

JAILS.

CHAPTER XVI.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES IN THIS TERRITORY TO BUILD JAILS.

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

Preliminary
proceedings;
Election

Section 1. That whenever the board of county commissioners of any county shall deem it for the interests of such county to construct a jail therein, they shall make an order to that effect, at any regular or special meeting of such board and shall from the best information they can obtain, estimate the probable cost thereof and shall immediately cause an election to be held by the qualified voters of such county, first causing at least twenty days notice of such election to be given by publication in some newspaper, if one is published in the county, and by posting copies of such notice in at least five of the most public places of said county, one to be posted in each precinct as established by law, and in such notice there shall be set forth the amount, in the opinion of such board, it will be necessary to expend in building such jail, and such board shall at that time appoint three inspectors of such election for each precinct of the county, one of which shall be elected clerk thereof.

Opening of
polls

Sec. 2. At the election called as aforesaid, the polls shall be opened at nine o'clock, A. M., and be kept open until four o'clock, P. M., when they shall be closed and if the inspectors so appointed shall fail to act, the qualified voters present at the polls at the opening thereof, may elect inspectors thereof, and at said election the voting shall be by ballot either written or printed and said ballots shall contain the words "for building a jail, yes," or "for building a jail, no," and the canvass and returns shall be in accordance with the election law of this Territory.

Sealed propo-
sals

Sec. 3. If at such election a majority of the ballots shall contain thereon the word "no," no further steps shall be taken by such board of commissioners, but if a majority thereof shall contain the word "yes" then such board shall immediately cause plans and specifications

to be prepared by some competent architect, for a jail to cost not more than the amount specified in the notice of election, and after such plan and specifications are prepared and adopted by the board they shall deposit the same in the office of the register of deeds for the county, where they shall be open to the inspection of any person, and such board shall give notice that they will receive sealed proposals for the building of such jail according to such plans and specifications, by publication in a newspaper, if there be one published in the county, if not, by posting notices in at least five of the most public places in said county and by publication in a newspaper published within this Territory nearest to the county seat; such notice shall be that they will until a day to be specified therein, not less than twenty days from publication of said notice, receive sealed proposals for the building of such jail, either as a whole or in parts as shall seem to them best for the interests of the county, and shall also specify the time in which the same shall be completed, and that such proposals shall be handed to the register of deeds said county.

Sec. 4. On the day appointed for the opening of such bids, the county commissioners shall meet, open and declare the same in public and shall award the contract or contracts to the lowest bidder or bidders, requiring such contractor or contractors to furnish security in double the amount of his contract to the satisfaction of the board for the completion of such contract.

Awarding contract

Sec. 5. The bids above provided for shall be accompanied by the guarantee of two or more responsible persons that if the contract is awarded to the bidder, he will enter into the requisite bonds for the faithful performance of such contract.

Contractor to give bonds

Sec. 6. The expense of building such jail shall be paid one-half in county bonds bearing date at the completion of such contract and payable five years from date, with interest at ten per cent, and issued and signed by such board of county commissioners and attested by the register of deeds *ex-officio* clerk of the board, and the seal of said county; and one-half in county warrants issued by the order of such board payable in equal proportion, one-fifth due and the balance one, two, three and four years from date, with ten per cent. interest, and which warrants after they become due shall be receivable for county taxes;

Expenses of building jails

Provided however, That no bonds shall be issued until the entire completion of the contract or contracts and the acceptance by the board of county commissioners of the work and an order to that effect made by said board;

Provided further, That said warrants may be issued as the work progresses, not to exceed one-half the amount of the value of such work or material furnished, and the balance upon completion of the contracts.

County commis-
sioners to levy
tax

Sec. 7. The board of county commissioners shall each year levy and cause to be collected upon the assessment roll of the taxable property of such county, a tax in addition to the tax now provided by law, sufficient to pay such warrants as they become due, and in the year the bonds become due, they shall levy a tax sufficient to pay said bonds and interest.

Same

Sec. 8. The board of county commissioners of any county may levy and cause to be collected a yearly tax not exceeding five cents on the hundred dollars as a fund to be used for the purpose of building a jail, and the first tax as above provided may be levied for the year 1868, or for any year thereafter.

When inspector
not to be ap-
pointed

Sec. 9. Whenever the election provided for in section one (1) of this act shall be held on the day of the general election, no inspectors shall be appointed as provided for in this act, but the canvass and returns of the votes shall be made by the judges and clerk, of the general election in each precinct of the county as provided for by the election laws of this Territory.

Jail to be built
at county seat

Sec. 10. No jail shall be built under the provisions of this act except at the county seat of the county.

County commis-
sioners may rent
jail

Sec. 11. The county commissioners of any county having a jail, may rent or otherwise dispose of the use of a portion of the same to other counties of this Territory sending prisoners to such jail for safe keeping, or to the United States government or United States marshal for like purposes, and the proceeds of such renting shall be used in extinguishing the bonds and warrants issued by the county commissioners for the payment of such jail, and for the payment of the interest on such bonds and warrants.

Sheriff may be
allowed board of
prisoners

Sec. 12. The county commissioners of any county shall have the power to allow and pay a reasonable price per day to the sheriff or a jailor for the board of any prisoners confined in jail, not exceeding fifty cents per day.

When to take
effect

Sec. 13. This act shall take effect and be in force from and after its passage and approval.

Approved, December 30, 1867.