

CHAPTER 103.

TERRITORIAL TREASURER.

AN ACT to Amend Section 3 of Chapter 39 of the Political Code, and Section 1 of Chapter 133 of the Session Laws of Dakota Territory of 1881.

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

§ 1. SALARY AND BOND OF TERRITORIAL TREASURER.] That section three (3) of chapter thirty-nine (39) of the Political Code, and section (1) of chapter one hundred and thirty-three (133) of the session laws of 1881, be, and the same is, hereby amended to read as follows:

§ 3: "The salary of the Territorial Treasurer shall be two thousand dollars per annum, payable quarterly; that he give a bond of one hundred thousand dollars with good and sufficient sureties, to be approved by the Governor."

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

Approved, March 8, 1883.

Seat of Government.

CHAPTER 104.

AN ACT to Provide for the Location of the Seat of Government of the Territory of Dakota, and for the Erection of Public Buildings thereat.

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

§ 1. REMOVED FROM YANKTON.] The seat of government of the Territory of Dakota, is hereby removed from the city of Yankton, in the county of Yankton, and Territory of Dakota, and is located and established as hereinafter provided.

§ 2. NAMES OF COMMISSIONERS.] That Milo W. Scott, Burleigh F. Spaulding, Alexander McKenzie, Charles H. Myers, George A. Mathews, Alexander Hughes, Henry H. DeLong, John P. Belding, M. D. Thompson, be, and they are hereby appointed com-

missioners for the purpose of locating the permanent seat of government and the capital building of the Territory of Dakota.

§ 3. BOND AND OATH—ORGANIZATION—BOND OF TREASURER.] Said commissioners shall before entering upon the discharge of their duties, enter into bonds in the sum of forty thousand dollars (\$40,000) each, with good and sufficient sureties, to be approved by one of the justices of the supreme court, payable to the Territory of Dakota, and conditioned for the faithful performance of their duties under this act, to fully account for all moneys that may come into their hands as such commissioners, and they shall also take and subscribe an oath to fully, faithfully and impartially carry out the provisions of this act, which said oath shall be endorsed on their bond, and the same shall be filed in the office of the Territorial Treasurer. If any of the commissioners fail to qualify as provided in this section, within thirty (30) days after the passage of this act, or should a vacancy occur at any time, the Governor shall fill the vacancy by appointment, and the person so appointed shall qualify in the manner provided in this act. After having qualified, and within thirty (30) days after the passage of this act, the commissioners shall meet in the city of Yankton and proceed to organize by electing a president, secretary and treasurer, each of which officers, except the secretary, shall be a member of the commission herein provided for. The treasurer of the board of commissioners shall give a good and sufficient bond, payable to the Territory of Dakota, and conditioned for the faithful performance of the duties of his office; said bond shall be in the sum of one hundred thousand dollars (\$100,000), to be approved as above provided.

§ 4. SHALL SELECT SITE FOR CAPITAL.] On or before the first day of July, A. D. 1883, the commissioners, or a majority of them, shall select a suitable site for the seat of government of the Territory of Dakota, due regard being had to its accessibility from all portions of the Territory, and its general fitness for a capital, when at least one hundred thousand dollars (\$100,000) shall be paid or guaranteed in money; if the amount be not paid in money, then its payment to the Territory shall be secured by a bond with good and sufficient sureties, payable to the Territory, which bond shall be approved by said commissioners or a majority thereof. And after the site is determined upon as aforesaid, said commissioners shall secure good and sufficient title deeds of at least one hundred and sixty acres of land upon which the capital buildings shall be erected, and a sufficient amount of said grounds shall be laid out into squares and suitable landscapes, and the same is hereby declared to be the permanent seat of government of the Territory of Dakota, at which all of the public officers of the Territory shall be kept, and at which all of the sessions of the Legislature shall hereafter be held.

§ 5. DISPOSITION OF RESIDUE OF LANDS.] The residue of the said one hundred and sixty acres, and any other lands secured by the said commissioners, shall be laid off and staked out into lots, blocks, streets and alleys and public squares, and shall be disposed of as hereinafter provided, for the sole benefit of the Territory of Dakota.

