

WHEREAS, It appears that all other acts of said assessor in reference to said assessments were done in pursuance of law; therefore,

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

§ 1. ASSESSMENT DECLARED LEGAL.] That said assessments be, and the same are, hereby declared to be legal, and to have the same force and effect as if said assessor had attached to said assessment rolls the oath required by said section twelve.

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

Approved, February 17, 1881.

Bonds.

CHAPTER 5.

BARNES COUNTY COURT HOUSE AND JAIL.

AN ACT granting Authority to the County Commissioners of Barnes County to Issue Bonds for the Erection and Construction of a Court House and Jail in accordance with the Vote of the People, submitted November 2, 1880.

Be it enacted by the Legislative Assembly of Dakota Territory:

§ 1. COMMISSIONERS AUTHORIZED TO ERECT COURT HOUSE, AND ISSUE BONDS] The board of county commissioners of Barnes county are hereby authorized, empowered and directed to issue the bonds of the said county, not to exceed in amount the sum of thirty thousand dollars (\$30,000), with interest coupons attached, for the purpose of erecting and furnishing a court house and jail in said county; and said bonds shall be used for no other purpose whatever except to build and furnish said court house and jail in accordance with the vote of the people, submitted November 2, 1880: *Provided, however,* That not more than one fifth of the whole amount shall be expended for the erection and furnishing of said jail.

§ 2. DENOMINATION OF BONDS.] Said bonds shall be in amounts of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) each, and shall bear interest at a rate not exceeding eight (8) per cent. per annum, payable annually at the office of the county treasurer of said county; and the principal of said bonds shall be payable at such time or times, not less than two (2) nor more than ten (10) years after date, as said board of county commissioners shall by resolution determine, and shall not be negotiated for less than their par value.

§ 3. FORM OF BONDS.] The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county, be attested by the clerk of the said county and sealed with his official seal, and shall express on their face the object for which they shall have been issued; and said clerk shall keep a record of all such bonds, and number the same consecutively.

§ 4. BOND TAX.] The county commissioners of said county shall annually after issuing said bonds assess and levy a tax upon all taxable property of said county, in addition to all other taxes levied, sufficient in amount to pay the interest accruing yearly on all bonds so issued; and when the principal of said bonds or any part thereof is about to become due, they shall in like manner by levy of a tax cause moneys to be raised in an amount equal to said principal or any part thereof about to become due.

§ 5. COMMISSIONERS TO ADVERTISE FOR PLANS, ETC.] The board of county commissioners of said county shall immediately after the passage of this act, advertise in the *Valley City Times*, *Fargo Daily Argus* and *St. Paul Daily Pioneer-Press*, for three weeks, for plans and specifications for a suitable building or buildings for the purpose hereinbefore provided. Said buildings to provide for a jail, suitable rooms for all the county officers that are required by law to be provided with offices, and for a court room, grand and petit jury rooms, and such other rooms as are usually provided for court and county purposes, to be included within one building or more, as in the judgment and discretion of said board of county commissioners shall be deemed to be the most economical and otherwise the most advisable.

§ 6. BUILDING TO BE ERECTED AT COUNTY SEAT.] The said board of county commissioners shall cause said building or buildings to be erected at the county seat of Barnes county, and on the site now used and occupied by said county for said purpose.

§ 7. CONTRACT TO BE LET TO LOWEST BIDDER. PROVISIO.] The erection and construction of said building or buildings shall be let by the board of county commissioners to the lowest bidder, after advertisement for public proposals for not less than four weeks in the *Valley City Times*, *Fargo Daily Argus* and the *Daily St. Paul Pioneer-Press*, and sufficient bonds shall be required by the said board from the contractor. Said bond to accompany the bid with not less than two responsible sureties, for the construction and completion of said building or buildings in accordance with the plans and specifications adopted by the board of county commissioners and in accordance with the provisions of this act: *Provided, however*, That if in the judgment of the said board the lowest bid for such contract is too high they shall have the power to reject all bids and advertise anew, and this from time to time until a proper bid is received.

§ 8. TIME FOR COMMENCEMENT AND COMPLETION.] The erection and construction of said building or buildings shall commence on or before the first day of June, 1881, unless longer detained by the acceptance of a proper bid by said board, and shall be completed entire and ready for occupancy on or before the first day of June, 1882.

§ 9. PAYMENTS.] The board of county commissioners shall have the power to provide in the contract for the terms of payment, and for withholding from time to time such percentage from the value of the work as it progresses as shall insure a prompt compliance by the contractor with the terms of said contract, and to provide such other matters and things as shall be usually necessary and requisite with reference to such contract: *Provided, however*, That the terms of payment from time to time shall only be so fast as the work progresses, with fifteen per cent deducted therefrom, to insure the fulfillment of said contract.

§ 10. PENALTY FOR MISUSE OF FUNDS.] Any willful violation of any of the provisions of this act shall be deemed and held

to be punishable as a misdemeanor, and a misappropriation of any of the bonds or funds provided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof, shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five (5) years or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

§ 11. All acts and parts of acts in conflict with this are hereby repealed.

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

ENDORSED.—Received at Executive Office, February 7, 1881, at 2:00 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,

Secretary of the Territory.

CHAPTER 6.

BISMARCK.

AN ACT to Fund the Indebtedness of the City of Bismarck.

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

§ 1. INDEBTEDNESS OF CITY TO BE BONDED.] That the outstanding indebtedness of the city of Bismarck, in this Territory, shall be funded as herein provided.

§ 2. MAYOR AND COUNCIL TO MAKE PROVISION.] That the mayor and council of the city of Bismarck, on and after the first day of May, 1881, shall have the authority and it is hereby made their duty to provide that whatever warrants drawn upon the

general fund shall be presented to the city treasurer of said city in sums of fifty or one hundred dollars for the purpose of being funded; that such warrants shall be taken up, the interest calculated, if any, to the first day of May, 1881, and in lieu thereof and in payment of said warrants, the bonds of said city bearing date the first day of May, 1881, with interest coupons attached, at the rate of eight per centum per annum, said interest to be paid semi-annually, be issued and made payable at the city treasurer's office in said city of Bismarck, and the principal of said bonds shall become due and payable on the first day of May, one thousand nine hundred and one (1901). The said bonds shall be issued in denominations of fifty or one hundred dollars, as shall be designated by the person presenting such warrants for funding.

§ 3. BOND TAX.] It shall be the duty of the mayor and council of said city of Bismarck to levy and collect annually a tax in cash sufficient to pay the interest on such bonds, and after ten years from the issue of said bonds they shall levy and collect in addition thereto an additional sinking fund bond tax, sufficient to pay the principal of such bonds by the time they shall become due and payable, which said sinking fund shall only be applied to the payment of said principal: *Provided, however,* That the accumulations of said fund may be used in buying up said bonds before their maturity or may be invested in United States bonds, as may be determined by said mayor or council, which said United States bonds and the interest thereon shall be held as a fund to pay the bonds authorized to be issued under this act.

§ 4. FORM OF BONDS.] Said bonds shall be printed or lithographed, and shall be signed by the mayor and attested by the city clerk, and the seal of said city affixed thereto, and payable to the order of the person presenting such warrants.

§ 5. TREASURER TO PROVIDE BOND REGISTER.] The city treasurer of said city shall provide himself at the expense of the city with a book called the "Bond Register." wherein he shall note the number and denomination of each bond issued, the date when issued, the party to whom issued, which "Register" shall be subject to the inspection of the public at all reasonable times.

§ 6. SPECIAL ELECTION TO DECIDE UPON ISSUE OF BONDS.] That before the bonds shall be issued under the provisions of this act a special election shall be held in the city of Bismarck, called by the mayor and city council of said city after thirty days' notice thereof, and if a majority of the legal voters of said city voting at said election shall vote in favor of the issuing of the bonds as provided by this act, the bonds shall be issued as herein provided and not otherwise.

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

Approved, February 26, 1881.

CHAPTER 7.

BURLEIGH COUNTY.

AN ACT Authorizing the Board of County Commissioners of Burleigh County to Fund the Outstanding Indebtedness thereof.

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

§ 1. AUTHORIZED TO FUND INDEBTEDNESS.] That the board of county commissioners of the county of Burleigh are hereby authorized to fund such indebtedness of said county as may exist on the first day of July, 1881, in a manner by this act provided.

§ 2. WARRANTS TO BE REDEEMED IN BONDS.] That said board of county commissioners, on and after the first day of July, 1881, shall have the authority and it is hereby made their duty to provide, that whenever warrants drawn for any portion of the indebtedness hereinbefore mentioned shall be presented to the county treasurer, in sums of fifty dollars and upwards, for the purpose of being funded, that such warrants shall be taken up, the interest thereon calculated to the first day of July, 1881, and in lieu thereof and in payment of said warrants, that the bonds of said county, in denominations of not less than fifty dollars, bearing date and with appropriate

coupons for interest, attached to such bonds and payable as hereinafter mentioned, be issued to the holder of such warrants.

§ 3. TIME OF PAYMENT—INTEREST, ETC.] Such bonds shall be dated the first day of July, 1881, shall be payable ten years after date and shall bear interest at the rate of eight per cent. per annum, payable annually on the first day of March, at the county treasurer's office in said county and the principal thereof shall be there payable.

§ 4. BOND TAX.] It shall be the duty of the board of county commissioners of said county, to fund the outstanding indebtedness as herein provided, to levy and collect annually a tax in cash sufficient to pay the interest on said bonds, and after eight years, they shall levy and collect in addition thereto annually a sinking fund bond tax sufficient to pay the principal of such bonds by the time they shall become due and payable; and with such sinking fund bond tax, as fast as the same is collected, they shall go into the market and buy up such bonds and retire the same, and such interest tax and sinking fund bond tax shall not be used for any other purpose. *Provided:* That no more than the par value shall be paid for said bonds. In the retiring of such bonds it shall be the duty of the county commissioners to advertise for thirty days previous to the first day of March in each [year], in the official paper of the said county, inviting the holders of such bonds to make bids of the price in cash at which they will sell their bonds to the county, and the said county commissioners shall buy such bonds so offered, as far as the "sinking fund bond tax," in the hands of the county treasurer on the said first day of March will permit at the lowest prices offered, not to exceed the par value of the same.

§ 5. LIMIT IN WHICH BONDS MAY BE ISSUED.] The said outstanding indebtedness which shall exist on the said first day of July, 1881, shall be funded as herein provided, and any and all persons shall have until the first day of October, 1883, to bring in warrants in their possession drawn on such fund and receive the bonds as before provided and no longer.

§ 6. BONDS—BY WHOM EXECUTED.] The county commissioners of said county shall at the first session of their board, after the passage of this act, make such provisions as shall

be necessary and proper for carrying out the provisions of this act, or as soon thereafter as it can reasonably be done; and such bonds shall be either printed or lithographed and shall be executed by the chairman of the board of county commissioners for the county aforesaid, and shall be under the seal of the county and attested by the clerk thereof; shall be payable to the persons respectively presenting such warrants or bearer.

§ 7. DISPOSITION OF WARRANTS.] When such warrants are so taken up and paid by the issue of bonds, as herein provided, such warrants shall be marked, "Paid by bond No..... (giving number of bond) and shall be retained by the county treasurer until his settlement with the county commissioners, and shall then be carefully compared with the bond register and if found to correspond therewith, shall be then destroyed, and to facilitate settlement with such board, the county treasurer shall indorse upon each warrant so taken up and paid the amount of interest thereon.

§ 8. BOND REGISTER.] The county treasurer of Burleigh county shall provide himself with a book, to be called "The Bond Register," wherein he shall note the number of bonds issued, the date when issued, the party to whom issued and the amount of the warrant and amount of interest thereon, for which such bond was exchanged, and such other facts as he shall be required thereunto by the county commissioners, and such register shall immediately after the first day of October, 1881, be deposited with the county clerk and shall remain in his office as a public record; *Provided:* That the said county treasurer shall not receive compensation for the same to exceed one per cent. of the bonds so exchanged for outstanding warrants.

§ 9. JUDGMENT AGAINST COUNTY. WHEN PAID.] The outstanding indebtedness of said county, which shall exist on the first day of July, 1881, only, shall be funded, and if judgment shall be rendered against said county on any of the warrants herein mentioned, no tax shall be levied to pay such judgment for eight years from and after the rendition of the same, nor shall any execution be issued against the property of the said Burleigh county on said judgment for said eight years from the date thereof.

§ 10. ISSUE OF WARRANTS PROHIBITED UNLESS TAX HAS BEEN COLLECTED TO PAY THEM.] On and after the first day of July, 1881, no warrant or warrants shall be drawn or issued on the treasurer of Burleigh county by the commissioners of the said county, until after the tax for redeeming the same shall have been collected and actually paid into the county treasury and shall therein remain, applicable to the payment of all warrants so issued by the said county commissioners.

§ 11. WARRANTS—HOW REGISTERED AND PAID.] All county warrants which shall be issued on and after the first day of July, 1881, shall be numbered and registered by the county commissioners in the regular order of their issue in a register or book kept in their office for that especial purpose and a duplicate copy of the said register shall be kept by the county treasurer in his office, both of which registers shall be at all times open to inspection by the public during office hours, and all county warrants so issued, numbered and registered, shall be paid in the regular order in which they were issued, numbered and registered, and in no other manner; and whenever any county warrant so registered shall be paid by the county treasurer, the amount paid thereon and the date of payment thereof shall be written opposite the number of the warrant or warrants so paid by the county treasurer on his register.

§ 12. TREASURER TO SET ASIDE FUNDS—WHEN. PREFERRED CLAIMS.] Whenever any county warrant which may be issued on or after the first day of July, 1881, shall remain outstanding and unpaid, the county treasurer shall from the moneys in the county treasury, inclose and seal up in a package the amount due on said outstanding warrant as shown by the warrant register and in the regular [order] of the issue, and mark thereon the amount of money inclosed therein, and the number of the warrant to be paid therewith and deposit the same in the treasury safe, to be kept there until the said warrant shall be presented for payment, at which time the county treasurer shall pay the same and shall take up and cancel said warrant. *Provided, however:* That the interest on the bonds issued for funding the outstanding indebtedness of the county shall be held to be a preferred claim against the county, and

the same shall be paid before any other claim against said county from the funds in the treasury.

