist shall file with the county judge, to be approved by him, a good and sufficient bond to the State of North Dakota, in the sum of \$1,000, conditioned that such applicant and any one in his employ will neither use, sell, barter or give away any intoxicating liquors in violation of law, and on violation of the provisions of said bond the same shall thereby become forfeited; and the conviction of said pharmacist or anyone in his employ shall be deemed *prima facie* evidence of such violation. Any applicant or any citizen feeling himself aggrieved by the decisions of the county judge may, within ten days thereafter, upon filing a bond, made payable to the State of North Dakota, in the sum of fifty (50) dollars, to be approved by the county judge, conditioned that he will prosecute the same to a speedy determination, and pay the costs occasioned by such appeal if the order of the county judge shall be sustained, prosecute the cause upon appeal to the district court. The procedure in any case taken on appeal to the district court from the order of the county judge shall be as prescribed by Article 2, of Chapter 12, of the Probate Code of the Compiled Laws of Dakota of 1887, so far as applicable, and a case or bill of exceptions may be made, signed and certified by the county judge. If the district court shall find that the county judge has abused his discretion, it shall have power to cause the county judge to comply with its judgment, otherwise the order of the county judge shall be by the district court affirmed. No appeal shall be allowed from the order of the district court. If the order of the county judge shall be reversed, the costs shall be paid by the county. If at any time there shall be filed with the county judge a petition stating that any druggist, naming him, who has a permit to sell intoxicating liquors, is not in good faith conforming to the provisions of this act, verified by the affidavit of at least one of the petitioners hereinafter named, and signed by twenty-five reputable men and twenty-five reputable women,

all of whom reside in the town, village, township, city, or ward in which the business of said druggist is carried on, requesting that the permit of such druggist be cancelled, the county judge shall immediately issue an order citing such druggist to appear before him on a day named, not more than ten days from the issuing of such order, at which time the question of cancellation of such permit shall be considered. Such examination shall be conducted in the same manner in all respects as is herein provided for the hearing of the original petition for granting such permit, and such county judge shall, if there are reasonable grounds for believing such druggist is not in good faith carrying out all the provisions of this act, cancel such permit. An appeal may be had from the decision of such county judge to the district court as herein provided for appeals from the application for a permit; *Provided*, The permit of such druggist shall be inoperative till such appeal is finally decided. If any county judge shall issue a permit to any person not registered as a pharmacist, or shall knowingly grant the same to a person in the habit of becoming intoxicated, or not in good faith engaged in the business of a druggist as a proprietor thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred (500) dollars nor more than \$1,000; and if any person shall sign a petition, as provided herein, of any applicant known by such person to be in the habit of becoming intoxicated, or not in good faith engage in the business of a druggist, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars. Before the petition of a druggist for a permit to sell intoxicating liquors shall be heard by the county judge the applicant shall pay a fee of five (5) dollars to the county judge, who shall pay the same into county treasury on or before the first day of the following month for the benefit of the general revenue fund.

§ 3. EMERGENCY.] *Whereas*, Under the present law many applicants are unable to procure permits, *Therefore*, An emergency exists, and this act shall take effect and be in force from and after the passage and approval of this act.

Approved, February 28, 1895.

CHAPTER 73.

[Sub. for H. B. No. 46.]

AMENDING SESSION LAWS OF 1890.

AN ACT to Amend Section 7, of Chapter 110, of the Session Laws of 1890, Entitled "An Act to Prescribe Penalties for the Unlawful Manufacture, Sale, Barter and Giving Away of Such Intoxicating Liquors, for Medicinal, Scientific and Mechanical Purposes."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 7, of Chapter 110, of the Session Laws of 1890, be and the same is hereby amended and re-enacted so as to read as follows:

§ 7. LIFE OF A LIQUOR PERMIT.] A permit to sell intoxicating liquor under this act shall continue in force until the same is revoked for cause, unless sooner forfeited under the provisions of this act; *Provided, however,* that if at any time the number of freeholders and reputable women who signed the petition of the applicant shall fall below the number required by law by removal from the State, county, city or town, or by death, or at the end of any year, by withdrawal of their names from the petition, then the life of said permit shall expire, unless a new petition containing a sufficient number of qualified freeholders and reputable women to bring the entire number up to the requirements of an original petition as provided in Section 2, Chapter 110, of Session Laws of 1890, shall be within three days from the time of such withdrawals, filed anew in the office of the county judge; *Provided, further, however,* That within fifteen (15) days prior to the expiration of each year during the life of the permit, the applicant must obtain from the county judge and post with said permit a certificate stating that the application upon which said permit was issued continues to possess the requisite attributes of an original application.

