

lief of the person making it : and such verification must be by the affidavit of party, or if there be several parties united in interest and pleading together by one at least of such parties acquainted with the facts, if such party be within the county where the attorney resides and capable of making the affidavit. The affidavit may also be made by the agent or attorney if the party is absent from the county in which such attorney resides or is not a resident thereof, and when the pleading is verified by any other person than the party he shall set forth in the affidavit the reasons why it is not made by the party. When a corporation is a party the verification may be made by any officer thereof : and when the Territory or any officer thereof in its behalf is a party, the verification may be made by any person acquainted with the facts. The verification may be omitted when an admission of the truth of the allegation might subject the party to prosecution for felony, and no pleading can be used in a criminal prosecution against the party as proof of a fact admitted or alleged in such pleading.

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

Approved, March 13, 1885.

University.

SALE OF LIQUORS.

CHAPTER 150.

AN ACT to Prevent the Sale of Intoxicating Liquors within a Distance of Three Miles of the Dakota University, in the City of Vermillion, County of Clay and Territory of Dakota, except for Medicinal and Mechanical Purposes.

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

§ 1. UNLAWFUL TO SELL.] It shall not be lawful for any person by himself, agent or otherwise, to sell in any quantities, intoxicating liquors at any place, room, building, or premises, within three miles of the Dakota University, in the city of Vermillion, county of Clay ; and no license to sell liquors within said limits shall be issued by the authorities of either the county of Clay or the city

of Vermillion; *Provided, however,* This act shall not be so construed as to prohibit any druggist from selling liquors for medicinal or mechanical purposes.

§ 2. PERSON BUYING TO SIGN HIS NAME.] Every person buying liquors for medicinal or mechanical purposes shall sign his name in a book, to be kept by each druggist in said city for that purpose.

§ 3. PENALTY.] Every person selling intoxicating liquors in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars for the first offense, and not less than three hundred dollars for the second offense and each and every offense thereafter, or by imprisonment in the county jail not less than thirty days for the first offense, and not less than sixty days for the second offense, or by both such fine and imprisonment, in the discretion of the court.

§ 4. DISTANCE, HOW CALCULATED.] For the purpose of calculating and ascertaining the distance of said three miles from said Dakota University, the starting point shall be the middle point of the east front line of the main building of said University at the surface of the ground as said building now stands.

§ 5. GIVING AWAY PROHIBITED.] The giving away of intoxicating liquors, or any 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 the same.

§ 6. FINES, HOW DISPOSED OF.] All fines collected under the provisions of this act shall be paid over to the county treasurer to the credit of the general school fund of the county of Clay, and all property, real and personal, except that absolutely exempt belonging to the person convicted, and all furniture, liquors, glasses, bottles, kegs and barrels in the custody of any person so selling intoxicating liquors, shall be liable to seizure and sale, to pay any fine against such person so selling intoxicating liquors.

§ 7. This act shall take effect and be in force from and after the first day of July, A. D. 1885.

Approved, March 15, 1885.