§ 13. TAX.] The county commissioners may annually cause to be levied and collected a tax not to exceed twenty-five per cent. in excess of the estimated amount required for county purposes, and the surplus tax so levied and collected shall go to create a sinking fund to defray the extraordinary expenses of said county.

§ 14. MISDEMEANOR.] Each and every violation of any of the provisions of this act shall be held to be a misdemeanor.

§ 15. SPECIAL ELECTION.] *Provided:* That nothing in this act shall be so construed as to authorize any action to be taken by the said board of county commissioners toward funding the outstanding indebtedness of said county of Burleigh before the question has been submitted to the legal voters of said county at a general or special election called for that purpose and decided in the affirmative by a majority of the legal voters voting at said special or general election.

§ 16. This act shall take effect and be in force from and after its passage and approval, and it amends and modifies all acts and parts of acts inconsistent with its provisions, so far only as it is necessary to carry this act into effect.

Approved, March 3, 1881.

CHAPTER 8.

CHARLES MIX COUNTY.

AN ACT authorizing the County Commissioners of Charles Mix County of this Territory to Fund the Outstanding Indebtedness of said County.

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

§ 1. CERTAIN INDEBTEDNESS TO BE BONDED.] That the outstanding indebtedness of the county of Charles Mix, Territory of Dakota, payable out of the taxes for ordinary county revenue, special bridge fund, sinking fund and special court house fund tax shall be funded as hereinafter provided.

§ 2. REDEMPTION OF OUTSTANDING WARRANTS IN BONDS.] That the county commissioners of the aforesaid county on the passage of this act shall have the authority and it is hereby made their duty to provide that whenever warrants drawn upon the funds hereinbefore mentioned, shall be presented to the county treasurer of said county in sums of fifty dollars and upwards for the purpose of being funded, that such warrants shall be taken up, the interest calculated thereon to the first day of January, 1882, and in lieu thereof and in payment of said warrants; that the bonds of said county in denominations of not less than fifty dollars, bearing date and with coupons attached to such bonds and payable as hereinafter mentioned, be issued to the holder of such warrants.

§ 3. BONDS—WHEN PAYABLE.] Such bonds shall be dated the first day of January, 1882, shall be payable ten years after date and shall bear interest at the rate of eight per cent. per annum, semi-annually, on the first days of July and January of each year, at the county treasurer's office in said county, and the principal thereof shall then be payable as herein provided.

§ 4. BOND TAX.] It shall be the duty of the county commissioners of said county to fund the outstanding indebtedness as herein provided, to levy and collect annually a tax sufficient to pay the interest on said bonds, and after five years they shall collect in addition thereto annually a sinking fund bond tax sufficient to pay the principal of such bonds by the time they shall become due and payable; and with such sinking fund bond tax they shall as fast as the same is collected, go into the market and buy up such bonds and retire the same, and such interest tax and sinking fund bond tax shall not be used for any other purpose: *Provided*, That no more than the par value shall be paid for said bonds.

§ 5. TIME IN WHICH BONDS MAY ISSUE.] The outstanding indebtedness which shall exist on the first day of January, 1882, shall be funded as herein provided, and any and all persons shall have until the first day of April, 1882, to bring in warrants in their possession drawn on such funds, and receive the bonds as before provided and no longer.

§ 6. FORM OF BONDS.] The county commissioners of said county shall at the first session of the board after the passage

of this act make such provisions as shall be necessary and proper for carrying out the provisions of this act, or as soon thereafter as it can reasonably be done, and such bonds shall either be lithographed or printed with interest coupons thereto attached, and shall be executed by the chairman of the board of county commissioners for the county aforesaid, and shall be under the seal of the county and attested by the clerk thereof, and shall be payable to the persons respectively presenting such warrants or bearer.

§ 7. WARRANTS REDEEMED—HOW DISPOSED OF.] When such warrants are so taken up and paid by the issue of bonds as herein provided, such warrants shall be marked "paid by bond" No., (giving No. of bond), and shall be retained by the county treasurer until his settlement with the county commissioners, and shall then be carefully compared with the bond register, and if found to correspond therewith shall then be further cancelled by being marked on each separate warrant, funded under act of, 1881, examined and found correct this day of, 1882, and signed by the county clerk, and by him, in presence of the board of county commissioners, put up in a sealed package marked warrants taken in exchange for bonds No. to No. inclusive, amounting to \$...., and by him filed in the county clerk's office for future reference, and to facilitate such settlement with such board the county treasurer shall indorse upon each warrant so taken up and paid the amount of interest allowed thereon.

§ 8. BOND REGISTER.] The county treasurer of Charles Mix county shall provide himself with a book to be called the "Bond Register," wherein he shall note the number of all bonds issued, the party to whom issued and the amount of the warrant or warrants and the amount of interest thereon for which such bond was exchanged, and such other facts as [he] shall be required thereunto by the county commissioners, and such register shall immediately after the first day of April, 1882, be deposited with the county clerk and shall remain in his office as a public record.

§ 9. PENALTY FOR VIOLATING PROVISIONS OF ACT.] Each and every violation of any of the provisions of this act shall be held to be a misdemeanor, and on conviction thereof the party

so offending shall be punished by a fine not less than two hundred or more than five hundred dollars, or by imprisonment in the county jail for a term not less than six months, or by both, as the court may direct.

§ 10. All acts and parts of acts hereinbefore passed and now in force which conflict with any of the provisions of this act are hereby repealed.

§ 11. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved, February 21, 1881.

CHAPTER 9.

USTER COUNTY.

AN ACT authorizing the County of Custer, D. T., to Issue Bonds for the purpose of Building a Court House and Jail, opening County Road and Funding Outstanding Indebtedness.

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

§ 1. COUNTY BONDS AUTHORIZED FOR CERTAIN PURPOSES.] That the county commissioners of the county of Custer, in the Territory of Dakota, be empowered and are hereby authorized to issue bonds of not less than one hundred dollars each, to the amount of twenty thousand dollars, payable in not exceeding ten years, for the purpose of building a court house and jail, opening new road from Custer to Battle River, D. T., and funding outstanding indebtedness of six thousand dollars (\$6,000); which bonds shall draw interest from the date thereof, payable annually at a rate not exceeding eight per cent. per annum. The bonds shall specify on their face the date, amount, for what purpose issued, the time and place of payment, and rate of interest; shall be printed on good paper, with coupons attached for each year's interest, and the amount of each year's interest shall be placed in corresponding coupons until such bond shall become due, in a manner so as to

have the last coupon fall due the same time as the bond. Said bonds and coupons thereto attached shall be severally signed by the chairman of the board of county commissioners and attested by the clerk of said county. Said bonds and interest to be made payable at such place or places as said county commissioners may designate in said bonds.

§ 2. PURPOSE FOR WHICH BONDS MAY BE USED.] Said bonds may be issued in satisfaction of the building of said court house and jail, to be erected at the county seat, opening new road and funding the present outstanding indebtedness, or may be sold at not less than ninety cents on the dollar, and the avails of such sales shall be used in payment of the indebtedness incurred.

§ 3. BOND TAX.] The county commissioners of said county are hereby granted all the needful authority to levy taxes from time to time, not to exceed ten mills on the taxable property in said county, in addition to the tax already allowed by law. Said tax to be for the purpose of paying the interest on said bonds promptly when due, and for creating a sinking fund for paying the principal of said bonds when due.

§ 4. TREASURER TO COLLECT TAX.] It shall be the duty of the treasurer of said county of Custer to collect the tax herein provided for in the same manner, and to sell property when the tax thereon is delinquent, as in other cases as provided by law.

§ 5. SPECIAL ELECTION.] Nothing herein contained shall be construed to authorize the issuing of such bonds unless a majority of all the legal voters present and voting shall vote in favor thereof, at a special election of the legal voters of said county as hereinbefore provided.

§ 6. SPECIAL ELECTION.] The county commissioners of said county are hereby authorized and have all the needful power to call a special election of the legal voters of said Custer county, to be held in the several voting precincts of said county, at any time after the taking effect of this law, but shall first give notice of such election in the same manner as now required by law for general elections. For the purpose of voting upon the question of issuing bonds, the voting at such election shall be by printed or written ballot with words, "For issuing court house and jail bonds, yes;" "County road

bonds, yes;" and "Funding bonds, yes." Or, "For issuing court house and jail bonds, no;" "County road bonds, no;" and "Funding bonds, no." Said election shall be governed in the same manner, so far as applicable, as provided by law for conducting general elections in this Territory, and the vote of said election shall be canvassed in the same manner as provided by law for canvassing votes for county officers; and if a majority of all the votes cast be found to be for issuing the bonds, such bonds may issue as herein provided.

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

Approved, February 25, 1881.

CHAPTER 10.

DAVISON COUNTY—SCHOOL DISTRICT No. 6.

AN ACT authorizing School District No. 6, in Davison County, Dakota Territory, to Issue Bonds to take up Outstanding School Warrants, and for other Purposes.

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

§ 1. BONDS AUTHORIZED TO BUILD SCHOOL HOUSES.] The district officers of school district No. 6, in Davison county, D. T., be empowered and they are hereby authorized to issue bonds, not less than fifty dollars each, for the purpose of building school houses in their respective districts, payable in not exceeding ten years from the date of their issue, which bonds shall draw interest from the date thereof, payable annually at a rate not exceeding eight per cent. per annum. The bonds shall specify on their face the date, amount, for what purpose issued, the time and place of payment and the rate of interest. They shall be printed on good paper, with coupons attached for each year's interest, and the amount of each year's interest shall be placed in corresponding coupons until such bonds become due, in a manner so as to have the last coupon fall due

the same time as the bonds. The said bonds and coupons thereto attached shall be severally signed by the director, clerk and treasurer of said school district. The said bonds and interest to be made payable at such place or places as said school district officers may designate in said bonds.

§ 2. BONDS MAY BE USED TO REDEEM WARRANTS.] Said bonds may be issued for the purpose of paying off and taking up school warrants that have been issued by the school officers of said school district prior to the taking effect of this act; or said bonds may be issued and sold for not less than par, and the avails of such sales shall be used in payment of the indebtedness incurred by building and furnishing of such school house, which may be contracted and purchased subsequent to the passage of this act.

§ 3. BOND TAX.] The officers of said *school* school district are hereby granted all the needful authority to levy taxes from time to time, not to exceed one per cent. of the taxable property in said school district in addition to the tax already allowed by law; said tax to be used for the purpose of paying the interest on said bonds promptly when due, and for creating a sinking fund for paying the principal of said bonds when due.

§ 4. TREASURER TO COLLECT AND TURN OVER TAX.] It shall be the duty of the treasurer of said county of Davison to collect the tax herein provided for in the same manner, and to sell property when tax therein is delinquent as in other cases as provided by law, and to turn the tax collected by him over to the treasurer of said school district as in other cases provided by law.

§ 5. AMOUNT OF BONDS ISSUED LIMITED.] That the officers of said school district shall not issue in the aggregate over six thousand dollars of such bonds.

§ 6. SPECIAL ELECTION.] Nothing in this act shall be construed to authorize the issuing of such bonds unless a majority of all the legal voters present and voting shall vote in favor thereof at an annual or special election of the legal voters of said district.

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

Approved, March 3, 1881.

CHAPTER 11.

GRAND FORKS COUNTY—JAIL AND BRIDGES.

AN ACT Providing for the Erection and Construction of a Jail and County Bridges for the County of Grand Forks, Dakota Territory.

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

§ 1. COMMISSIONERS AUTHORIZED TO CONSTRUCT JAIL AND BRIDGES.] The board of county commissioners of Grand Forks [county], D. T., are hereby authorized and empowered, under the provisions of this act, to erect and construct a suitable building for a jail and also build county bridges within said county of Grand Forks.

§ 2. ELECTION TO PROVIDE FOR ISSUING BONDS. PLANS FOR BUILDING.] If the majority of the electors of said county voting, shall vote in favor of the issuing of bonds, the board of county commissioners are authorized and empowered to cause to be prepared plans and specifications for a suitable building for a jail, which such plans may include suitable rooms for a residence of a jailor and family, and shall select a site thereof at the county seat. The cost for the construction of the jail shall not exceed the sum of six thousand dollars. The jail shall be put under course of construction during the season of 1881 and shall be entirely completed and ready for occupancy on or before the first day of November, 1881.

§ 3. CONTRACT FOR BUILDING TO BE LET.] The erection, construction and furnishing of said jail shall be let by the board to the lowest responsible bidder after due advertisement.

§ 4. SPECIAL ELECTION TO BE CALLED.] The board of county commissioners of said county are authorized, and it is hereby made their duty, to call a special election within the several precincts of said county, on the first Monday in May, 1881, at which election the question shall be submitted to the electors of said county, whether the bonds of said county shall be issued as follows: Not exceeding six thousand dollars for county jail; not exceeding four thousand dollars for the building and completion of necessary bridges required over

the several streams and ravines; which two propositions can be voted upon separately at said election, and if either of said propositions, or both, are carried by a majority of the electors of the county so voting, then the commissioners shall issue said bonds and proceed to the erection *of the erection* of the necessary bridges and jail, or both, as decided by the people, and using their best judgment in the erection of said jail and bridges.

§ 5. BOND TAX.] If the bonds are issued in pursuance to this act, they shall not run for a period exceeding ten years, and shall not be sold for less than their face value, nor draw interest to exceed eight per cent. per annum, and the said board are authorized to levy and collect a tax sufficient to pay interest upon said bonds, and to provide a sinking fund for the redemption of the same and the moneys so levied and collected shall be used for no other purpose.

§ 6. DISCRETIONARY POWER OF BOARD OF COMMISSIONERS.] Anything not specially provided in this act, is understood that the board of county commissioners shall use their discretion, and make such rules as are necessary for the proper carrying out and fulfillment of the provisions of this act.

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

Approved, February 19, 1881.

CHAPTER 12.

GRAND FORKS COUNTY—SCHOOL DISTRICTS.

AN ACT Authorizing the Several School Districts of Grand Forks County, Dakota Territory, to issue Bonds.

