

## FIRING OF PRAIRIES.

### CHAPTER 17.

#### An Act to Prevent the Firing of Woods, Marshes and Prairies.

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

Section 1. If any person shall willfully set on fire any woods, marshes or prairies, so as thereby to occasion any damage to any other person, such person shall, upon conviction thereof, pay a sum not exceeding five hundred dollars, nor less than fifty dollars, and be imprisoned in the county jail not more than six months, nor less than ten days; one half of said fine shall go to the complainant, and the other half to the common school fund of the county in which the offense was committed; and in case of the neglect or refusal of any person so convicted, to pay the fine above specified, he shall be, in addition to the imprisonment above imposed, confined in the county jail one day for every dollar thereof, until said fine be discharged.

Penalty for violating this act.

Who fines to be paid to.

Sec. 2. If any person shall set on fire any woods, marshes, or prairies, so as thereby to occasion any damage to any other person, such person shall make satisfaction for such damages to the party injured, to be recovered in an action.

Person firing prairies, &c., liable for damage done.

Sec. 3. This act shall not extend to any person setting on fire, in the night time, anything on his own farm, as often as occasion may require, if done without intention to set on fire the adjacent woods, marshes, or prairies, not occupied by such person; nor shall the provisions of this act extend to persons firing during the months of March and April.

Who this act not apply to.

Sec. 4. Nothing herein contained shall be so construed as to prevent any person from firing against fire, so as to protect his or her property from being destroyed.

Person may protect his property by firing against fire.

Duties of all officers.

Sec. 5. It shall be the duty of all sheriffs, justices of the peace, constables and other sworn officers, to use all necessary means to convey information to the proper authorities of any violation of this act.

When to take effect.

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

Approved, January 12th, 1866.

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## INDIANS.

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### CHAPTER 18.

#### An Act to prohibit the Furnishing of Intoxicating Liquors to Indians.

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

Proceedings in case where Indian is found intoxicated.

Section 1. Whenever any Indian in this Territory, belonging to any tribe under the care or guardianship of the United States, shall be found in a state of intoxication, it shall be the duty of any sheriff, deputy sheriff, constable, justice of the peace, or Indian agent, within this Territory, without warrant, to apprehend such Indian so intoxicated, and take and retain him in custody, at the expense of the county in which he is so found, until, in the opinion of such officer, the Indian so retained shall become sufficiently sober to testify properly in a court of justice, and as soon as may be thereafter bring him before some justice of the county, and such Indian, so found intoxicated, shall, on oath before such justice, disclose the place where, and the person of whom the liquor so producing intoxication was obtained, and all the circumstances attending it, and on the refusal or neglect of such Indian to disclose, he may, by such justice, be committed to the common jail of the county in which he was so found, until he shall so disclose, or by said justice be discharged. And in case said justice shall judge from the evi-

Proceedings against person who furnished liquor to Indian.