

# University of Dakota.

## CHAPTER 38.

### ORGANIZATION AND GOVERNMENT.

AN ACT to Provide for the Organization and Government of the University of Dakota.

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

§ 1. PURPOSE, TUITION, ETC.] The objects of the University of Dakota, established by an act of the Legislative Assembly of the Territory of Dakota, entitled "An act to locate the University of the Territory of Dakota," approved, April 21, A. D. 1862, shall be to provide the best and most efficient means of imparting to young men and women on equal terms a liberal education and thorough knowledge of the different branches of literature, the arts and sciences with their varied applications. The University, so far as practicable, shall begin the courses of study in its collegiate and scientific departments, at the points where the same are completed in high schools; and no student shall be admitted who has not previously completed the elementary studies in such branches as are taught in the common schools throughout the Territory. No student, who shall have been a resident of the Territory one year next preceding his admission, shall be required to pay any fees for tuition in the University, except in the law department and for extra studies. The regents may prescribe rates of tuition for any pupil in the law department, or who shall not have been a resident of the Territory as aforesaid and for teaching extra studies.

§ 2. NO SECTARIAN CONTROL.] The University shall never be under the exclusive control of any religious denomination whatever, and no instruction, either sectarian in religion, or partizan in politics, shall ever be allowed in any department of the University.

§ 3. HOW GOVERNED.] The University shall be governed by a board of regents, consisting of the Governor of the Territory, who shall be president of the board, the President of the University, and Superintendent of Public Instruction, who shall each be a member of said board of regents by virtue of his office, together with six other competent persons, who shall be appointed by the Governor by and with the consent of the legislative council.

§ 4. REGENTS, HOW APPOINTED.] That immediately upon the passage and approval of this act the six persons shall be appointed and shall hold their offices for the term of two and four years respectively, and the Governor shall designate in his appointments the three persons who shall hold their office for two years and the three for four years.

§ 5. VACANCIES.] The board of regents shall fill vacancies occurring therein, except when the Legislature is in session; and the persons so appointed shall hold their offices until the next session of the Legislature, when the Governor, with the concurrence of the legislative council shall fill all vacancies.

§ 6. DEPARTMENTS.] The University shall include a collegiate, scientific, normal and such other departments with such courses of instruction and elective studies as the board of regents may determine, and the board shall have authority to confer such degrees and grant such diplomas and other marks of distinction as are usually conferred and granted by other universities.

§ 7. MEETINGS.] The meetings of the board of regents shall be held at such times as the board may appoint. The president of the board may call special meetings when he deems it expedient, or special meetings may be called by any three members of the board.

§ 8. FINANCES.] An executive committee consisting of three competent and responsible persons shall be appointed by the board of regents, who shall audit all claims and whose chairman shall draw all orders for such audited claims upon the treasurer, but before payment such orders shall be countersigned by the secretary. Said committee shall keep a specific and complete record of all matters involving the expenditure of money, which record shall be submitted to the board of regents at each regular meeting of same.

§ 9. ERECTION OF BUILDINGS.] Whenever any building is to be erected, or extensions, alterations or repairs are to be made in connection with the University, or other improvements, the board of regents shall have authority to procure all necessary plans, drawings and specifications for such building, alterations, repairs or improvements; to advertise for proposals for the erection and completion or performance thereof, in such manner as may be most advantageous, and to contract with the lowest responsible bidder therefor, such contractor in every case to give adequate security for the faithful performance of his contract; to appoint and discharge a building superintendent, who shall superintend the work and perform such other duties as they may require, and receive such compensation as the board shall determine, and to examine and certify to the correctness of the estimates and accounts for

work under the contract, and of their superintendent and employes.

§ 10. SECRETARY.] The board of regents shall elect a secretary, who shall hold his office at the pleasure of the board. He shall record all the proceedings of the board of regents, and carefully preserve all books and papers. He shall countersign and register all orders for money on the treasurer, and the treasurer shall not pay an order on him for money, unless the same be countersigned by the secretary.