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

§ 1. DISTRICTS AUTHORIZED TO ISSUE BONDS.] That the district officers of the several school districts now organized or that

may hereafter be organized within the county of Grand Forks and Territory of Dakota, be empowered and are hereby authorized to issue the bonds of said district to the amount not exceeding fifteen hundred (\$1,500.00) dollars, payable in not exceeding ten (10) years, and which bonds shall draw interest from the date thereof at a rate not exceeding ten (10) per cent. per annum, interest payable annually. The bonds so issued shall specify on their face, the date, amount, for what purpose issued, the time and place of payment and rate of interest; shall be printed on good paper, with coupons attached for each year's interest, and the amount of each year's interest shall be placed in corresponding coupons until such bonds shall become due, in a manner so as to have the last coupons full due at the same time as the bond. Said bonds and coupons thereto attached shall be severally signed by the director, clerk and treasurer of said school district. Said bonds and interest to be made payable at such place or places as said school district officers may designate in said bonds.

§ 2. FOR WHAT PURPOSE ISSUED.] Said bonds shall only be issued in satisfaction of the present outstanding indebtedness of said district or for the erection of a school building or buildings, or the purchase of a site or sites therefor, or both such buildings and sites, in the future or after the passage and approval of this act. *Provided, however:* That nothing contained in this act shall be so construed as to prevent the said school district officers from selling the bonds of said district at not less than their face value, and using the proceeds of such sale in paying off such indebtedness or the erection of such building or site, or all of such.

§ 3. OFFICERS EMPOWERED TO LEVY TAX.] The officers of said school districts are hereby granted all the needful authority to levy taxes from time to time, not to exceed five (5) mills in any one year, of the taxable property in said school districts, in addition to the tax already allowed by law, said tax to be for the purpose of paying the interest on said bonds promptly when due and for creating a sinking fund for paying the principal of said bonds when due.

§ 4. TREASURER AUTHORIZED TO COLLECT TAX.] It shall be the duty of the treasurer of said county of Grand Forks to col

lect the tax herein provided for, in the same manner and to sell property when the tax thereon is delinquent, as in other cases provided by law, and to turn the tax when collected by him over to the treasurer of said school district to which it belongs, as in other cases provided by law.

§ 5. SPECIAL ELECTION.] Nothing herein contained shall be so construed as to authorize any school district to issue bonds unless a majority of all the legal voters in any of such districts present and voting, shall vote in favor thereof, at an annual or special meeting called for said purpose by the officers thereof.

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

Approved, February 23, 1881.

CHAPTER 13.

GRANT AND DEUEL COUNTIES—SCHOOL DISTRICTS.

AN ACT authorizing School Districts in the Counties of Grant and Deuel, D. T., to Issue Bonds for the Purpose of building School Houses.

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

§ 1. AUTHORITY GIVEN TO ISSUE BONDS TO BUILD SCHOOL HOUSES.] That the district officers of school districts in Grant and Deuel counties in the Territory of Dakota, be empowered and are hereby authorized to issue bonds of not less than fifty dollars each for the purpose of building school houses in their respective districts, payable in not exceeding ten years from the date of their issue, which bonds shall draw interest from the date thereof, payable annually at a rate not exceeding eight per cent. per annum. The bonds shall specify on their face the date, amount, for what purpose issued, the time and place of payment and rate of interest; shall be printed on good paper with coupons attached for each year's interest, and the

amount of each year's interest shall be placed in corresponding coupons until such bonds shall become due, in a manner so as to have the last coupon fall due the same time as the bond. Said bonds and coupons thereto attached shall be severally signed by the director, clerk and treasurer of said school district. Said bonds and interest to be made payable at such place or places as said school district officers may designate in said bonds.

§ 2. BONDS—HOW DISPOSED OF.] Said bonds may be issued in satisfaction of the building of such school houses, or may be sold for not less than par, and the avails of such sale shall be used in payment of the indebtedness incurred by the building and furnishing of such school houses.

§ 3. OFFICERS AUTHORIZED TO LEVY TAXES.] The officers of said several school districts in said counties are hereby granted all the needful authority to levy taxes from time to time, not to exceed one per cent. of the taxable property in said school districts in addition to the tax already allowed by law; said tax to be for the purpose of paying the interest on said bonds promptly when due, and for creating a sinking fund for paying the principal of said bonds when due.

§ 4. DUTY OF TREASURER TO COLLECT TAX.] It shall be the duty of the treasurers of said counties to collect the tax herein provided for in the same manner, and to sell property when the tax therein is delinquent, as in other cases as provided by law, and to turn the tax collected by him over to the treasurer of said school districts as in other cases provided by law.

§ 5. SPECIAL ELECTION.] Nothing in this act shall be construed to authorize the issuing of such bonds unless a majority of all the legal voters present and voting shall vote in favor thereof at an annual or special meeting of the legal voters of said district.

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

Approved, February 19, 1881.

CHAPTER 14.

HUGHES COUNTY—COURT HOUSE AND JAIL.

AN ACT providing for the Erection and Construction of a Court House and Jail for the County of Hughes, Territory of Dakota.

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

§ 1. COUNTY COMMISSIONERS AUTHORIZED TO ISSUE BONDS.] That the board of county commissioners of Hughes county are hereby authorized and empowered under the provisions of this act to erect and construct a suitable building or buildings for a court house and jail within said county of Hughes, and to issue the bonds of said county for the building of the same in a sum not exceeding ten thousand dollars (\$10,000): *Provided*, That the amount of bonds so issued shall not exceed five per cent. of the assessed valuation of said county for a court house, three per cent. for a jail, or eight per cent. for a court house and jail combined.

§ 2. SPECIAL ELECTION.] The board of county commissioners of said county are hereby authorized to call a special election within the several precincts of said county at such time as they may deem advisable and under the laws governing elections, at which election the electors of said county shall be called upon to vote for or against the issue of such bonds, due notice having been given of the object of said election; and if a majority of all the votes cast at such election shall be "for court house bonds," "for jail bonds," or "for court house and jail bonds," the said county commissioners shall have full authority and are hereby ordered and directed to procure a suitable site or sites for the location of such building or buildings at the county seat of said Hughes county, and to proceed with the construction of such building or buildings, and shall issue the bonds of said county in payment of the same under such proper restrictions as the said board may deem advisable. If, however, a majority of all the votes cast at such election shall be "against court house bonds," etc., no action looking to the issue of the bonds of said county for the building of such court house or jail shall

be taken by said board, unless at some subsequent election regularly called the electors of said county shall so direct as hereinbefore specified.

§ 3. PLANS, ETC., AND LETTING OF CONTRACT.] If the electors of said county shall vote in favor of issuing said bonds the board of county commissioners are authorized and empowered, it being made their duty thereby, to cause to be prepared plans and specifications for a suitable building or buildings for said court house and jail, which plans may include rooms for the residence of a jailor and family; and the erection, construction and furnishing of said building or buildings according to the said plans and specifications shall be let by said board to the lowest responsible bidder after advertisement.

§ 4. BONDS, INTEREST, ETC.] Should the electors of said county vote for the issue of said bonds in the manner hereinbefore provided, then the said bonds shall be issued in accordance with this act, and shall not be sold at less than their par or face value, nor run for a longer period than ten (10) years nor bear a rate of interest greater than eight per cent., which interest shall be payable semi-annually at the office of the county treasurer on the first Mondays in January and July of each year.

§ 5. DESCRIPTION OF BONDS.] The bonds so issued shall be signed by the chairman of the board, the county treasurer and the clerk of said county, with the seal of the county attached; shall specify on their face the date, amount, for what purpose issued, the time and place of payment and the rate of interest; shall be printed on good paper with coupons attached for each payment of interest, the last coupon falling due at the same time as the bond, and said bonds shall be in denominations of one hundred dollars (\$100.)

§ 6. REFUNDING, ETC.] Said bonds or any part of them may be redeemed, paid or funded by the issue of similar bonds, bearing a lower rate of interest, after the expiration of five years from the date of their issue, if in the opinion of the board of county commissioners of said county it shall be for the interests of said county to so do.

§ 7. AUTHORITY TO LEVY BOND TAX.] If the said bonds are issued in accordance with this act the board of county com-

missioners of said county of Hughes are hereby given all necessary authority to levy and collect a tax sufficient to pay the interest upon said bonds and to provide a sinking fund for the redemption of the same, and the moneys so levied and collected shall be used for no other purpose.

§ 8. **AUTHORITY TO MAKE RULES.]** The board of county commissioners of said Hughes county shall be given authority to make all necessary rules for the proper carrying out of the provisions of this act, so far as they may be for the best interests of said county.

§ 9. **WHEN TO TAKE EFFECT.]** This act shall take effect and be in force from and after its passage, approval and adoption as herein provided, by the voters of the said county of Hughes; and nothing herein contained shall be construed as giving any authority to the county commissioners of said county of Hughes, to issue any bonds, unless the question regarding such issue shall have been submitted to the voters of said county, and such issue of bonds authorized by them as provided for in section two.

Approved, March 2, 1881.

CHAPTER 15.

HUGHES COUNTY—SCHOOL DISTRICT No. 1.

AN ACT to authorize School District No. 1, of the County of Hughes, to Issue Bonds for the Purpose of Building a School House.

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

§ 1. **DISTRICT OFFICERS AUTHORIZED TO ISSUE BONDS.]** That the district officers of school district number one, in the county of Hughes and Territory of Dakota, be empowered and are hereby authorized to issue bonds of one hundred dollars each, and to the extent of three thousand dollars for the purpose of building a school house in said school district, which bonds shall be payable in five years from date of issue, and shall

draw interest from the date thereof, or at a rate not exceeding eight per centum per annum, said interest to be payable annually, and principal and interest to be payable at such place or places as said school district officers may designate in said bonds. The bonds shall specify upon their faces the date, amount, for what purpose, the time and place of payment, and rate of interest; shall be printed on good paper with coupons attached for each year's interest, and said bonds and coupons thereto attached shall be severally signed by the district clerk and treasurer of said district.

§ 2. BONDS TO BE SOLD AT PAR, ETC.] Said bonds shall be sold by the district board of said school district for not less than their par value, and the proceeds of such sale shall be paid to the said school district treasurer, and shall be used for the purpose of building and furnishing a school house and buying apparatus for the same under the direction of the said school board.

§ 3. AUTHORITY TO LEVY BOND TAX.] The officers of said school district are hereby granted all needful authority to levy taxes from time to time, not to exceed one per cent. per annum on the taxable property of said school district in addition to the tax already allowed by law; said tax to be for the purpose of paying the interest on said bonds promptly when due, and for creating a sinking fund for the payment of the principal when due.

§ 4. DUTY OF DISTRICT CLERK AND COUNTY TREASURER.] It shall be the duty of the district clerk to notify the clerk of said county of Hughes of the amount of said tax so levied by said board in the same manner as is now provided by law for notifying county clerks of the amount of taxes voted by district school meetings, and the said county clerk is hereby required to spread the said tax upon the assessment rolls in the same manner as other school district taxes are so spread; and it shall be the duty of the treasurer of said Hughes county to collect said taxes in the same manner as other taxes are, and may be collected by him, and when so collected to pay them over to said district treasurer in the manner in which other school moneys are paid over to school district treasurers.

§ 5. SPECIAL ELECTION.] Nothing herein contained shall be construed to authorize the issuing of such bonds unless a ma-

majority of the legal voters present and voting shall vote in favor thereof at a special school meeting, to be called upon like notice and in the same manner as now provided by law for calling school district meetings: *And provided*, That said voting shall be by printed or written ballots with the words, "For issuing school bonds" or "Against issuing school bonds;" and if a majority of all the votes cast be found to be in favor of issuing the bonds, such bonds may issue as herein provided.

§ 6. All acts and parts of acts in conflict with this act so far as they apply to school district No. 1, Hughes county, are hereby repealed.

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

Approved, March 5, 1881.

CHAPTER 16.

HUTCHINSON AND ARMSTRONG COUNTIES.

AN ACT authorizing the Board of Commissioners of Hutchinson County to Fund certain Outstanding Indebtedness and Legalizing Warrants issued by the Commissioners of Armstrong County.

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

§ 1. COMMISSIONERS AUTHORIZED TO FUND CERTAIN INDEBTEDNESS.] That the board of county commissioners of the county of Hutchinson are hereby authorized to fund such indebtedness of said county as may exist on the first day of March, 1881, and also to fund the outstanding warrants issued by the authority of the commissioners of Armstrong county, prior to the date of delivery of the books and county records of said Armstrong county to the officers of said Hutchinson county, which warrants issued in the regular order of business by said acting commissioners of Armstrong county are hereby legalized.

§ 2. REDEMPTION OF WARRANTS.] That said board of county commissioners on and after the first day of March, 1881, shall have the authority and it is hereby made their duty to provide, that whenever warrants drawn for any portion of the indebtedness hereinbefore mentioned shall be presented to the county treasurer of said Hutchinson county, in sums of fifty dollars and upwards, for the purpose of being funded, that such warrants shall be taken up, the interest thereon calculated to the date aforesaid, March 1st, 1881, and in lieu thereof and in payment of said warrants, that the bonds of said Hutchinson county in denominations of not less than fifty dollars be issued to the holders of such warrants.

§ 3. DESCRIPTION OF BONDS.] Such bonds shall be dated the first day of March, 1881, shall be payable ten years after date and shall bear interest at the rate of eight per cent. per annum, payable annually on the first day of March at the office of the county treasurer in said county, and the principal thereof shall there be payable as herein provided, that said bonds shall have attached thereto ten coupons, each one representing one year's interest.

§ 4. LEVYING BOND TAX.] It shall be the duty of the county commissioners of said county to enable them to fund the outstanding indebtedness as herein provided, to levy and collect annually a tax sufficient to pay the interest on said bonds, and after five years they shall collect in addition thereto annually a sinking fund bond tax sufficient to pay the principal of such bonds by the time they shall become due and payable; and with such sinking fund bond tax they shall as fast as the same is collected go into the market and buy up such bonds and retain the same until they have been completely destroyed, in the presence of the board of county commissioners in session, and a record made thereof accurately describing them, and such interest tax and sinking fund bond tax shall not be used for any other purpose: *Provided*, That no more than par value shall be paid for said bonds.