§ 2. EMERGENCY.] *Whereas,* an emergency exists in that, druggists' permits usually expire in June of each year, and it would work unnecessary hardships to prevent this act from taking effect before July 1, 1895, *Therefore,* This act shall be in force and effect, from and after its passage and approval.

Approved, March 6, 1895.

CHAPTER 74.

[H. B. No. 123.]

INTOXICATING LIQUOR DEFINED.

AN ACT to Amend Section 6, of Chapter 110, of the Laws of 1890, and Defining What is Intoxicating Liquor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 6 of Chapter 110, of the Laws of 1890, be and the same is hereby amended to read as follows:

§ 6. INTOXICATING LIQUORS DEFINED.] All spirituous, malt, vinous, fermented, or other intoxicating liquors or mixtures thereof, by whatever name called, that will produce intoxication, or any liquors or liquids which is made, sold, or offered for sale as a beverage and which shall contain coculus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, tobacco, darnal seed, extract of logwood, salts of zinc, copper or lead, alum, or any of its compound, methyl alcohol, and its derivations, amyl alcohol, or any extract or compound of any of the above ingredients, shall be considered and held to be intoxicating liquors within the meaning of this act; *Provided*, That fermented and alcoholic liquors and mixtures thereof shall not be deemed intoxicating if they contain less than two per cent. of alcohol by volume.

§ 2. EMERGENCY.] An emergency existing in that the law does not sufficiently define what is intoxicating liquors, *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1895.

CHAPTER 75.

[H. B. No. 62.]

COMPILED LAWS AMENDED.

AN ACT to Amend Section 6916 of the Compiled Laws of Dakota, 1887, Being Section 3 of Chapter 57 of the Penal Code Entitled Offences Pertaining to Sale of Intoxicating Liquors.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 6916 of the Compiled Laws of Dakota, 1887, being Section 3 of Chapter 57, Penal Code, be amended to read as follows:

§ 6916. PENALTY.] Every person being found intoxicated in any public place is punishable upon conviction before a justice of the peace by a fine of not more than twenty-five dollars nor less than five dollars and be committed to the county jail until such fine is paid, but such imprisonment shall not exceed one day for every one dollar of the fine.

Approved, March 14, 1895.

LEGISLATIVE EMPLOYES.

CHAPTER 76.

[S. B. No. 162.]

COMPENSATION OF LEGISLATIVE EMPLOYES.

AN ACT to Fix the Number of Officers and Employes of the Legislative Assembly of the State of North Dakota and to Provide for Their Compensation and Payment.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. OFFICERS AND EMPLOYES OF THE SENATE—COMPENSATION.] The following shall be the officers and employes of the Senate and their compensation: A president *pro tempore*, whose compensation shall be two (2) dollars per day; one secretary, whose compensation shall be six (6) dollars per day; one assistant secretary, whose compensation shall be five (5) dollars per day; one enrolling and engrossing clerk, whose compensation shall be five (5) dollars per day; one bill clerk, whose compensation shall be five (5) dollars per day; one stenographer, whose compensation shall be five (5) dollars per day; one sargeant-at-arms, whose compensation shall be four (4) dollars per day; one assistant sargeant-at-arms, who shall discharge the duties of doorkeeper and assist the sargeant-at-arms, and whose compensation shall be three (3) dollars per day; one messenger, whose compensation shall be three (3) dollars per day; one postmaster, whose compensation shall be four (4) dollars per day; one chaplain, whose compensation shall be two (2) dollars per day; two pages, whose compensation shall be two (2) dollars per day each; one janitor, whose compensation shall be three (3) dollars per day; one watchman, whose compensation shall be three (3) dollars per day; one clerk of the judiciary committee, whose compensation shall be five (5) dollars per day; one journal clerk, whose compensation shall be five (5) dollars per day, and who shall be under the supervision of the secretary of the Senate; *Provided*, That the Journal of the