

acid, or any other active poison, without having the word "poison," and the true name thereof, in English, written or printed upon a label attached to the vial, box, or parcel containing the same, shall be punished by a fine not exceeding one hundred dollars.

SECT. 6. This act to take effect from and after its passage, and approval by the governor.

Approved April 30, 1862.

W. JAYNE, *Governor.*

INDIANS.

CHAPTER 46.

AN ACT TO PREVENT INDIANS FROM TRESPASSING UPON CEDED LANDS.

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

SECTION 1. No Indian shall be permitted to trespass or enter upon any ceded lands within this territory, for the purpose of hunting or fishing, or travelling to and from the lands or hunting grounds of different tribes of Indians, without first having obtained a written pass or permit for such purpose from the local United States agent of the tribe to which such Indian or Indians belong, or from the superintendent of Indian affairs in this territory.

SECT. 2. Such pass or permit shall state the name of the Indian, the band and tribe to which he belongs, the business he is on, what portion of the territory he is to visit, and the duration of time for which his pass is issued.

SECT. 3. Any Indian or Indians found upon any of the ceded lands of this territory, without a pass or permit obtained as provided for in section one, or with a pass or permit the duration of which shall have expired, shall be deemed

amenable to the laws of the territory, and may be arrested by any citizens of this territory, and placed in charge of the sheriff of the county where such arrest was made.

Duty of sheriff committing Indian.

SECT. 4. It shall be the duty of said sheriff to receive such Indian or Indians, and to place the same in close confinement in the county jail, and forthwith to officially notify the superintendent of Indian affairs of such arrest and confinement, and notify the United States Indian agent of the tribe or nation to which such Indian or Indians belong, to remove the same immediately to their reserve.

Expenses of carrying out this act, how paid.

SECT. 5. All expenses incurred by any county in carrying the provisions of this act into effect, shall be paid by the said Indian agent to the treasurer of the county where the arrest is made, before said Indian shall be delivered to said agent.

Take effect, when.

SECT. 6. This act shall take effect and be in force from and after its passage.

Approved April 13, 1862.

W. JAYNE, *Governor.*

CHAPTER 47.

AN ACT TO PREVENT THE TRAFFIC IN ARDENT SPIRITS WITH THE INDIANS.

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

Persons disposing of spirituous liquors to Indians. Penalty.

SECTION 1. That if any hotel keeper, saloon keeper, merchant, trader, salesman, or any other person or persons, shall sell, give, barter, or in any manner dispose of any spirituous liquors to any Indian or Indians within this territory, every such person or persons offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction to try the same, shall be imprisoned in the county jail for a period not less than thirty, nor more than ninety days, and shall forfeit and pay to the use of the county, in which the offence may have been committed, a fine not less than twenty nor more than one hundred dollars.

If there be no jail.

SECT. 2. In all cases of conviction under this chapter, if there be no jail in the county where the offence was com-

mitted, or to which it may be attached for judicial purposes, it shall be competent for the court before which such conviction was had, to commit the offender to the nearest jail in any other county, or to either of the forts of this territory, with the permission of the commanding officer thereof; and it is hereby made the duty of the keeper of such jail to receive the prisoner and in all respects so to proceed with him, as if he had been committed by the proper authorities of the county in which such jail is situated: *Provided*, That in all cases of conviction under the provisions of this chapter, when the person convicted is confined in the jail of any other county, or in any of the forts of the territory, the county in which such offence shall have been committed shall pay all the expenses arising from such confinement. The property real and personal of all persons convicted and confined under the provisions of this act, shall be liable for the costs of trial and expenses of confinement.

Proviso.

SECT. 3. All sheriffs, constables, and justices of the peace within this territory, are required, under the penalty of forfeiting their respective offices, to make complaint of such violation of the provisions of this chapter, as may come within their knowledge; and the judges of the several district courts in this territory are hereby required to give this chapter in special charge of the grand juries of the several counties in their districts.

What officers to make complaint of violations.

SECT. 4. Any individual or individuals who shall violate any of the provisions of this chapter, may be prosecuted before a justice of the peace, by any citizen of the county; and all fines collected under the provisions of this act shall be paid into the county treasury for the support of common schools in the county, and the declaration or statements of Indians may be received before any of the courts under this act, which declaration or statements may be considered as circumstantial evidence, and received for what they may be considered worth by courts and juries, as the case may be.

Persons, how prosecuted.

Declarations of Indians received for what they are worth.

SECT. 5. This act shall take effect and be in force from and after its passage, and approval by the governor.

Take effect, when.

Approved April 30, 1862.

W. JAYNE, *Governor.*