

page of the volume. Said index shall not refer to any law or part of law which is or may be repealed at the close of the present session of the Legislative Assembly of the Territory of Dakota.

SEC. 2. This act shall take effect and be in force from and after its passage. When to take effect.

Approved, January 6th, 1873.

INTOXICATING LIQUORS.

CHAPTER 25.

AN ACT TO PROVIDE AGAINST THE EVILS RESULTING FROM THE SALE OF INTOXICATING LIQUORS IN THE TERRITORY OF DAKOTA.

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

SECTION 1. That it shall be unlawful for any person or persons, by agent, or otherwise, without first having obtained a license to sell in any quantity, intoxicating liquors, to be drunk in, upon, or about the premises where sold, or to sell such intoxicating liquors to be drunk in any adjoining room, building, or premises, or other place of popular resort connected with said building; *Provided*, That no person shall be granted a license to sell or give away intoxicating liquors, without first giving a bond to the municipality or authority authorized by law to grant licenses; which bond shall run in the name of the people of the Territory of Dakota, and be in

Selling liquor without license unlawful.

Liquor dealer to give bonds against damages from sale of liquor.

the penal sum of (\$3,000) three thousand dollars, with at least two good and sufficient securities, who shall be freeholders, conditioned that they will pay all damages to any person or persons which may be inflicted upon them, either in person or property, or means of support, by reason of the person so obtaining a license, selling or giving away intoxicating liquors; and such bond may be sued and recovered upon for the use of any person or persons, or their legal representatives, who may be injured by reason of the selling intoxicating liquors by the person or his agent so obtaining the license.

Unlawful to sell to minors. SEC. 2. It shall be unlawful for any person or persons, by agent, or otherwise, to sell intoxicating liquors to minors, unless upon the written order of their parents, guardians, or family physicians, or to persons intoxicated, or who are in the habit of getting intoxicated.

Where intoxication is caused, party selling liable. SEC. 3. Every person, who shall, by the sale of intoxicating liquors, with or without a license, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and two dollars per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication: which sums may be recovered in action of debt before any court having competent jurisdiction.

Penalty for violating this act. SEC. 4. For every violation of the provisions of the first and second sections of this act, every person so offending shall forfeit and pay a fine of not less than \$20, nor more than \$100.

Giving away, same as selling. SEC. 5. The giving away of intoxicating liquors or other shift or device to evade the provisions of this act, shall be deemed and held to be an unlawful selling within the provisions of this act.

Real estate and personal property liable for fines. SEC. 6. For the payment of all fines, costs and damages assessed against any person or persons, in consequence of the sale of intoxicating liquors, as provided in this act, the real estate and personal property of such person or persons, of every kind, shall be liable; and such fines, costs and damages shall be a lien upon such real estate until paid: and all the furniture, liquors, glasses, bottles and barrels in the cus-

body of any person selling spirituous liquors, shall be liable to seizure and sale to pay any fine or judgment against such person so selling spirituous liquors.

SEC. 7. This act shall take effect and be in force from and after the first day of July, A. D. 1873. When to take effect.

Approved, January 10th, 1873.

CHAPTER 26.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS ON DAYS OF ELECTION.

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

SECTION 1. That it shall be unlawful for any person in this Territory, to sell, or give away, or dispose of any intoxicating liquors, on the day of any general or special election in this Territory. Unlawful to dispose of liquor on days of election.

SEC. 2. Any person offending against this act shall be guilty of a misdemeanor, and shall be punished by fine, not less than twenty-five dollars, nor exceeding one hundred dollars; and by imprisonment in the county jail not to exceed twenty days. One-half of said fine shall go to the informer, and the balance to the treasurer of the proper county, for the benefit of common schools. Penalty. Fine how disposed of.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval by the Governor. When to take effect.

Approved, January 10th, 1873.