§ 6. PLATS OF TOWN—SALE OF LOTS.] After said lands shall have been properly surveyed, staked off and laid out, three accurate plats of the same shall be made, showing the blocks, lots, streets, alleys, parks, squares and reservations for public buildings, one of which shall be recorded in the office of register of deeds of the county in which such site is situated, and by him entered in the proper deed book; one of said plats shall be filed in the office of the Secretary of the Territory, and the third plat shall be retained by the commission. Said commissioners shall fix a minimum price upon each lot not reserved for public uses, which said price shall be marked upon each lot in said plat. The said commissioners shall then advertise in six daily newspapers published within the Territory of Dakota, that they will upon a day to be therein named, not less than thirty (30) days after the date of the first publication of the notice, offer or cause to be offered for sale to the highest and best bidder at public sale, each lot not reserved as aforesaid. Said sale shall be held first at or near said capital grounds, and shall be opened from day to day at ten (10) o'clock. A. M., and be kept open for at least five consecutive days, Sundays excepted, and thereafter any remainder of said lots may be sold by said commissioners at public or private sale, and at such times and places as said commissioners may decide, and at said sales no lots shall be sold for any sum less than the minimum price marked upon the plat above provided for, nor upon any other terms than for cash in hand.

§ 7. DEEDS, HOW PROCURED.] Every purchaser of lots shall deposit the purchase money therefor with the commissioners, who shall give a receipt for said money, which receipt shall specify the amount of money and the number of the lot and block for which the money was paid, and which receipt, upon its presentation to the Secretary of the Territory, shall entitle the person named therein, to a deed in fee simple, absolute, from the Territory of Dakota, to the real estate named in the receipt, which conveyance shall be executed for and in behalf of the Territory, by the Governor, and attested by the Secretary of the Territory, under the seal of said Territory, and said Secretary shall file and safely keep all receipts thus presented.

§ 8. MONEYS TO BE DEPOSITED WITH TERRITORIAL TREASURER.] All moneys received by the commissioners for the sale of lots shall

be forthwith deposited by them in the territorial treasury, and said money shall be held by the Treasurer as a territorial building fund, and shall be kept by him separate from other funds and be separately accounted for.

§ 9. COMPENSATION OF COMMISSIONERS AND SURVEYORS.] All expenses incurred by the commissioners for a surveyor, at not exceeding five dollars (\$5.00) per day and necessary assistants, not exceeding two and one half dollars (\$2.50) per day each, with necessary bills for team hire, advertising, stationery and other necessary expenses, shall be paid by the Auditor of the Territory by his warrant upon the territorial building fund upon the certificate of the said commissioners; and the commissioners shall be paid for their services, the sum of six dollars (\$6.00) each, for each and every day actually employed, by the warrant of the Auditor of the Territory upon the territorial building fund:

Provided, That in the aggregate they shall not receive as compensation more than ten thousand dollars.

§ 10. ADVERTISING FOR PLANS AND SPECIFICATIONS.] As soon as said commissioners have secured a suitable site, and a building fund of at least one hundred thousand dollars (\$100,000), they shall issue a notice to architects, asking for plans and specifications for a building, the foundations of which shall be of stone, and the superstructure of which shall be of stone, brick, or iron, which shall be suited for the executive offices and the assembly of the two houses of the Legislature, which said building may be designed as a portion of a larger edifice.

§ 11. COMMISSIONERS TO ADOPT PLAN AND ADVERTISE FOR ERECTION OF BUILDING.] The commissioners shall, from the plans presented, adopt the one best adapted to the wants of the Territory, and shall appoint a competent person to superintend its construction, who shall be paid not exceeding five per cent. on the contract price for his services. The commissioners shall then advertise in at least four daily newspapers published in the Territory, for one month, for sealed proposals for the erection of said buildings, according to the plans and specifications to be furnished by them.

§ 12. LETTING OF CONTRACT AND BOND OF CONTRACTOR—PAYMENTS—REMOVAL OF CAPITAL.] The contract shall be let to the lowest and best bidder, and the contractor shall enter into sufficient bonds of not less than double the contract price, with sureties, to be approved by the commissioners, conditioned for the faithful performance of the contract. The commissioners shall reserve the right to reject any and all bids, if in their judgment they are too high, and may again proceed to advertise for proposals in the manner provided in this act. The commissioners shall from time to time, upon the requisition of the

superintendent, draw through the Auditor of the Territory, upon the territorial treasury for the amount necessary to carry on the construction of the capital, which said warrants shall be paid out of the territorial building fund :

Provided, That said contractor shall not be paid at any time any sum or amount in excess of eighty (80) per cent. of the actual value of the work done, or material furnished at the time of such payment. The balance due the contractor shall be paid when the building is completed and accepted by the commissioners, and said building shall be completed as soon as practicable. As soon as the capitol building provided for in this act is erected and completed, it shall be the duty of said commissioners to report such facts to the Governor, who shall thereupon issue his proclamation setting forth the action of the commissioners and declaring said building ready for occupancy ; and it shall then be the duty of all the territorial officers, whose offices are properly kept at the capital, to remove within thirty (30) days thereafter their several offices, together with the public property, archives, records, books and papers to the building and place so declared ready for occupancy, and all sessions of the Legislature shall thereafter be convened in the said building at the said place.

§ 13. TITLE TO THE TERRITORY.] The title to all lands secured by the commissioners for the location and erection of capitol buildings shall be conveyed to the Territory of Dakota.

§ 14. COMMISSIONERS TO MAKE REPORT--SHALL NOT PURCHASE CERTAIN LANDS OR HAVE INTEREST IN CONTRACT.] The said commissioners shall make a full and complete report to the next Legislature of all their doings, specifying to whom, for what service or material, and the amount paid to each person. The number of lots sold, to whom, for what amount, to whom and for what amount the contract or contracts were let, together with a copy of all such contracts, and the said commissioners and their sureties shall be held responsible on their bonds for all their acts until the Legislature shall order the said bonds to be delivered up to the said commissioners. No member of said board of commissioners shall purchase or in any other manner acquire any real estate or interest therein, directly or indirectly, within ten (10) miles of the site selected for a capital within one year from the passage of this act, nor shall he be interested directly or indirectly in any contract made under the provisions of this act.

§ 15. PENALTY FOR VIOLATION OF SECTION 14.] Any violation of section fourteen (14) of this act by any of the commissioners shall work a forfeiture of his official bond, and he shall be deemed to have committed a felony and upon conviction thereof shall be punished by imprisonment in the territorial penitentiary not exceeding three years.

§ 16. TEMPORARY CAPITAL.] Until the territorial capitol buildings shall be ready for occupancy as provided by this act, the territorial officers shall temporarily keep their offices, archives, books, records and papers at the city of Yankton, unless the Governor shall designate some other place by written order, in which case the said officers shall remove their respective offices, together with the archives, books, records and papers pertaining thereto to the place so designated within the time prescribed in such order.

§ 17. ACTS REPEALED.] Chapter one of the Political Code, and all acts or parts of acts in any manner in conflict with this act or repugnant thereto are hereby repealed.

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

Approved, March 8, 1883.

Security.

CHAPTER 105.

AN ACT to Amend Section (197) of Article (4) of the Code of Civil Procedure.

Be it Enacted by the Legislative Assembly of Dakota Territory :

§ 1. SECURITY WHERE DEBTOR IS ABOUT TO REMOVE.] That section (197) of Article (4) of the Code of Civil Procedure be amended by adding to the end of said section the following words:

Provided further, That whenever any debtor residing in this Territory is about to remove from the county where he resides with the intention of permanently changing his or her place of residence, it shall be lawful for his or her creditors to demand of such debtor security for such debt and in case of failure or neglect to secure the same. Such creditor shall have the right of attachment against the property of such delinquent debtor under the provisions of law regulating attachment proceeding.