§ 5. COMMISSIONERS TO MAKE RULES FOR CARRYING OUT PURPOSE OF THIS ACT.] The county commissioners of said county shall at the first session of the board after the passage of this act, make such provisions as shall be proper and necessary for carrying out the provisions of this act; and said bonds shall

either be lithographed or printed with interest coupons thereto attached, and shall be executed by the chairman of the board of county commissioners for the county aforesaid, and shall be under the seal of the county and attested by the clerk thereof, and shall be payable to the persons respectively presenting such warrants, or bearer.

§ 6. REDEEMED WARRANTS.] When such warrants are so taken up and paid by the issue of bonds as herein provided, such warrants shall be marked, "Paid by bond No.", and shall be retained by the county treasurer until his settlement with the county commissioners, and shall be then carefully compared with the bond register and if found to correspond therewith shall be destroyed as mentioned in section four aforesaid; and to facilitate such settlement with such board, the county treasurer shall endorse upon each warrant so taken up and paid the amount of interest allowed thereon.

§ 7. REGISTERING BONDS.] The county treasurer of said Hutchinson county shall register all bonds issued as aforesaid in the bond register by number, the party to whom issued, and the amount of the warrant or warrants and the amount of interest thereon for which such bond was exchanged, and such further facts as the commissioners may direct; and that the treasurer aforesaid for his services be allowed the same fees as he is now entitled to in the collection of taxes, in the discretion of the board of commissioners.

§ 8. PENALTY FOR VIOLATION OF THIS ACT.] Each and every violation of any of the provisions of this act shall be held to be a misdemeanor, and on conviction thereof the party so offending shall be punished by a fine not less than two hundred dollars and not more than five hundred dollars.

§ 9. This act shall take effect and be in force from and after its passage and approval by the governor.

ENDORSED.—Received at Executive Office, February 16, at 1:05 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,

Secretary of the Territory.

CHAPTER 17.

KINGSBURY COUNTY—COURT HOUSE AND JAIL.

AN ACT to Authorize the Board of County Commissioners of the County of Kingsbury, Territory of Dakota, to issue Bonds for the Erection and Construction of a Court House and Jail for the use of said County.

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

§ 1. AUTHORITY TO ISSUE BONDS.] That the board of county commissioners of Kingsbury county, Dakota Territory, be and are hereby authorized and fully empowered to issue bonds for the purpose of erecting and constructing a suitable building for a court house and jail for the use of said county of Kingsbury.

§ 2. SELECTING SITE.] The county commissioners of said county after they shall have determined upon the erection of said building shall select the site thereof at the county seat of said county at such place as they shall deem the most advisable.

§ 3. PLANS AND SPECIFICATIONS.] The board of county commissioners of said county are authorized and empowered at any time they may deem proper after the passage and approval of this act, to cause to be prepared plans and specifications for a suitable building for the purpose hereinbefore specified, as in the judgment of said board of county commissioners shall be deemed sufficient, and the contract for the erection and construction of said court house and jail shall be let by the said board to the lowest responsible bidder, after advertising for public proposals for a period of not less than four weeks, in such newspapers as the commissioners aforesaid may designate. A sufficient bond shall be required by the said board from the contractor, with not less than two responsible sureties, for the construction and completion of said court house and jail, in accordance with the plans and specifications adopted by the said board of county commissioners: *Provided, however,* That no county commissioner nor county officer whomsoever of said county shall be a contractor for the erection and construction of said building or any part thereof.

§ 4. COMMISSIONERS TO ISSUE BONDS.] For the purpose of providing funds to pay the cost of constructing said building the said board is hereby authorized and empowered, and if they determine to construct said building, it is made their duty to prepare and issue the bonds of said county with coupon interest notes attached, running for a term of fifteen years, bearing not to exceed eight per cent. interest per annum, payable annually on the first day of January of each year at the office of the county treasurer of said county, which bonds shall be in denominations of not less than fifty dollars each, and for a sufficient sum to pay the cost of erection and construction of said court house and jail not to exceed the sum of five thousand dollars. Said bonds from time to time [shall] be sold by said board at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract for the erection and construction of said building.

§ 5. TERMS OF PAYMENT TO CONTRACTOR.] The board of county commissioners if they determine to construct said building shall provide in the contract that the terms of payment from time to time shall be only so fast as the work progresses, with twenty per cent. deduction therefrom, to insure the fulfillment of said contract, and such payments shall be in cash, and the erection and construction of said court house and jail shall be at all times under the supervision and control of said board or any agent said board may elect for the purpose.

§ 6. REDEMPTION OF BONDS.] In issuing the bonds herein provided for, the terms thereof shall provide that after the expiration of five years from the date thereof it shall be optional with the said county, at any time before they shall become due, to redeem the same at par, and accrued interest at the date of redemption, at such times and in such amounts as the board of county commissioners or other lawful fiscal agents of said county shall from time to time determine, and under such rules and regulations as to notice thereof as they may prescribe.

§ 7. BOND TAX.] The board of county commissioners shall for the year in which such bonds are issued and each year thereafter, levy and cause to be collected a tax sufficient to pay the interest on said bonds promptly as it shall become due and payable, and for the payment thereof at or before

their maturity, as provided in section six of this act; and after the expiration of five years from the date of the issuance of said bonds, said board shall levy and cause to be collected a sinking fund tax for the payment of said bonds, sufficient to redeem the same within the period of their maturity; and as fast as such sinking fund shall become available, they shall redeem such bonds under the provisions of section six (6) aforesaid.

§ 8. BOND TAX TO BE USED FOR NO OTHER PURPOSE.] The moneys levied and collected for the payment of the interest or principal of said bonds shall not be used for any other purpose whatsoever.

§ 9. VIOLATION OF PROVISIONS OF ACT.] Any violation of the provisions of this act shall be deemed and punished as a misdemeanor, and any misappropriation of any of the funds provided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as hereinbefore specified, or any portion thereof, shall be and is hereby declared to be a felony, punishable by imprisonment in the penitentiary not exceeding five years or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

§ 10. SPECIAL ELECTION.] Nothing herein contained shall be construed to authorize the issuing of such bonds unless a majority of all the legal voters present and voting shall vote in favor thereof, at a special or general election of the legal voters of said county as hereinbefore provided.

§ 11. ELECTION, BALLOTS, ETC.] The county commissioners of said county are hereby authorized and have all the needful power to call a special election of the legal voters of said Kingsbury county, to be held in the several voting precincts of said county, at any time after the taking effect of this law, but shall first give notice of such special election in the same manner as now required by law for general elections for the purpose of voting upon the question of issuing bonds. The voting at such election shall be by printed or written ballots with words, "For issuing court house and jail bonds, yes;" "For issuing court house and jail bonds, no." Said election shall be governed in the same manner, so far as applicable, as

provided by law for conducting general elections in this Territory, and the vote of said election shall be canvassed in the same manner as provided by law for canvassing votes for county officers; and if a majority of all the votes cast be found to be for issuing bonds, such bonds may issue as herein provided.

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

Approved, March 1, 1881.

CHAPTER 18.

LAKE AND TURNER COUNTIES—COURT HOUSE AND JAIL.

AN ACT providing for the Erection and Construction of a Court House and Jail for the Counties of Lake and Turner, Dakota Territory.

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

§ 1. SPECIAL ELECTION TO AUTHORIZE CONSTRUCTION OF COURT HOUSE AND JAIL.] That the board of county commissioners of Lake and Turner counties, in Dakota Territory, are authorized and empowered and it is hereby made their duty under the provisions of this act, to erect and construct a suitable building or buildings for a court house and jail for said counties when authorized so to do by a majority of votes cast at any general or special election of said counties.

§ 2. DESCRIPTION OF BUILDINGS.] The board of county commissioners of said counties shall, after a majority of the voters at any general or special election have sanctioned such proceedings, cause to be prepared plans and specifications for a suitable building or buildings for the purposes hereinbefore provided; said buildings to include a jail, suitable rooms for all the county officers (which are required by law to be provided with offices), and for a court room, grand and petit jury rooms, and such other rooms as are usually provided for court and county purposes, to be included within one building or

more, as in the judgment and discretion of said board of county commissioners shall be deemed to be the most economical and advisable.

§ 3. SELECTION OF SITE.] The said board of county commissioners shall select the site thereof at the county seats of said counties, at such place as shall by them be deemed to furnish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility and its proximity to the business portion of the town where such county seat is located.

§ 4. COST NOT TO EXCEED.] The cost of the purchase of the site thereof and of the construction of the court house and jail shall not exceed together with the complete furnishing thereof, ready for the transaction of court and county business, and for the safe and secure confinement of prisoners in said jail, the sum of fifteen thousand (\$15,000) dollars: *Provided, however,* That not to exceed five thousand (\$5,000) dollars shall be used in the construction of said jail and the furnishing thereof.

§ 5. TIME OF COMMENCEMENT AND COMPLETION.] Said building or buildings shall be commenced within six (6) months from the time a majority vote of the people has sanctioned such act or proceedings, and shall be entirely completed and ready for occupancy within one (1) year from the time said building or buildings were commenced.

§ 6. CONTRACT TO BE LET TO LOWEST BIDDER.] The erection and construction of said building or buildings shall be let by the board of county commissioners to the lowest bidder, after public advertisements for proposals for not less than three weeks in a weekly newspaper published in such county seat, and sufficient bonds shall be required by said board from the contractor, with not less than two responsible sureties, for the construction and completion of the said building or buildings, in accordance with the plans and specifications adopted by the board of county commissioners: *Provided, however,* That if in the judgment of the said board the lowest bid for such contract is too high they shall have the power to reject all bids and advertise anew, and this from time to time until a proper bid is secured.

§ 7. ISSUE OF BONDS.] For the purpose of providing funds to pay the cost of construction and furnishing said building or buildings, the board of county commissioners of such county are hereby authorized and empowered and it is hereby made their duty to prepare and issue the bonds of such county, running for a term or period of not less than ten (10) nor more than twenty (20) years, to be redeemable after the expiration of ten (10) years from the date of issue thereof, bearing not exceeding eight per cent. per annum interest, payable annually on the first day of July of each year, in denominations of not less than \$100 nor more than \$500 each, for a sum sufficient to pay the cost of the erection and construction of said building or buildings and the furnishing thereof, not exceeding the sum of fifteen thousand (\$15,000) dollars.

§ 8. BONDS, INTEREST, ETC.] Said bonds shall bear date on the day of issue, shall be payable in not less than ten (10) nor more than twenty (20) years after date, with a provision that such county may redeem such bonds after the expiration of ten (10) years from the date thereof, and principal and interest payable at the treasurer's office of the county seat of such county, and shall from time to time be sold by the said board of county commissioners at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of such building or buildings, and also to pay for the furnishing thereof and for the purchase of a site therefor.

§ 9. PAYMENTS TO CONTRACTOR.] The board of county commissioners shall have the power to provide in the contract for the terms of payment, and for the withholding from time to time such percentage from the value of the work as it progresses as shall insure a prompt and proper compliance by the contractor with the terms of said contract, and to provide such other matters and things as are usually necessary and requisite with reference to said contract: *Provided, however,* That the terms of payment from time to time shall be only so fast as the work progresses, with fifteen per cent. deduction therefrom, to insure the fulfillment of said contract, and such payments shall be in cash, and the erection and construction

of such building or buildings shall be at all times under the supervision and control of such board, or of any agent or agents such board may select for that purpose.

§ 10. TITLE TO GROUNDS.] The site to be secured shall be taken free and clear from all liens and encumbrances, and the title thereto shall be free and clear from all claims and demands, and shall be paid for out of the proceeds of the sale of such bonds, and the title thereto shall be taken in the name of the county making such purchase.

§ 11. REDEMPTION OF BONDS.] In issuing such bonds herein provided for the terms thereof shall provide that after the expiration of ten (10) years from the date thereof it shall be optional with such county at any time before they shall become due, to redeem the same at par and accrued interest at the date of such redemption, and in such amounts as the board of county commissioners or other lawful fiscal agents of such county shall from time to time determine, and under such rules and regulations as to notice thereof as they may prescribe.

§ 12. BOND TAX.] The board of county commissioners shall for the year such bonds are issued and each year thereafter, levy and collect a tax sufficient to pay the interest on such bonds promptly as it shall become due and payable, and for the payment thereof at or before their maturity, as in section eleven provided; and after the expiration of ten (10) years from their date they shall levy and collect a sinking fund tax for the payment of such bonds sufficient to redeem the same within the period of their maturity, and as fast as such sinking fund shall become available they shall redeem such bonds under the provisions of said section eleven aforesaid.

§ 13. BOND FUND NOT TO BE USED FOR OTHER PURPOSE.] The moneys levied and collected for the payment of the interest or principal of such bonds shall not be issued for any other purpose, but shall be held and appropriated solely for the payment of such principal and interest under the provisions of this act.

§ 14. VIOLATION OF PROVISIONS OF THIS ACT A MISDEMEANOR.] Any willful violation of any of the provisions of this act shall be deemed and held to be and punishable as a misdemeanor, and a misappropriation of any of the bonds or funds pro-

vided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof, shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five years or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

§ 15. COMMISSIONERS MAY RENT BUILDINGS.] The board of county commissioners of such county shall have authority to rent such court house and jail to the United States for court and jail purposes, reserving its use for all needed county purposes, and the money therefrom received shall be appropriated to the payment of the interest on such bonds, and if more than sufficient therefor to the payment of the principal thereof; and as such rent moneys shall become available, the taxes for such interest or principal shall be in like sum reduced.

§ 16. SPECIAL ELECTION.] Nothing in this act shall be so construed as to authorize the commissioners of said counties to carry out the provisions of this act until after they have been so authorized by a majority of the votes of legal voters cast at any general or special election in said counties, and the question of authority shall be decided in the following manner, viz: Such board may at any special or regular meeting submit to a vote of the qualified voters of such county the question, whether the bonds of the county shall be issued and sold to raise money necessary to enable such county to erect a court house and jail, or either such court house or jail. The question may be submitted to the voters at any general election or at a special election called by the board for that purpose not within sixty days of the date for any general election. At least thirty days' notice must be given of the question to the voters of the county before such election, in the same manner that other election notices are given, published, served and posted; and in such notices the precise amount of bonds, and the purpose of their issue, shall be clearly and especially stated.

