

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.

INDIANS.

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.

dence, that the sale, furnishing or giving away said liquor was an offense against the laws of the United States and of this Territory, in relation to furnishing liquor to Indians, he shall forthwith issue his warrant, and cause the person so selling, furnishing or giving away said liquor to be brought forthwith before him, and such proceedings shall be had in the case as shall disclose the facts in relation thereto, and if from the evidence produced, such justice be satisfied that such person is guilty of the offense charged, he shall hold said person to bail, in the sum of five hundred dollars, to be and appear at the next term of the district court, and there to be tried for such offense, in default of which said person shall be committed to the county jail, if there be one, if not, to the nearest place of confinement to such county, there to await the sitting of the next succeeding term of the district court, when he shall be arraigned and tried, and if found guilty, punished in accordance with the penalties prescribed by existing statutes of this Territory and of the United States. Any person resisting the arrest or detention of such Indian, so found intoxicated, by any of the persons aforesaid, authorized by this act to make such arrest, shall be liable to the same penalties as are provided by law for resisting a sheriff in the execution of a legal process.

Sec. 2. It shall be the duty of the justice before whom any proceedings as aforesaid may be had immediately upon holding to bail, or the commitment of any person charged with the offense of furnishing liquor to Indian or Indians, to notify the clerk of the district court of the district in which such offense has been committed, of the proceedings had before him and the said clerk shall thereupon enter upon the trial docket of the district court, the offense charged in the same manner as in other cases.

Duty of justice upon holding person to bail for furnishing liquor to Indians

Sec. 3. All acts and parts of acts conflicting with this act, are hereby repealed.

Acts repealed.

Sec. 4. This act shall take effect from and after its passage.

When to take effect.

Approved, January 4th, 1866.

CHAPTER 19.**An Act Prohibiting the Harboring of Indians within the Organized Counties.**

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

Unlawful for any person to harbor any Indian.

Section 1. It shall be unlawful for any person or persons within any organized county of this Territory to harbor or keep on or about his or their premises or place of abode any Indian or Indians belonging to an established Indian agency, either within or without this Territory, and under the charge of an Indian Agent, or any Indian or Indians who do not belong to an agency confined to an Indian reservation and who have not adopted the manners and habits of civilized life, and it shall be unlawful for any person or persons within any organized county of this Territory to induce or incourage any such Indian or Indians, who have not adopted the manners and habits of civilized life to camp, remain or hunt, for any time or for any purpose, within any village or settlement of white people, or in the vicinity of such village or settlement within any organized county of this Territory.

Proceedings against person for violating provisions of this law.

Sec. 2. Upon complaint under oath being made before any justice of the peace in an organized county of this Territory that any person or persons have violated within such county the provisions of the first section of this act, such justice shall immediately issue his warrant for the arrest of the person or persons charged in the complaint, which warrant shall be directed to the sheriff or any constable of his county, commanding him in the name of the Territory of Dakota to arrest and forthwith bring before him the person or persons therein named if to be found within his county.

Officer receiving warrant to serve same.

Sec. 3. It shall be the duty of the officer receiving such warrant to serve the same without delay, and to make return as therein commanded.

Justice to try accused same as in criminal cases.

Sec. 4. Upon the delivery of such accused person or persons into court, it shall be the duty of the justice to try and determine the case in the manner provided by law for the trial of

criminal cases in justices courts, and upon conviction the person or persons so found guilty of a violation of all or either of the provisions of the first section of this act he or they shall be fined in a sum not less than twenty-five dollars for each Indian so kept, harbored or induced to remain, as provided in section one of this act, and the costs of the suit; *Provided, however,* That the aggregate of such fine upon one person so convicted, shall not exceed one hundred dollars for one conviction, and the person or persons so convicted shall remain in custody or confinement until such fine and costs be paid.

Penalty on conviction.

Sec. 5. All fines collected under the provisions of this act shall be paid, by the officer collecting the same into the county treasury, for the use and benefit of the school fund of the county in which such conviction was had.

Fines collected for benefit of school fund.

Sec. 6. Any justice of the peace, sheriff, or constable who shall fail to perform the duties required of him by this act, shall forfeit and pay into the Treasury of his county, for the use of the school fund of said county, the sum of one hundred dollars for every such neglect of duty.

Penalty against any officer failing to perform duty under this act.

Sec. 7. All acts and parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

Acts repealed.

Sec. 8. This act shall take effect from and after its passage and approval.

When to take effect.

Approved, January 8th, 1866.

IMMIGRATION,

CHAPTER 20.

An Act to authorize the appointment of an Immigrant Agent.

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

Section 1. That the Governor of the territory be and he is hereby authorized to appoint an immigrant agent for the territory of Dakota.

Governor authorized to appoint immigrant agent.