§ 11. TREASURER.] The board of regents shall elect a treasurer, who shall hold his office at the pleasure of the board. He shall keep a true and faithful account of all moneys received and paid out by him, and before entering upon the duties of his office he shall take and subscribe an oath that he will faithfully perform the duties of treasurer; and he shall also give a bond in a penal sum fixed by said board, conditioned for the faithful discharge of his duties as treasurer, and that he will at all times keep and render a true account of moneys received by him as treasurer, and of the disposition he has made of the same, and that he will at all times be ready to discharge himself of the trust, and to pay over when required; which bond shall have two or more good securities, and shall be approved as to its form and sufficiency of its sureties by the board of regents, and also the auditor and secretary of the Territory, and shall be filed in the office of the latter.

§ 12. RULES.] The board of regents shall enact rules for the government of the University, and shall appoint a president and the requisite number of professors and tutors, together with such other officers as they may deem expedient, and shall determine the salaries of such officers, the compensation of the secretary and treasurer. They shall remove any officers connected with the University, when, in their judgment, the good of the institution requires it.

§ 13. PURCHASE OF APPARATUS.] The board of regents is authorized to expend such sums of money as may be appropriated for the University funds as it may deem expedient, in the purchase of apparatus, library and a cabinet of natural history, in providing suitable means to keep and preserve the same, and in procuring all other necessary facilities for giving instruction.

§ 14. CABINET.] All specimens of natural history and geological and mineralogical specimens, which are, or hereafter may, be collected by the territorial geologist or by any others appointed by the Territory to investigate its natural and physical resources, or donated by any person, shall belong to, and be the property of the University, and shall form a part of its cabinet of natural his-

tory, which shall be under the charge of the professor of that department.

§ 15. REPORT OF PRESIDENT.] The president of the University shall make a report on the fifteenth day of September preceding the meeting of the Legislative Assembly, to the board of regents, which shall exhibit the condition and progress of the institution in its several departments, the different courses of study pursued therein, the branches taught, the means and methods of instruction adopted, the number of students, with their names, classes and residences, and such other matters as he may deem proper to communicate.

§ 16. REPORT OF BOARD.] The board of regents shall, on the first day of October preceding each regular meeting of the Legislative Assembly, make a report to the superintendent of public instruction, which report, with that of the president of the University, shall be embodied in the said superintendent's report to the Legislative Assembly. The report of the board of regents shall contain the number of professors, tutors and other officers, with the compensation of each, the condition of the University fund, and the income received therefrom, the amount of expenditures, and the items thereof, with such other information and recommendations as they may deem expedient to lay before the Legislative Assembly.

§ 17. MILEAGE.] The regents shall receive no compensation except for actual expenses in traveling to and from their places of meetings, and also their actual expenses while discharging any other duties in connection with their office.

§ 18. FRANCHISES HERETOFORE GRANTED TO VEST IN PRESENT BOARD.] The said board of regents shall succeed to the custody of the books, records, buildings and all other property, real and personal, of the University of Dakota, incorporated on the 19th day of May, eighteen hundred and eighty-one, under chapter fourteen of the Civil Code; and the present board of trustees shall be dissolved immediately upon the organization of the board of regents herein provided for, and the deed or grant of all of said property, together with all the rights, privileges and franchises of said corporation is hereby accepted, and said deed or grant, is hereby legalized and declared to be and remains in full force and effect; and the grant of land from the United States of America to the Territory of Dakota, made in "An act entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming, for University purposes,'" is hereby accepted by this Territory with all the privileges, rights and restrictions in said act provided.

Approved, February 3, 1883.

## CHAPTER 39.

## TO PROVIDE BUILDING FUND.

AN ACT to Provide for Funds for the Purpose of Completing the Present Building of the University of Dakota and for Constructing the Main Building thereof and for other purposes.

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

§ 1. BONDS TO BE ISSUED.] That for the purpose of providing funds to pay the cost of completing and furnishing the present building of the University of Dakota and for constructing and furnishing a main building for the same, the Territorial Treasurer is hereby authorized and empowered and it is made his duty to prepare for issue thirty thousand dollars of Territorial bonds, running for a term or period of twenty years, and payable at the option of the Territory after a term of ten years, and bearing interest at the rate of six per cent. per annum, with coupons attached made payable semi annually on the first days of July and January in each year, such bonds shall be executed under the seal of the Territory by the Governor and Treasurer, and shall be attested by the Secretary, and shall be negotiated by the Treasurer of the Territory.

§ 2. PROPOSALS.] It shall be the duty of the Treasurer to receive sealed proposals for the purchase of said bonds, and upon request of the board of regents he shall give public notice for thirty days in two newspapers of general circulation, one of which shall be published in the city of New York, and said bonds shall be sold to the highest bidder for cash.