§ 17. BALLOTS, ETC.] At such election there shall be written or printed on the ballots the words, "For.....bonds" or "Againstbonds," and in addition the words

“Court House,” or the word “Jail,” or the words “Court House and Jail,” in such blank space as the special question to be submitted may require. If a majority of the votes so cast be against such bonds, then they shall not be issued, or any part thereof, and no proceedings shall be had under this act. If a majority of votes so cast be in favor of such bonds, then they shall be issued, and such county commissioners shall proceed forthwith under the provisions of this act.

§ 18. PROPOSITION MAY BE SUBMITTED SEPARATELY.] Either proposition herein provided for may be submitted to the vote of any county, whether or not such county has voted upon any other proposition to build court house and jail, or either.

§ 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved, March 3, 1881.

CHAPTER 19.

LAWRENCE COUNTY COURT HOUSE AND JAIL.

AN ACT Providing for the Erection and Construction or Purchase of a Court House and Jail for the County of Lawrence.

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

§ 1. COMMISSIONERS AUTHORIZED TO CONSTRUCT.] That the board of county commissioners of Lawrence county are authorized and empowered and it is hereby made their duty under the provisions of this act to either purchase, or erect and construct a suitable building or buildings for a court house and jail, with rooms for jailor, for said Lawrence county, Dakota Territory.

§ 2. SHALL CAUSE PLANS TO BE PREPARED, ETC.] The board of county commissioners of said county shall immediately after the passage of this act, if they determine to erect and construct said building or buildings, cause to be prepared plans and specifications for the purposes herein before provided. Said buildings to provide for a jail, suitable rooms for all the county officers that are required by law to be provided with offices, and for a court room, grand and petit jury rooms, and such other rooms as are usually provided for court and county purposes, to be included within one building, or more, as within the judgment and discretion of said board of county commissioners shall be deemed to be the most economical and otherwise the most advisable.

§ 3. SELECTING SITE.] The board of county commissioners shall select a site thereof at the county seat, to-wit: In Deadwood, at such place as shall by them be deemed to furnish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility and its proximity to the business portion of said town of Deadwood.

§ 4. COST, NOT TO EXCEED.] The cost of the purchase of the site therefor and for the construction of the court house and jail shall not exceed, all told, together with the complete furnishing thereof, ready for transaction of court and county business, and for the safe and secure confinement of prisoners in said jail, the sum of (\$20,000.00) twenty thousand dollars.

§ 5. TIME IN WHICH SHALL BE CONSTRUCTED.] Said building or buildings shall be constructed during the season of 1881; shall be commenced on or before the first day of June 1881, and shall be entirely completed and ready for occupancy on or before the first day of December, 1881.

§ 6. LETTING CONTRACT.] The erection and construction of said building or buildings shall be let by the board of county commissioners to the lowest bidder, after advertisement for public proposals for not less than four weeks in the daily newspapers published at said town of Deadwood, and sufficient bonds shall be required by the said board from the contractor, with not less than two responsible sureties, for the construction and completion of said building or buildings, in

accordance with the plans and specifications adopted by the board of county commissioners; *Provided, however:* That if, in the judgment of the said board, the lowest bid for such contract is too high, they shall have the power to reject all bids and advertise anew and this from time to time until a proper bid is received.

§ 7. BONDS TO BE ISSUED.] For the purpose of providing funds to pay the cost and construction and furnishing of said building or buildings, the board of county commissioners are hereby authorized and empowered and it is made their duty to prepare and issue the bonds of said county, running for a term or period of twenty years, bearing not exceeding eight per cent. per annum interest, payable semi-annually on the first days of July and January of each year, in denominations of \$500.00 each, for a sum sufficient to pay the cost of the erection and construction of said building or buildings and the furnishing thereof, not exceeding the sum of (\$16,000.00) sixteen thousand dollars.

§ 8. BONDS—DESCRIPTION OF, AMOUNT, ETC.] Said bonds shall bear date on the first day of July 1881, shall be payable twenty years after date and principal and interest payable at the treasurer's office of the said county of Lawrence, and shall from time to time be sold by the said board of county commissioners, at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of said buildings, and also to pay for the furnishing thereof and for the purchase of a site therefor.

§ 9. TERMS OF PAYMENTS TO CONTRACTORS.] The board of county commissioners shall have the power to provide in the contract for the terms of payment and for withholding from time to time such per centage from the value of the work as it progresses as shall insure a prompt and proper compliance by the contractor with the terms of said contract, and to provide such other matters and things as shall be usually necessary and requisite with reference to such contract; *Provided, however:* That the terms of payment, from time to time, shall be only so fast as the work progresses, with fifteen per cent. deduction therefrom to insure the fulfillment of said contract and such payments shall be in cash, and the erection and

construction of said building or buildings shall be at all times under the supervision and control of said board or of any agent such board may select for that purpose.

§ 10. TITLE TO GROUNDS.] The site to be secured shall be taken free and clear from all liens and incumbrances, and the title thereto shall be free and clear from all claims and demands, except as against the United States, and shall be paid for out of the proceeds of the sale of said bonds, and the title therefor shall be taken in the name of the county of Lawrence.

§ 11. SALE OF PRESENT JAIL AND GROUNDS.] The said board of county commissioners are hereby authorized to sell and dispose of the present jail and jail site and also all other grounds in and about said Deadwood and its vicinity owned or claimed by said Lawrence county for the best attainable terms, at public vendue or private sale, and through the chairman of the board, under the seal of said county, transfer the title thereto to said purchaser and appropriate the proceeds thereof toward the purchase of the court house and jail site, to be erected under the provision of this act, or the erection and construction of said building or buildings or the furnishing thereof.

§ 12. COMMISSIONERS MAY PURCHASE BUILDINGS.] If the said board of county commissioners determine to purchase a building for court house and other purposes, as herein mentioned, they are hereby authorized and empowered to issue the bonds of Lawrence county in the manner and upon the terms as provided in section 7, in an amount not exceeding twelve thousand dollars, in full payment for a clear and perfect title, except as to the United States, to such building or buildings as they may so purchase with adjacent grounds sufficient to erect thereon a jail and other buildings needed by said county; and they are further authorized and empowered to erect a jail in the manner provided in section 6, and shall use the funds derived from the sale of county property, as provided in section 11, to defray expense of building said jail as far as the same may go, and the entire expense of constructing said jail and all additions and repairs to any building they may purchase shall not exceed the sum of four thousand dollars.

§ 13. REDEMPTION OF BONDS.] In issuing said bonds, as is

in either case provided for, the terms thereof shall provide that after the expiration of ten years from the date thereof it shall be optional with the said county, at any time before they shall become due to redeem the same at par and accrued interest at the date of the redemption, at such times and in such amounts as the board of county commissioners or other lawful fiscal agent of said county shall from time to time determine, and under such rules and regulations as to notice thereof as they may prescribe.

§ 14. SPECIAL ELECTION.] It is further provided that the county commissioners of Lawrence county are hereby authorized and empowered and it is hereby made their duty to call a special election of the voters of the county, at such time as in their judgment they may deem proper and under the law governing elections, for the purpose of voting "For" or "Against" court house bonds, and if a majority of the votes so polled shall be "For court house bonds," that the board of county commissioners shall proceed as in this act provided, and if a majority of the votes so polled shall be "Against court house bonds," that then and in that case this act shall have no force and effect; *Provided, however:* That nothing in this act shall be construed to authorize the issue of any bonds by the board of county commissioners of Lawrence county, unless the question regarding the issue of the same shall have been submitted to the voters in said Lawrence county, as provided for in the first part of this section.

§ 15. BOND TAX.] The board of county commissioners shall for the year 1881, and each year thereafter, levy and collect a tax sufficient to pay the interest on said bonds promptly as it shall become due and payable, and for the payment thereof at or before their maturity as in section 13 provided, and after ten years they shall levy and collect a sinking fund tax for the payment of said bonds sufficient to redeem the same within the period of their maturity, and as fast as such sinking fund shall become available, they shall redeem such bonds under the provisions of said section 13, aforesaid.

§ 16. BOND TAX SHALL BE USED FOR NO OTHER PURPOSE.] The moneys levied and collected for the payment of the interest or principal of said bonds shall not be used for any other

purpose, but shall be held and appropriated solely for the payment of said principal and interest, under the provisions of this act.

§ 17. VIOLATION OF PROVISIONS OF ACT—HOW PUNISHABLE.] Any willful violation of any of the provisions of this act shall be deemed and held to be and punishable as a misdemeanor, and a misappropriation of any of the bonds or funds provided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

§ 18. MAY RENT COURT HOUSE AND JAIL TO UNITED STATES.] The board of county commissioners of said county shall have authority to rent said court house and jail to the United States for court and jail purposes, reserving its use for all needed county purposes, and the moneys therefrom received shall be appropriated to the payment of the interest on said bonds, and if more than sufficient therefor, to the payment of the principal thereof, and as such rent moneys shall become available, the taxes for such interest or principal shall be in like sum reduced.

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

Approved, February 21, 1881.

CHAPTER 20.

MINNEHAHA COUNTY JAIL.

AN ACT to Authorize the County Commissioners of Minnehaha County to issue Bonds of said County to complete a County Jail, and for other Purposes.

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

§ 1. AUTHORITY TO ISSUE BONDS.] The county commissioners of Minnehaha county are authorized to issue bonds of said county to the amount of three thousand dollars, bearing interest at the rate of seven per cent. per annum, the interest payable annually, for the purpose of completing the county jail in said county, and providing suitable iron cells therein for the retention of such prisoners as may be committed thereto: *Provided*, That no greater amount of said bonds shall be issued than is actually required for the purposes herein named, and that said bonds shall not be sold or in any manner disposed of for less than their nominal value.

§ 2. AUTHORITY TO REFUND INDEBTEDNESS.] The county commissioners of said county are authorized to refund all their outstanding indebtedness, including all audited accounts against said county as the same existed on the 10th day of January, 1881, which have not since been paid, and issue in lieu of bonds and other written obligations to pay money out of the county treasury, bonds of said county payable in ten years from their date at the rate of seven per cent. per annum, the interest payable annually: *Provided*, It shall be at the option of the holders of bonds already issued to accept such reissue of bonds in exchange therefor, whether such bonds bear the same or a different rate of interest.

§ 3. DENOMINATION AND DESCRIPTION OF JAIL BONDS.] The bonds issued for the purpose of completing the jail shall be in denominations not less than one hundred nor more than one thousand dollars each, and shall be either lithographed or printed with interest coupons attached and the words "Jail Bond Act of 1881," printed upon the margin, and shall be

signed by the chairman of the board of county commissioners, attested by the county clerk under seal. They shall be numbered and registered by the county clerk in a book provided for that purpose and called the "Bond Register," in which shall be entered the date, number and amount of each bond, and the name of the person to whom the same was issued.

§ 4. REFUNDING BONDS.] The bonds issued for the purpose named in section 2 of this act shall be of denomination of not less than fifty nor more than one thousand dollars, and shall be either lithographed or printed, signed by the chairman of the board of county commissioners and attested by the clerk under official seal, with interest coupons attached, and on the margin shall be printed the words, "Reissue of Bonds under act of 1881," and on the back of said bonds shall be printed the words, "Issued in lieu of bond No., dated.," which blanks shall be filled by the clerk in accordance with the facts when issued.

§ 5. REGISTERING.] Said bonds shall likewise be registered as provided for other bonds in section 3 of this act.

§ 6. MAY PURCHASE BONDS NOW OUTSTANDING.] The county commissioners may in their discretion go upon the market and purchase any bonds of said county now outstanding and bearing a higher rate of interest than seven per cent., whenever such bonds can be purchased for their nominal value and accrued interest, and issue in lieu thereof other bonds as herein provided, and negotiate the same for not less than their nominal value.

§ 7. CANCELLING REDEEMED BONDS.] Whenever any bonds of said county now outstanding shall have been exchanged for other bonds or purchased by the county commissioners, said bonds shall be cancelled by writing or printing in red ink across the face of each bond the words, "Cancelled and paid by issuing bond No. in lieu thereof," and the coupons shall be cancelled by making a hole through each coupon with a punch provided for the purpose, and each bond so cancelled shall be registered in the same manner as provided for registering new bonds with the date of their cancellation added, and the cancelled bonds shall then be filed in the office of the register of deeds for reference, until all such outstanding bonds shall have been exchanged or paid, when they shall be

destroyed by the county commissioners in presence of the county treasurer and register of deeds.

§ 8. BOND TAX.] After five years the county commissioners of said county shall levy a tax of two mills upon each dollar of the assessed valuation of all the property assessed in said county, to be collected as other taxes are collected, for a sinking fund, to be used in payment of any bonds of said county when the same shall become due; and said commissioners in their discretion, whenever there shall be any funds in the treasury for the purpose, may purchase any such bonds and pay for the same out of such sinking fund, which bonds shall be cancelled in a similar manner as provided for the cancellation of other bonds.

§ 9. VIOLATING PROVISIONS OF ACT. PENALTY.] Any violation of the provisions of this act shall be deemed a misdemeanor, and punishable by fine not exceeding one hundred dollars; and any conversion or misappropriation of the bonds or money that may be issued or obtained under the provisions of this act shall be deemed a felony, and punished by a fine not exceeding five hundred dollars, in the discretion of the court before whom convicted, or by imprisonment in the territorial prison not exceeding five years or by both such fine and imprisonment.

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

TERRITORY OF DAKOTA, }
Yankton, February 21, 1881. }

This act being an act, entitled "An act to authorize the county commissioners of Minnehaha county to issue bonds of said county to complete a county jail, and for other purposes," originated in the House of Representatives of this Territory; passed the House, February 8, 1881, and was transmitted to the Council and passed that body February —, 1881; was presented to the Governor of this Territory on the 16th day of February, 1881, and returned without his approval February 19, 1881, and accompanied by his objections, which were entered at length upon the journal, and the communication was considered by the House on February 19, 1881. The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" and the bill was passed, the necessary two-thirds of all members voting in the

affirmative. And to these facts of the action of the House, I hereby certify of my own knowledge.

