

is an ingredient to be smoked in, upon or about such place or premises.

§ 4. PENALTY.] Any person violating the provisions of section one, two or three of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment.

§ 5. PLACES USED FOR OPIUM SMOKING A NUISANCE.] Any room, building, cellar or other place or premises used or permitted to be used for smoking of opium or any commodity of which opium is an ingredient, shall be considered and is hereby declared a public nuisance: and the district court or the judge thereof may at any time, upon satisfactory proof that the smoking or use of opium is permitted or carried on in any such premises, order and cause any such premises to be abated as a public nuisance.

§ 6. JURISDICTION.] Justices of the peace shall have concurrent jurisdiction with the district court to hear, try and determine any case arising under this act within their county. It is hereby made the especial duty of all ministerial officers to enter complaint in each case of the violation of this act, and they are hereby required to ascertain by inquiry and examination as to any such violations.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Approved, March 13, 1885.

Passage Tickets.

CHAPTER 122.

AN ACT Relative to Dealing in Passage Tickets.

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

§ 1. RIGHT TO DEAL IN PASSAGE TICKETS.] Any person having an established place of business in any village, town, or city within this Territory, shall have the right to buy, sell and exchange passage tickets or other evidences of a right of passage from one place to another upon any railroad line or steamboat line and their con-

nections that said tickets may have been regularly issued over and for.

§ 2. THAT PURCHASERS MAY SELL.] Any person purchasing a ticket from the authorized office of any line for the transportation of passengers, shall have the right to sell his ticket or tickets to any person doing business under this act; *Provided*, That nothing in this act shall be construed to prevent any incorporated village, town or city to regulate this business by any law deemed necessary for the protection of the public.

§ 3. ACTS IN CONFLICT REPEALED.] All acts or parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage and approval.

Approved, March 13, 1885.

Penitentiary.

SIoux FALLS—GOVERNMENT OF.

CHAPTER 123.

AN ACT to Repeal Section Two and Amend Section Twelve of Chapter One Hundred and Four of the Session Laws of 1881.

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

§ 1. REPEALED.] That section two of chapter one hundred and four of the session laws of 1881, entitled "An act to locate and provide for the building and government of a territorial penitentiary," is hereby repealed.

§ 2. DIRECTORS APPOINTED—VACANCIES.] That the penitentiary at Sioux Falls, Dakota, shall be under the direction and government of five directors who shall be appointed by the Governor of the Territory, with the advice and consent of the Council. Said directors to hold their office for the term of two years or until their successors are appointed and qualified, and in case a vacancy shall occur in the position of director, such vacancy shall be filled by the other members of the board who shall vote by ballot in filling such vacancy, which person so elected shall hold his office