§ 3. BOND TAX.] For the purpose of the prompt payment of principal and interest of the bonds herein provided, there shall be levied by the territorial board of equalization, at the time the other taxes are levied, and collected in the same manner as other territorial taxes are collected, such sums as shall be sufficient to pay such interest and the exchange thereon; and after ten years from the first day of May, 1883, in addition thereto, a sinking fund tax shall be annually levied, sufficient to retire and pay said bonds at their maturity. And it shall be the duty of the Territorial Treasurer to pay promptly on the first days of July and January of each year, such interest as shall then be due, and to purchase said bonds at their market value, and retire and cancel the same with the sinking fund tax as fast as the same shall be received. And no tax or fund provided for the payment of such

bonds, either principal or interest, shall at any time be used for any other purpose.

§ 4. PAYMENT OF INTEREST.] If for any reason the Territorial Treasurer shall not have in his hands sufficient funds, herein provided, to pay the interest upon such bonds when due, he shall pay such interest out of any other unappropriated fund belonging to the Territory. And there is hereby appropriated and set apart out of the general funds belonging to the Territory, a sum sufficient to pay such interest on said bonds as may become due before the funds and tax herein provided can be made available, and it shall be made the duty of said Treasurer to pay said interest promptly at the time it falls due out of said funds.

§ 5. FUNDS REPLACED.] All moneys belonging to the general Territorial fund, applied by said Treasurer in payment of the interest of said bonds, shall be replaced from the special tax levied to pay the same.

§ 6. APPROPRIATION.] There is hereby appropriated out of the Territorial Treasury all the funds realized by the sale of the bonds provided for in this act. And the board of regents shall within ninety days after this act becomes a law, proceed with the completion of said present building and the construction of said main building with all the powers in the premises as is conferred on said board or any of its officers as is provided for in an act entitled "An Act to Provide for the Organization and Government of the Dakota University," approved February 1, 1883.

§ 7. AUDITOR TO DRAW WARRANTS.] It shall be the duty of the Auditor of the Territory upon the application of the board of regents or a majority thereof to draw warrants on the Territorial Treasurer for the purpose of completing and furnishing said present building and for the purpose of constructing and furnishing said main building, and for the purpose of carrying out the provisions of the aforesaid act.

§ 8. SPECIFIC APPROPRIATIONS.] There is hereby appropriated out of the Territorial Treasury for the period of two years, the following sums or so much thereof as may be necessary:

For apparatus for the University, one thousand dollars.

For lights and fuel and for pay of janitor, one thousand eight hundred dollars.

For necessary incidental expenses, one thousand dollars.

For improvement of University grounds, five hundred dollars.

§ 9. SALARIES.] The board of regents shall from time to time fix the salary of the president, professors and teachers of said University, and shall certify the same to the Territorial Auditor,

and it shall be the duty of the Territorial Auditor to draw warrants on the Territorial Treasury upon the certificate of the secretary of said board of regents that the amount is due for such salary fixed by said board, and that the service therein mentioned was actually performed. The salary of the president of said University shall not exceed fifteen hundred dollars per annum and the total salaries of the professors and teachers shall not exceed in the aggregate four thousand dollars per annum.

Approved, February 27, 1883.

## University of North Dakota.

### CHAPTER 40.

#### AT GRAND FORKS.

AN ACT Establishing a Territorial University at Grand Forks, Dakota.

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

§ 1. WHERE ESTABLISHED.] That there be, and is, hereby established in this Territory at the city of Grand Forks, in the county of Grand Forks, an institution of learning by the name and style of the "University of North Dakota."

§ 2. BOARD OF REGENTS.] The government of the University shall vest in a board of regents, to consist of five (5) members, to be appointed by the Governor, by and with the consent of the council, and the Governor shall, during the term of his office, be a member of said board. The term of office of said regents shall be two for two years, and three for four years for the first term, and for four years thereafter, from and after their appointment, unless sooner removed by the Governor for cause; but appointment to fill vacancies, before the expiration of a term, shall be for the residue of the term only.

§ 3. POWERS AND DUTIES OF BOARD.] The board of regents and their successors in office shall constitute a body corporate, by the name of "The Regents of the University of North Dakota," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall