

LICENSES

CHAPTER XXIII.

AN ACT CONCERNING LICENSES.

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

Who shall obtain licenses

Section 1. No auctioneer, peddler, or other person or persons, company or corporation, shall be permitted to sell, vend or retail, either at private sale or public auction, any goods, wares, or merchandise, without having first obtained a license for that purpose, as hereinafter provided.

Who shall grant licenses.

Sec. 2. The county commissioners of the respective counties in this Territory, shall have power to grant such license, on the payment into the county treasury, by the applicant for such license, of a sum to be assessed by said commissioners, not less than five, nor more than one hundred dollars.

Licenses shall give what authority.

Sec. 3. Such license shall authorize the person receiving [it] to vend, sell and retail goods, wares and merchandise within said county, for the space of one year from the time of granting the same.

Commissioners not in session, clerk to act.

Sec. 4. If the board of county commissioners shall not be in session when the application is made, the clerk of the county may grant a written permission to the applicant to vend, sell, and retail goods, wares and merchandise, until the end of the next session of the board of county commissioners, or, if said board take no action upon the case, for the term provided in the third section of this act; at the time of granting such license, the clerk may assess the amount to be paid by the applicant, which shall be paid into the county treasury accordingly.

Duty of commissioners.

Sec. 5. When permission shall be granted by the clerk, in vacation as aforesaid, it shall be the duty of the board of county commissioners, at their next annual meeting thereafter, to examine such permit, and if approved, to proceed forthwith to assess the amount to be paid for licenses, to be paid as in the

case of original applications; but if the board of commissioners do not approve the same, the license shall be vacated, and no other sum shall be required to be paid than [that] fixed by the clerk.

Sec. 6. If any person or persons, company or corporation, shall, directly or indirectly, keep a store, or sell, vend or retail any goods, wares or merchandise, without being first duly authorized by license or permit, as aforesaid, such person or persons, company or corporation, so offending, shall forfeit and pay any sum not exceeding two hundred dollars nor less than ten dollars.

Penalty for selling without license.

Sec. 7. The preceding section shall not be construed to extend to the sale of goods, wares and merchandise, by merchants who pay an annual tax upon merchandise, assessed according to the revenue laws of this Territory, nor to persons who sell commodities manufactured or raised by themselves in this Territory.

Preceding section—how construed.

Sec. 8. The board of county commissioners may grant licenses to keep saloons, hotels, public houses and groceries, upon the following conditions, to wit: first, the applicant shall pay into the county treasury, for the privilege granted, a sum not exceeding three hundred dollars nor less than twenty-five dollars, in the discretion of the board; second, the applicant shall execute a bond, in the penalty of five hundred dollars, with one or more securities, to be approved by the board, conditioned that the applicant will keep an orderly house, and that he will not permit any unlawful gaming or riotous conduct in his house.

Maximum licenses to whom?

Sec. 9. Upon application for licenses to keep saloons or groceries, the board may reject or grant the same, at their discretion.

Sec. 10. The board of county commissioners shall have power, upon complaint being made to them, to revoke any license granted to keep any saloon or grocery, whenever they may be satisfied that the privileges granted have been abused, or that the person to whom the license was granted has violated the law.

Discretionary powers.

Sec. 11. Licenses granted to keep saloons or groceries, shall not authorize the persons obtaining the license to vend or sell spirituous or vinous liquors in more than one place or home,

same.

and every license shall describe the house and place intended to be occupied.

Grocery—to include what.

Sec. 12. A grocery shall be deemed to include all houses and places where spirituous or vinous liquors are retailed by less quantities than one quart.

Who shall grant licenses.

Sec. 13. The president and trustees of incorporated towns, shall have the exclusive privilege of granting licenses to saloons or groceries within their incorporated limits; and all sums of money which may be received for licenses, granted as aforesaid, shall be paid into the county treasury.

Shall not sell to Indians.

Sec. 14. No retailer of spirituous liquors, or other person or persons, shall sell, exchange or otherwise deliver to any Indian or Indians, within the boundaries of this Territory, any spirituous liquors, under the penalty of fifty dollars for every such offense, one-half thereof for the use of the county wherein the offense is committed, and the other half for the person informing.

Penalty for keeping disorderly house.

Sec. 15. Every person licensed to keep a saloon or grocery, who shall knowingly suffer any disorder, drunkenness, or unlawful games whatever, in his, her or their house, his, her or their license or licenses shall be suppressed by the board of county commissioners.

Duty of magistrates and other officers.

Sec. 16. Every magistrate, or other officer, to whom any fines or penalties, imposed by this act shall be paid, for the use of the county, shall, at the next meeting of the board of county commissioners, make a receipt for the amount thereof, and pay the same into the county treasury.

Who may be competent witnesses.

Sec. 17. Persons prosecuting or giving information under the provisions of this act, may be competent witnesses on the trial, notwithstanding their interest in the penalty to be recovered.

Penalties—how recovered.

Sec. 18. Penalties incurred by a violation of the provisions of this act, may be recovered by action of debt, or by indictment by summons, in the name of the people of the Territory of Dakota, for the use of the proper county, before any justice of the peace, or court of competent jurisdiction, of the proper county, upon complaint of any citizen of such county; and any justice of the peace or other officer, into whose hands such penalty shall properly come, shall, unless otherwise required by law, make a report of such recovery to the board of county

commissioners; and at the next regular meeting succeeding, the collector of such penalty shall pay into the county treasury the part thereof which shall be payable to such county, and the remainder to the person informing or prosecuting.

Sec. 19. Appeals and writs of certiorari may be taken from the proceedings had under the provisions of this act, as in other cases. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Conflicting acts repealed.

Sec. 20. This act shall take effect and be in force from and after its passage. When take effect

Approved, January 11th, 1864.

LIENS

CHAPTER XXIV.

AN ACT TO CREATE A LIEN IN FAVOR OF FARMERS, AND OTHERS.

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

Section 1. That any farmer, ranchman, or herder of cattle, tavern keeper or livery stable keeper, to whom any horses, mules, cattle or sheep, shall be entrusted for the purpose of feeding, herding, pasturing or ranching, shall have a lien upon said horses, mules, cattle or sheep, for the amount that may be due for such feeding, herding, pasturing or ranching, and shall be authorized to retain possession of such horses, mules, cattle or sheep, until the said amount is paid: *Provided*, That the provisions of this act shall not be construed to apply to stolen stock. Farmers, &c. have a lien in certain cases.

Sec. 2. This act shall not be construed to give any farmer, ranchman or herder of cattle, tavern keeper or livery stable This act—how construed.