Attest:

FRANK J. MEAD,
Chief Clerk of the House.

J. A. HARDING,
Speaker of the House.

COUNCIL CHAMBER,
Yankton, February 21, 1881. }

I hereby certify that on this 21st day of February, 1881, the foregoing bill, together with the objections of the Governor, was received from the House by the Council; and the Council thereupon proceeded to reconsider said bill, and the question being put, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" it was decided in the affirmative, two-thirds of the Council voting to pass the bill, and then it was approved by the Council.

Attest:

E. B. DAWSON,
Chief Clerk.

GEO. H. WALSH,
President.

CHAPTER 21.

MORTON COUNTY—SCHOOL DISTRICT No. 1.

AN ACT to authorize School District No. 1, of the County of Morton, to issue Bonds for the purpose of building a School House.

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

§ 1. AUTHORIZED TO ISSUE BONDS. DESCRIPTION OF, ETC.] That the district officers of school district number one, in the county of Morton and Territory of Dakota, be empowered and are hereby authorized to issue bonds of one hundred dollars each, and to the extent of five thousand dollars, or so much as may be necessary, not exceeding that sum, for the purpose of building a school house in said school district, which bonds shall be payable in five years from date of issue, and shall draw interest from the date thereof, at a rate not exceeding eight per centum per annum, said interest to be payable annually, and principal and interest to be payable at such place or places as said school district officers may designate in said bonds. The bonds shall specify upon their faces the date, amount, for what purpose issued, the time and place of payment, and the rate of interest; shall be printed or lithographed

on good paper with coupons attached for each year's interest, and said bonds and coupons thereto attached shall be severally signed by the director, clerk and treasurer of said district.

§ 2. SALE OF BONDS, ETC.] Said bonds shall be sold by the district board of said school district for not less than their par value, and the proceeds of such sale shall be paid to the said school district treasurer, and shall be used for the purpose of building and furnishing a school house and buying apparatus for the same under the direction of the said school board.

§ 3. BOND TAX.] The officers of said school district are hereby granted all needful authority to levy taxes from time to time, not to exceed one per cent. per annum on the taxable property of said school district in addition to the tax already allowed by law; said tax to be for the purpose of paying the interest on said bonds promptly when due, and for creating a sinking fund for the payment of the principal when due.

§ 4. SCHOOL DISTRICT CLERK TO NOTIFY COUNTY CLERK, ETC.] It shall be the duty of the district clerk to notify the clerk of said county of Morton of the amount of said tax so levied by said board in the same manner as is now provided by law for notifying county clerks of the amount of taxes voted by district school meetings, and the said county clerk is hereby required to spread said tax upon the assessment rolls in the same manner as other school district taxes are so spread; and it shall be the duty of the treasurer of said Morton county to collect said taxes in the same manner as other taxes are, and may be collected by him, and when so collected to pay them over to said district treasurer in the manner in which other school moneys are paid over to school district treasurers.

§ 5. SPECIAL ELECTION.] Nothing herein contained shall be construed to authorize the issuing of such bonds unless a majority of the legal voters present and voting shall vote in favor thereof at a special school meeting, to be called upon like notice and in the same manner as now provided by law for calling school district meetings: *And provided*, That said voting shall be by printed or written ballots with the words, "For issuing school bonds" or "Against issuing school bonds;" and if a majority of all the votes cast be found to be in favor

of issuing the bonds, such bonds may issue as herein provided.

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

Approved, February 25, 1881.

CHAPTER 22.

PEMBINA COUNTY—COURT HOUSE AND JAIL.

AN ACT Providing for the Erection and Construction of a Court House and Jail for the County of Pembina.

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

§ 1. AUTHORITY TO CONSTRUCT BUILDINGS.] That the board of county commissioners of Pembina county are authorized and empowered and it is hereby made their duty under the provisions of this act to erect and construct a suitable building or buildings for a court house and jail, for said Pembina county, Dakota Territory.

§ 2. PLANS AND SPECIFICATIONS.] The board of county commissioners of said county shall immediately after the passage of this act. cause to be prepared plans and specifications for a suitable building or buildings for the purposes herein before provided. Said buildings to provide for a jail, suitable rooms for all the county officers that are required by law to be provided with offices, and for a court room, grand and petit jury rooms, and such other rooms as are usually provided for court and county purposes, to be included within one building, or more, as in the judgment and discretion of said board of county commissioners shall be deemed to be the most economical and otherwise the most advisable.

§ 3. LOCATION.] The said board of county commissioners shall select the site thereof at the county seat, to-wit: In Pembina, at such place as shall by them be deemed to fur-

nish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility and its proximity to the business portion of said town of Pembina.

§ 4. TOTAL COST.] The cost of the purchase of the site therefor and for the construction of the court house and jail shall not exceed, all told, together with the complete furnishing thereof, ready for transaction of court and county business, and for the safe and secure confinement of prisoners in said jail, the sum of (\$15,000) fifteen thousand dollars.

§ 5. WHEN TO BE COMPLETED.] Said building or buildings shall be constructed during the season of 1881; shall be commenced on or before the first day of June, 1881, and shall be entirely completed and ready for occupancy on or before the first day of December, 1881.

§ 6. LETTING CONTRACT.] The erection and construction of said building or buildings shall be let by the board of county commissioners to the lowest bidder, after advertisement for public proposals for not less than four weeks in the weekly newspapers published at said town of Pembina, and sufficient bonds shall be required by the said board from the contractor, with not less than two responsible sureties, for the construction and completion of said building or buildings, in accordance with the plans and specifications adopted by the board of county commissioners.

§ 7. BONDS TO BE ISSUED.] For the purpose of providing funds to pay the cost and construction and furnishing of said building or buildings, the board of county commissioners are hereby authorized and empowered and it is made their duty to prepare and issue the bonds of said county, running for a term or period of twenty years, bearing not exceeding ten per cent. per annum interest, payable semi-annually on the first days of July and January of each year, in denominations of \$500.00 each, for a sum sufficient to pay the cost of the erection and construction of said building or buildings and the furnishing thereof, not exceeding the sum of (\$15,000.00) fifteen thousand dollars.

§ 8. DESCRIPTION AND SALE OF BONDS.] Said bonds shall

bear date on the first day of July 1881, shall be payable twenty years after date and principal and interest payable at the treasurer's office of said county of Pembina, and shall from time to time be sold by the said board of county commissioners, at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of said buildings, and also to pay for the furnishing thereof and for the purchase of a site therefor.

§ 9. TERMS OF PAYMENTS TO CONTRACTORS.] The board of county commissioners shall have the power to provide in the contract for the terms of payment and for withholding from time to time such per centage from the value of the work as it progresses as shall insure a prompt and proper compliance by the contractor with the terms of said contract, and to provide such other matters and things as shall be usually necessary and requisite with reference to such contract; *Provided, however:* That the terms of payment, from time to time, shall be only so fast as the work progresses, with fifteen per cent. deduction therefrom to insure the fulfillment of said contract and such payments shall be in cash, and the erection and construction of said building or buildings shall be at all times under the supervision and control of said board, or of any agent such board may select for that purpose.

§ 10. TITLE TO SITE, ETC.] The site to be secured shall be taken free and clear from all liens and encumbrances, and the title thereto shall be free and clear from all claims and demands, except as against the United States, and shall be paid for out of the proceeds of the sale of said bonds, and the title therefor shall be taken in the name of the county of Pembina.

§ 11. SALE OF PRESENT BUILDINGS.] The said board of county commissioners are hereby authorized to sell and dispose of the present jail and jail site, and also all other grounds in and about said Pembina and its vicinity, owned or claimed by said Pembina county, for the best attainable terms at public vendue or private sale and through the chairman of said board, under the seal of said county, transfer the title thereto to said purchaser and appropriate the proceeds thereof towards the purchase of the court house and jail site, to be erected under the provisions of this act, or the erection and

construction of said building or buildings or the furnishing thereof.

§ 12. JAIL—WHAT TO CONTAIN.] The said board of county commissioners shall in their plan for the construction of said building or buildings include suitable rooms for the residence of a jailor and family, if the funds herein provided shall be sufficient therefor, in addition to the erection and construction of and furnishing of the court house, and county offices and county jail.

§ 13. REDEMPTION OF BONDS.] In issuing said bonds herein provided for the terms thereof shall provide that after the expiration of ten (10) years from the date thereof it shall be optional with the said county at any time before they shall become due, to redeem the same at par and accrued interest at the date of the redemption, at such times and in such amounts as the board of county commissioners or other lawful fiscal agents of said county shall from time to time determine, and under such rules and regulations as to notice thereof as they may prescribe.

§ 14. BOND TAX.] The board of county commissioners shall for the year 1881 and each year thereafter, levy and collect a tax sufficient to pay the interest on said bonds promptly as it shall become due and payable, and for the payment thereof at or before their maturity, as in section 13 provided; and after the expiration of ten years they shall levy and collect a sinking fund tax for the payment of said bonds sufficient to redeem the same within the period of their maturity, and as fast as such sinking fund shall become available they shall redeem such bonds under the provisions of said section 13 aforesaid.

§ 15. BOND TAX NOT TO BE USED FOR ANY OTHER PURPOSE.] The moneys levied and collected for the payment of the interest or principal of such bonds shall not be issued for any other purpose, but shall be held and appropriated solely for the payment of said principal and interest under the provisions of this act.

§ 16. VIOLATION OF PROVISIONS OF THIS ACT A MISDEMEANOR.] Any willful violation of any of the provisions of this act shall be deemed and held to be and punishable as a misdemeanor, and a misappropriation of any of the bonds or funds pro-

vided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof, shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five years or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

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

HALL OF THE HOUSE OF REPRESENTATIVES, }
Yankton, Dakota, Feb. 8th, 1881. }

I hereby certify that on this day this act was returned to the House in which it originated, without the approval of his excellency Governor N. G. Ordway with his objections to this bill in writing. His objections were entered at large upon the journal of the House, and the House proceeded to reconsider the bill, and after such reconsideration, two-thirds of the House voted to pass the bill, the objections of the governor to the contrary notwithstanding.

J. A. HARDING,
Speaker of the House

FRANK J. MEAD,
Chief Clerk of the House.

COUNCIL CHAMBER, }
Yankton, D. T., Feb. 9th, 1881. }

I hereby certify that on this 9th day of February, 1881, the foregoing bill, together with the objections of the Governor, was received from the House of Representatives by the Council, and the Council thereupon proceeded to reconsider said bill, and the question being put, "shall the bill pass, the objections of the Governor to the contrary notwithstanding?" it was decided in the affirmative, two-thirds of the Council voting to pass the bill, and then it was approved by the Council.

Attest:

E. B. DAWSON,
Chief Clerk of the Council.

GEO. H. WALSH,
President of the Council.

CHAPTER 23.

PEMBINA COUNTY—FUNDING INDEBTEDNESS.

AN ACT authorizing the Board of County Commissioners of Pembina County to Fund the Outstanding Indebtedness thereof.

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

§ 1. COMMISSIONERS AUTHORIZED TO FUND INDEBTEDNESS.] That the board of county commissioners of the county of Pembina are hereby authorized to fund such indebtedness of said county as may exist on the first day of July, 1881, in manner by this act provided.

§ 2. BONDS TO ISSUE IN PAYMENT OF WARRANTS.] That said board of county commissioners on and after the first day of July, 1881, shall have the authority and it is hereby made their duty to provide, that whenever warrants drawn for any portion of the indebtedness hereinbefore mentioned shall be presented to the county treasurer in sums of fifty dollars and upwards, for the purpose of being funded, that such warrants shall be taken up, the interest thereon calculated to the first day of July, 1881, and in lieu thereof and in payment of said warrants, that the bonds of said county in denominations of not less than fifty dollars, bearing date and with appropriate coupons for the interest attached to such bonds, and payable as hereinafter mentioned, be issued to the holders of such warrants.

§ 3. BONDS, DATE AND INTEREST.] Such bonds shall be dated the first day of July, 1881, shall be payable ten years after date and shall bear interest at the rate of not to exceed ten per cent. per annum, payable annually on the first day of March at the county treasurer's office in said county, and the principal thereof shall be there payable.

§ 4. BOND TAX.] It shall be the duty of the board of county commissioners of said county to fund the outstanding indebtedness as herein provided, to levy and collect annually a tax in cash sufficient to pay the interest on said bonds, and after eight years they shall levy and collect in addition thereto annually a sinking fund bond tax sufficient to pay the principal of such bonds by the time they shall become due and pay-

able; and with such sinking fund bond tax as fast as the same is collected they shall go into the market and buy up such bonds and retire the same, and such interest tax and sinking fund bond tax shall not be used for any other purpose: *Provided*, That no more than par value shall be paid for said bonds. In retiring such bonds it shall be the duty of the county commissioners to advertise for thirty days previous to the first day of March in each year, in the official paper of said county, inviting holders of such bonds to make bids of the price in cash at which they will sell their bonds to the county; and said county commissioners shall buy such bonds so offered, as far as the "sinking fund bond tax" in the hands of the county treasurer on the said first day of March will permit, at the lowest prices offered, not to exceed the par value of the same.

§ 5. WHAT INDEBTEDNESS TO BE FUNDED.] The said outstanding indebtedness which shall exist on the said first day of July, 1881, shall be funded as herein provided, and any and all persons shall have until the first of January, 1882, to bring in warrants in their possession drawn on such funds, and receive the bonds as before provided and no longer.

§ 6. COMMISSIONERS TO MAKE PROVISION—WHEN.] The county commissioners of said county shall at the first session of their board after the passage of this act, make such provisions as shall be necessary and proper for carrying out the provisions of this act, or as soon thereafter as it can reasonably be done; and such bonds shall be either printed or lithographed, and shall be executed by the chairman of the board of county commissioners for the county aforesaid, and shall be under the seal of the county and attested by the clerk thereof; shall be payable to the persons respectively presenting such warrants, or bearer.

§ 7. DISPOSITION OF WARRANTS.] When such warrants are so taken up and paid by the issue of bonds as herein provided, such warrants shall be marked, "Paid by bond No.," (giving number of bond), and shall be retained by the county treasurer until his settlement with the county commissioners, and shall then be carefully compared with the bond register and if found to correspond therewith shall be then destroyed; and to facilitate settlement with such board,

the county treasurer shall endorse upon each warrant so taken up and paid the amount of interest allowed thereon.

