

SPIRITUOUS LIQUORS.

CHAPTER 83.

AN ACT TO REGULATE THE SALE OF SPIRITUOUS LIQUORS.

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

License neces-
sary in what
cases.

SECTION 1. That no person shall be permitted to sell spir-
ituous liquors in less quantities than one pint, without having
obtained a license from the board of county commissioners of
the proper county for that purpose.

Commissioners
to grant license
for what, and
when.

SECT. 2. That the commissioners granting the license
shall fix the price thereof, which shall not be more than one
hundred dollars, nor less than ten dollars per annum, having
proper regard to the apparent advantages of the applicant's
situation for business; and on the applicant's producing the
county treasurer's receipt for the payment of the sum so
fixed, he shall receive a license which shall continue for the
term of one year.

If person shall
violate first sec-
tion. Penalty.

SECT. 3. If any person or persons shall sell, barter, or dis-
pose of in any manner, any spirituous liquors in less quan-
tity or quantities than one pint, without having first obtained
a license, agreeably to the provisions of this act, he shall,
upon conviction thereof, by indictment in any court having
jurisdiction of the same, or by complaint before a justice of
the peace, be fined a sum not exceeding one hundred nor less
than thirty dollars, for the use of the county where the
offence shall have been committed; and upon failure to pay
the fine so assessed, shall be confined in the county jail
one day for every five dollars thereof, until said fine is dis-
charged.

If this law
evaded.

SECT. 4. Any person who shall dispose of any spirituous
or vinous liquors, under the pretext of exhibiting any show
or curiosity, or dispose of the same in connection with any
other article, or in any manner, from which an intention to

evade the provisions of this chapter may appear, shall be deemed guilty of a violation of the same, and shall be liable to the penalties prescribed in the third section of this act.

SECT. 5. And it is hereby made the duty of the prosecuting attorneys, sheriffs, 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 session of the district court of the county in which the offence may have been committed, after said violation, or to a justice of the peace, which justice shall have full power to proceed to judgment thereon. And the moneys collected on such judgment, except the taxable costs, shall be paid to the treasurer of the proper county for the use of said county.

Duty of what public officers to make complaint, when.

SECT. 6. That the clerk of the board of county commissioners shall, on the first day of each and every term of the district court, deliver to the grand jury an accurate list of all persons holding licenses, under the provisions of this act, within his county; which list shall show the date and expiration of said licenses.

Clerk to deliver list of licensed parties to grand jury.

SECT. 7. That it shall be the duty of the grand jury at each and every term of the district court in any county in the territory, to make strict inquiry and return bills of indictment against every person violating any of the provisions of this act.

Grand jury to indict parties violating.

SECT. 8. All the powers, duties, and authority conferred by this act upon the county commissioners, are hereby conferred upon the town council of any incorporated town, on all matters within the corporate limits of such town, and all moneys collected under the provisions of this act in such incorporated town, shall be paid into the treasury of said corporation, for the use of the schools in said town or city.

Powers conferred on town council.

SECT. 9. This act to take effect on and after its passage.

Take effect, when.

Approved May 13, 1862.

W. JAYNE, *Governor.*