§ 8. BOND REGISTER.] The county treasurer of Pembina county shall provide himself with a book to be called, "The Bond Register," wherein he shall note the number of bonds issued, the date when issued, the party to whom issued and the amount of the warrant and the amount of interest thereon for which such bond was exchanged, and such other facts as he shall be required thereunto by the county commissioners; and such register shall immediately after the first day of October, 1881, be deposited with the county clerk and shall remain in his office as a public record.

§ 9. CONCERNING JUDGMENTS.] The outstanding indebtedness of said county which shall exist on the first day of July, 1881, only shall be funded; and if judgment shall be rendered against said county on any of the warrants herein mentioned, no tax shall be levied to pay such judgment for eight years from and after the rendition of the same, nor shall any execution be issued against the property of the said Pembina county on said judgment for said eight years from the date thereof.

§ 10. ISSUE OF WARRANTS PROHIBITED UNLESS MONEY IN TREASURY.] That on and after the first day of July, 1881, no warrant or warrants shall be drawn or issued on the treasurer of Pembina county by the commissioners of the said county until after the tax for redeeming the same shall have been collected and actually paid into the county treasury, and shall therein remain applicable to the payment of all warrants so issued by the said county commissioners.

§ 11. WARRANTS HEREAFTER ISSUED.] All county warrants which shall be issued on and after the first day of July, 1881, shall be numbered and registered by the county commissioners in the regular order of their issue, in a register or book kept in their office for that special purpose, and a duplicate copy of the said register shall be kept by the county treasurer in his office, both of which registers shall be at all times open to inspection by the public during office hours, and all county warrants so issued, numbered and registered shall be paid in the regular order in which they were issued, numbered and registered, and in no other manner; and whenever any county warrant so registered shall be paid by the

county treasurer, the amount paid thereon and the date of payment thereof shall be written opposite the number of the warrant or warrants so paid by the county treasurer on his register.

§ 12. PAYING WARRANTS. BONDED DEBT PREFERRED.] Whenever any county warrant which may be issued on or after the first day of July, 1881, shall remain outstanding and unpaid, the county treasurer shall from the moneys in the county treasury enclose and seal up in a package the amount due on said outstanding warrant, as shown by the warrant register, and in the regular order of the issue, and mark thereon the amount of money enclosed therein, and the number of the warrant to be paid therewith, and deposit the same in the treasury safe to be kept there until the said warrant shall be presented for payment, at which time the county treasurer shall pay the same, and shall take up and cancel said warrant: *Provided, however,* That the interest on the bonds issued for funding the outstanding indebtedness of the county shall be held to be a preferred claim against the county, and the same shall be paid before any other claim against said county from the funds in the treasury.

§ 13. BOND TAX.] The county commissioners may annually cause to be levied and collected a tax not to exceed twenty-five per cent. in excess of the estimated amount required for county purposes, and the surplus tax so levied and collected shall go to create a sinking fund to defray the extraordinary expenses of said county.

§ 14. VIOLATIONS.] Each and every violation of any of the provisions of this act shall be held to be a misdemeanor.

§ 15. This act shall take effect and be in force from and after its passage and approval, and it amends and modifies all acts and parts of acts inconsistent with its provisions so far only as it is necessary to carry this act into effect.

ENDORSED.—Received at Executive Office, February 11, 1881, at 2:45 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,
Secretary of the Territory.

CHAPTER 24.

PEMBINA COUNTY—SCHOOL DISTRICT No. 1.

AN ACT authorizing School District No. (1) one, of the County of Pembina, to issue Bonds for the purpose of Building and Furnishing a School House.

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

§ 1. DISTRICT OFFICERS TO ISSUE BONDS TO BUILD SCHOOL HOUSE.] That the district officers of school district No. 1, in the county of Pembina and Territory of Dakota, be empowered and are hereby authorized to issue bonds of one hundred dollars each, to the amount of eight thousand dollars, payable in not exceeding ten years, for the purpose of building and furnishing a school house in said school district; which bonds shall draw interest from the date thereof, payable annually, at a rate not exceeding ten per cent. per annum. The bonds shall specify on their face the date, amount, for what purpose issued, the time and place of payment and rate of interest; shall be printed on good paper with coupons attached for each year's interest, and the amount of each year's interest shall be placed in corresponding coupons until such bonds shall become due in a manner so as to have the last coupon fall due the same time as the bond. Said bonds and coupons thereto attached shall be severally signed by the director, clerk and treasurer of said school district. Said bonds and interest to be made payable at such place or places as said school district officers may designate in said bonds.

§ 2. HOW DISPOSED OF.] Said bonds may be issued in satisfaction of the building of such school house, or may be sold for not less than 90 cents on the dollar, and the avails of such sale shall be used in paying off the indebtedness incurred by the building and furnishing of such school house.

§ 3. MAY LEVY TAXES.] The officers of said school district are hereby granted all the needful authority to levy taxes from time to time not to exceed one per cent. of the taxable property in said school district. in addition to the tax already allowed by law; said tax to be for the purpose of paying the

interest on said bonds promptly when due, and for creating a sinking fund for paying the principal of said bonds when due.

§ 4. TREASURER OF COUNTY TO COLLECT TAX.] It shall be the duty of the treasurer of said county of Pembina to collect the tax herein provided for in the same manner, and to sell property when the tax thereon is delinquent, as in other cases as provided by law, and to turn the tax collected by him over to the treasurer of said school district as in other cases provided by law.

§ 5. SPECIAL ELECTION.] Nothing in this act shall be construed to authorize the issuing of such bonds unless a majority of all the legal voters present and voting shall vote in favor thereof, at an annual or special meeting of the legal voters of said district.

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

Approved, February 15, 1881.

CHAPTER 25.

RICHLAND COUNTY—COURT HOUSE AND JAIL.

AN ACT Providing for the Erection and Construction of a Court House and Jail for the County of Richland.

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

§ 1. COMMISSIONERS AUTHORIZED TO CONSTRUCT BUILDINGS.] That the board of county commissioners of Richland county are authorized and empowered and it is hereby made their duty under the provisions of this act to erect and construct a suitable building or buildings for a court house and jail, for said Richland county, Dakota Territory.

§ 2. PLANS AND SPECIFICATIONS.] The board of county commissioners of said county shall immediately after the passage

of this act, cause to be prepared plans and specifications for a suitable building or buildings for the purpose herein before provided; said buildings to include a jail, suitable rooms for all the county officers which are required by law to be provided with offices, and for a court room, grand and petit jury rooms, and such other rooms as are usually provided for court and county purposes, to be included within one building, or more, as in the judgment and discretion of said board of county commissioners shall be deemed to be the most economical and advisable.

§ 3. SITE.] The said board of county commissioners shall select the site thereof at the county seat, to-wit: In Wahpeton, at such place as shall by them be deemed to furnish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility and its proximity to the business portion of said town of Wahpeton.

§ 4. TOTAL COST.] The cost of the purchase of the site thereof and of the construction of the court house and jail shall not exceed, together with the complete furnishing thereof, ready for transaction of court and county business, and for the safe and secure confinement of prisoners in said jail, the sum of (\$15,000) fifteen thousand dollars.

§ 5. COMMENCED AND COMPLETED.] Said building or buildings shall be constructed during the year of 1881; shall be commenced on or before the first day of May, 1881, and shall be entirely completed and ready for occupancy on or before the first day of November, 1881.

§ 6. CONTRACT TO BE LET TO LOWEST BIDDER.] The erection and construction of said building or buildings shall be let by the board of county commissioners to the lowest bidder, after public advertisement for proposals for not less than three weeks in a weekly newspaper published in said county of Richland, and sufficient bonds shall be required by said board from the contractor, with not less than two responsible sureties, for the construction and completion of said building or buildings, in accordance with the plans and specifications adopted by the board of county commissioners: *Provided,*

however, That if in the judgment of the said board the lowest bid for such contract is too high they shall have the power to reject all bids and advertise anew, and this from time to time until a proper bid is secured.

§ 7. BONDS TO BE ISSUED.] For the purpose of providing funds to pay the cost of constructing and furnishing said building or buildings, the board of county commissioners are hereby authorized and empowered and it is hereby made their duty to prepare and issue the bonds of said county, running for a term or period of fifteen years, to be redeemable after the expiration of seven years from the date of issue thereof, bearing not exceeding eight per cent. per annum interest, payable semi-annually on the first days of June and December of each year, in denominations of \$500 each, for a sum sufficient to pay the cost of the erection and construction of said building or buildings and the furnishing thereof, not exceeding the sum of (\$15,000) fifteen thousand dollars.

§ 8. DESCRIPTION OF BONDS.] Said bonds shall bear date on the first day of July, 1881, shall be payable fifteen years after date, with a provision that said county may redeem said bonds after the expiration of seven years from the date thereof, and principal and interest payable at the treasurer's office of the said county of Richland, and shall from time to time be sold by the said board of county commissioners, at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of said building or buildings, and also to pay for the furnishing thereof and for the purchase of a site therefor.

§ 9. TERMS OF PAYMENT.] The board of county commissioners shall have the power to provide in the contract for the terms of payment and for the withholding from time to time such per centage from the value of the work as it progresses as shall insure a prompt and proper compliance by the contractor with the terms of said contract, and to provide such other matters and things as are usually necessary and requisite with reference to said contract: *Provided, however*, That the terms of payment from time to time shall be only so fast as the work progresses, with fifteen per cent. deduction there-

from to insure the fulfillment of said contract, and such payments shall be in cash, and the erection and construction of said building or buildings shall be at all times under the supervision and control of said board, or of any agent or agents said board may select for that purpose.

§ 10. TITLE TO GROUND.] The site to be secured shall be taken free and clear from all liens and encumbrances, and the title thereto shall be free and clear from all claims and demands, and shall be paid for out of the proceeds of the sale of said bonds, and the title thereto shall be taken in the name of the county of Richland.

§ 11. REDEMPTION OF BONDS.] In issuing said bonds herein provided for the terms thereof shall provide that after the expiration of seven years from the date thereof it shall be optional with the said county at any time before they shall become due, to redeem the same at par and accrued interest at the date of such redemption, and in such amounts as the board of county commissioners or other lawful fiscal agents of said county shall from time to time determine, and under such rules and regulations as to notice thereof as they may prescribe.

§ 12. BOND TAX.] The board of county commissioners shall for the year 1881 and each year thereafter, levy and collect a tax sufficient to pay the interest on said bonds promptly as it shall become due and payable, and for the payment thereof at or before their maturity, as in section 11 provided; and after the expiration of seven years they shall levy and collect a sinking fund tax for the payment of said bonds sufficient to redeem the same within the period of their maturity, and as fast as such sinking fund shall become available they shall redeem such bonds under the provisions of said section 11 aforesaid.

§ 13. BOND TAX TO BE USED FOR NO OTHER PURPOSE.] The moneys levied and collected for the payment of the interest or principal of said bonds shall not be used for any other purpose, but shall be held and appropriated solely for the payment of said principal and interest under the provisions of this act.

§ 14. VIOLATION OF THIS ACT—HOW PUNISHABLE.] Any willful

violation of any of the provisions of this act shall be deemed and held to be and punishable as a misdemeanor, and a misappropriation of any of the bonds or funds provided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof, shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five years or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

§ 15. RENTING TO UNITED STATES.] The board of county commissioners of said county shall have authority to rent said court house and jail to the United States for court and jail purposes, reserving its use for all needed county purposes, and the moneys therefrom received shall be appropriated to the payment of the interest on said bonds, and if more than sufficient therefor, to the payment of the principal thereof; and as such rent moneys shall become available, the taxes for such interest or principal shall be in like sum reduced.

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

TERRITORY OF DAKOTA, }
Yankton, February 10, 1881. }

This act being entitled "An act providing for the erection and construction of a court house and jail for the county of Richland," originated in the House of Representatives of this Territory; passed the House, January 25, 1881, and was transmitted to the Council and passed that body January 28, 1881; was presented to the Governor of this Territory on the 7th day of February, 1881, and returned without his approval February 10, 1881, and accompanied by his objections, which were entered at length upon the journal; the question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the bill was passed, the necessary two-thirds of all members voting in the affirmative.

Attest:
FRANK J. MEAD,
Chief Clerk of the House.

J. A. HARDING,
Speaker of the House.

COUNCIL CHAMBER, }
Yankton, February 15, 1881. }

I hereby certify that on the 11th day of February, 1881, the foregoing bill, together with the objections of the Governor, was received from the House by

the Council; and the Council thereupon on the 15th of February proceeded to reconsider said bill, and the question being put, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" it was decided in the affirmative, two-thirds of the Council voting to pass the bill, and then it was approved by the Council.

Attest:

E. B. DAWSON,
Chief Clerk.

GEO. H. WALSH,
President.

CHAPTER 26.

RICHLAND COUNTY—SUPPLEMENTAL.

AN ACT to amend "An Act, providing for the Location, Erection and Construction of a Court House and Jail in Richland County, Dakota Territory," being Supplemental to House File No. 19.

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

§ 1. SPECIAL ELECTION.] That nothing in the act entitled "An act providing for the location, erection and construction of a court house and jail in Richland county, Dakota Territory," passed at the session of the Legislative Assembly of 1881, shall be so construed as to authorize any action to be taken by the said board of county commissioners toward the location and erection of county buildings before the questions have been submitted to the legal voters of the county of Richland, at a general or special election called for that purpose, and decided in the affirmative by a majority of the legal voters of the same.

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

Approved, February 21, 1881.

CHAPTER 27.

SIOUX FALLS—FUNDING INDEBTEDNESS.

AN ACT to Authorize the President and Trustees of the Village of Sioux Falls to Fund its Outstanding Indebtedness, and to issue Bonds to Protect said Village against loss by Fire.

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

§ 1. OFFICERS AUTHORIZED TO ISSUE BONDS.] The president and trustees of the village of Sioux Falls are authorized to fund all their outstanding indebtedness as it existed on the 11th day of January, A. D. 1881, whether the same was bonded or not, and for that purpose may issue bonds of said village, due in ten years from their date, bearing interest at the rate of seven per cent. per annum, the interest payable annually in accordance with interest coupons which shall be attached to such bonds. Said bonds shall be in denominations of not less than fifty dollars nor more than five hundred dollars; shall state for what purpose issued, and shall be numbered and registered.

§ 2. BONDS FOR FIRE APPARATUS, ETC.] Whenever at any general or special election the legal voters of said village shall vote to issue bonds to provide means of protection against loss by fire, the president and trustees of said village shall issue bonds not exceeding in amount the sum of six thousand dollars, due in ten years from their date, bearing interest at the rate of seven per cent. per annum, the interest payable annually. Said bonds to be executed and registered as provided in section 1 of this act: *Provided*, That no greater amount of such bonds shall be issued than shall be actually required to provide and pay for such water works, fire engine or other means of protection against fire as the electors of said village shall by vote determine to provide.

§ 3. BOND TAX.] The village board in addition to the amount already authorized may levy a tax upon the assessable property in said village sufficient to pay the interest on all its bonded indebtedness, and after five years shall levy a tax of two mills upon each dollar of the assessed valuation

of said village, to be collected as other taxes are collected, for a sinking fund, to be used in payment of its bonded indebtedness and for no other purposes.

§ 4. REDEMPTION OF BONDS NOW OUTSTANDING.] For the purpose of carrying out the provisions of this act the village board shall have power to purchase any bonds now outstanding against said village, whenever the same can be purchased for their nominal value with accrued interest, and may negotiate bonds as herein provided, at not less than their par value to pay for the same.

§ 5. This act shall take effect from and after its passage and approval.

Approved, February 17, 1881.

CHAPTER 28.

STUTSMAN COUNTY—COURT HOUSE AND JAIL.

AN ACT providing for the Erection and Construction of a Court House and Jail for the County of Stutsman, and to provide a Board for the Construction of the same.

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

§ 1. ELECTION OF CONSTRUCTION BOARD.] There shall be elected by the electors of Stutsman county, at the annual election of 1881, a board of court house construction for said county, consisting of three members possessing the qualifications of electors. Each member of said board before entering upon the duties of his office shall take and subscribe the oath of office as prescribed by law, which oath shall be filed in the office of the county clerk of said county. Each member shall execute a bond in the penal sum of five thousand dollars, in the form provided in section 2 of chapter 5 of the Political Code, with two sureties, to be approved by the probate judge of said county.

§ 2. CANVASS OF VOTES.] The votes for such officers shall be canvassed and certificates of election shall be issued to the persons entitled thereto, as prescribed in chapter twenty-seven of the Political Code.

§ 3. DUTY OF CONSTRUCTION BOARD.] The said board of court house construction shall be authorized and empowered and it is hereby made their duty under the provisions of this act, to erect and construct a suitable building or buildings for a court house and jail for said Stutsman county, Dakota Territory.

§ 4. PLANS AND SPECIFICATIONS.] The said board of court house construction shall immediately after their election and qualification cause to be prepared plans and specifications for a suitable building or buildings for the purposes hereinbefore provided; said buildings to provide for a jail, suitable rooms for all the county officers that are required by law to be provided with offices, and for a court room, grand and petit jury rooms, and such other rooms as are usually provided for court and county purposes, to be included within one building or more, as in the judgment and discretion of said board shall be deemed to be the most economical and otherwise the most advisable.

§ 5. SELECTION OF SITE.] The said board of court house construction shall select the site for such jail and court house at the county seat, to-wit: Jamestown, at such place as shall by them be deemed to furnish the best facilities for the transaction of the county and court business, and purchase the same at the most reasonable rates attainable, taking into consideration the location thereof, its eligibility and its proximity to the business portion of said town of Jamestown.

§ 6. TOTAL COST.] The cost of the purchase of the site therefor, and for the construction of the court house and jail shall not exceed, all told, together with the complete furnishing thereof, ready for the transaction of court and county business, and for the safe and secure confinement of prisoners in said jail, the sum of thirty thousand dollars.

§ 7. COMMENCED AND COMPLETED.] Said building or buildings shall be constructed during the year of 1882, shall be commenced by or before the first day of June, 1882, and shall

be entirely completed and ready for occupancy by or before the first day of December, 1882.

§ 8. MANNER OF LETTING CONTRACT.] The erection and construction of said building or buildings shall be let by said board of court house construction to the lowest bidder, after advertisement for public proposals for not less than four weeks in the weekly newspapers published at said town of Jamestown, and not less than one week in the *Pioneer-Press* daily, in St. Paul; and sufficient bonds shall be required by the said board from the contractor, with not less than two responsible sureties for the construction and completion of said building or buildings in accordance with the plans and specifications adopted by the board of construction.

§ 9. MAY ISSUE BONDS.] For the purpose of providing funds to pay the costs of construction and furnishing of said building or buildings the board of county commissioners of said Stutsman county are hereby authorized and empowered and it is made their duty to prepare and issue the bonds of said county, running for a term or period of fifteen years, bearing not exceeding eight per cent. per annum, interest payable semi-annually on the first day of July and January of each year, in denominations of \$500 each for a sum sufficient to pay the cost of the erection and construction of said building or buildings and the furnishing thereof, not exceeding the sum of (\$30,000) thirty thousand dollars; and the said board of county commissioners shall issue said bonds and deliver the same to the said board of court house construction from time to time when called upon by said board of court house construction, and shall take their receipts therefor.

§ 10. DESCRIPTION OF BONDS.] Said bonds shall bear date on the first day of July, 1882, shall be payable fifteen years after date, and principal and interest payable at in the city of New York, and shall from time to time be sold by the said board of court house construction, at not less than par, in such sums as shall be sufficient to meet the obligations accruing under the provisions of the contract herein provided for, for the erection and construction of said building or buildings, and also to pay for the furnishing thereof and for the purchase of a site therefor.

§ 11. TERMS OF PAYMENT.] The board of court house construction shall have the power to provide in the contract for the terms of payment, and for withholding from time to time such percentage from the value of the work as it progresses as shall insure a prompt and proper compliance by the contractor with the terms of said contract, and to provide such other matters and things as shall be usually necessary and requisite with reference to such contract: *Provided, however,* That the terms of payment from time to time shall be only so fast as the work progresses, with fifteen per cent. deduction therefrom to insure the fulfillment of said contract, and such payments shall be in cash, and the erection and construction of said building or buildings shall be at all times under the supervision and control of said board of court house construction.

§ 12. TITLE TO SITE.] The site to be secured shall be taken free and clear from all liens and incumbrances, and the title thereto shall be free and clear from all claims and demands, except as against the United States, and shall be paid for out of the proceeds of the sale of said bonds, and the title therefor shall be taken in the name of the county of Stutsman.

§ 13. DISPOSAL OF PRESENT GROUNDS, ETC.] The said board of county commissioners are hereby authorized to sell and dispose of the present court house and also all other grounds in and about said Jamestown and its vicinity, owned or claimed by said Stutsman county, for the best attainable terms, at public vendue or private sale, and through the chairman of said board of county commissioners, under the seal of said county, transfer the title thereto to said purchaser, and appropriate the proceeds thereof toward the purchase of the court house and jail site, to be erected under the provisions of this act, or the erection and construction of said building or buildings or the furnishing thereof.

§ 14. PLANS—WHAT TO INCLUDE.] The said board of court house construction shall in their plan for the construction of said building or buildings include suitable rooms for the residence of the jailor and family in addition to the erection and construction of and furnishing of the court house and county offices and county jail.

§ 15. REDEMPTION OF BONDS.] In issuing said bonds herein provided for the terms thereof shall provide that after the expiration of five years from the date thereof, it shall be optional with the said county at any time before they shall become due to redeem the same at par, and accrued interest at the date of the redemption, at such times and in such amounts as the board of county commissioners or other lawful fiscal agents of said county shall from time to time determine, and under such rules and regulations as to notice thereof as they may prescribe.

§ 16. LEVYING BOND TAX.] The said board of county commissioners shall for the year 1882 and each year thereafter, levy and collect a tax sufficient to pay the interest on said bonds promptly as it shall become due and payable, and for the payment thereof at or before their maturity as in section fifteen provided, and after the expiration of five years they shall levy and collect a sinking fund tax for the payment of said bonds sufficient to redeem the same within the period of their maturity, and as fast as such sinking fund shall become available, they shall redeem such bonds under the provisions of said section fifteen aforesaid.

§ 17. BOND TAX NOT TO BE USED FOR OTHER PURPOSES.] The moneys levied and collected for the payment of the interest or principal of said bonds shall not be used for any other purpose, but shall be held and appropriated solely for the payment of said principal and interest, under the provisions of this act.

§ 18. SPECIAL BOND ELECTION.] Nothing herein contained shall be construed to authorize the issuing of such bonds or the construction or erection of said court house and jail unless a majority of all the legal electors present and voting at the annual election of 1881 shall vote in favor therefor.

§ 19. COMMISSIONERS OF COUNTY TO SUBMIT BOND QUESTION TO VOTE.] It is the duty of the county commissioners of said county to submit to the electors of said county at the annual election of 1881, for the purpose of voting upon the same, the proposition of issuing such bonds and building said court house and jail, and it is made the duty of the county clerk of said county to give notice thereof as provided in section 5 of

chapter 27 of the Political Code, and of the election of said board of court house construction. The voting on such questions at such election shall be by printed or written ballots with words, "For building court house and jail and issuing bonds, yes;" or "For building court house and jail and issuing bonds, no." Such votes shall be canvassed in the same manner as provided by law for canvassing votes for county officers, and if a majority of all the votes cast be found to be for building said court house and jail and issuing bonds, such court house and jail shall be built, and bonds may issue as herein provided: *Provided, however,* That if at said election the majority of all the votes cast be against said proposition, it shall be the duty of the county commissioners of said county on the petition of one third of the number of electors who voted at the annual election of 1881, within not less than six months from said election, to re-submit the same question to the electors of said county; and they are hereby authorized and have all needful power to call a special election of the electors of said county of Stutsman for such purposes, and for electing said board of court house construction; but they shall first give notice of such election in the same manner as now required by law for a general election, and all voting and canvassing of the votes on said questions and for said board shall be the same as provided by law for canvassing votes for county officers, and as hereinbefore provided; and if a majority of all the votes cast at such election be found to be for building said court house and jail and issuing bonds, such court house and jail shall be built and bonds may be issued as herein provided.

§ 20. CONCERNING MEMBERS OF THE BOARD OF CONSTRUCTION.] The members of said board of court house construction shall receive no compensation for their services, and shall in no manner be interested in any contract for the erection and construction of said court house and jail. They shall hold their office until the completion of said court house and jail, the furnishing thereof, and until the same is ready for occupation and use, and the contract fully completed on the part of the contractor, and payment received therefor from said county and the contract fully terminated. If from any cause the office of any member of said board of court house construc-

tion shall become vacant, the remaining members of said board shall have authority to appoint some suitable person to fill such vacancy who shall give bonds as hereinbefore provided.

§ 21. POWERS OF BOARD.] It shall be the duty of said board of court house construction to have full charge and control of the construction and erection and furnishing of said court house and jail, to enter into all contracts in behalf of the county necessarily appertaining to the same, to audit all accounts and bills, and they shall take receipts for all moneys paid and expended by them, and shall file said contract or contracts with all receipts and a full statement, under oath, of all disbursements made, with the names of the parties, and for what expended, in the office of the county clerk of said county of Stutsman.

§ 22. VIOLATION OF ACT—HOW PUNISHABLE.] Any willful violation of any of the provisions of this act shall be deemed and held to be and punishable as a misdemeanor, and a misappropriation of any of the bonds or funds provided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

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

Approved, March 5, 1881.

CHAPTER 29.

YANKTON COUNTY RAILROAD BONDS.

AN ACT to Fund the Bonds and Coupons issued by the County of Yankton under and by virtue of an act of the Legislative Assembly of the Territory of Dakota, entitled "An Act to enable Organized Counties and Townships to vote Aid to any Railroad and to Provide for the Payment of the same," and an act of Congress, entitled "An Act in relation to the Dakota Southern Railroad Company," and for other Purposes.

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

§ 1. AUTHORITY TO REFUND.] The bonds and coupons issued by the county of Yankton under and by virtue of an act of the Legislative Assembly of the Territory of Dakota, entitled "An act to enable organized counties and townships to vote aid to any railroad and to provide for the payment of the same," approved by the governor on the 21st day of April, 1871, and an act of congress, entitled "An act in relation to the Dakota Southern Railroad company," approved May 27, 1872, and any judgment rendered or hereafter obtained against said county upon said bonds or coupons may be funded, retired, cancelled and discharged as hereinafter provided.

§ 2. WHEN COMMISSIONERS MAY ISSUE NEW BONDS.] But whenever any of the outstanding bonds, coupons or judgments rendered thereon named in section 1 of this act can be discharged, retired, purchased or obtained at a discount of fifty per centum on the dollar, the county commissioners shall have the authority to provide for the issue of new bonds of the county with interest coupons thereto attached, which bonds shall be printed or lithographed as the board shall determine, and shall be signed by the chairman of the board and attested by the clerk under the seal of the county.

§ 3. DESCRIPTION OF BONDS.] Said bonds shall be of uniform date, shall be payable in not less than fifteen nor more than thirty years from date and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and both bonds and coupons shall be payable at the office of the county treasurer or in the city of New York, as the board may determine.

§ 4. COUNTY TREASURER AUTHORIZED TO EXCHANGE.] That the county treasurer is hereby authorized and empowered to exchange the new bonds authorized by this act for the bonds and coupons named in section 1 of this act, at the rate of not to exceed one dollar of the new bonds for two dollars of said old bonds and coupons named in said section 1, and to use such new bonds in settlement of any judgment mentioned in said section 1 at the same rate: *Provided, however,* Said county treasurer shall have authority to sell and negotiate said new bonds provided for by this act, at not less than their par value, and with the proceeds of such sale may purchase any of the bonds and coupons or settle and discharge any judgment named in section 1 of this act at the rate provided for in this section; but the moneys so received from the sale of said new bonds is hereby created a special fund and appropriated to the uses provided for in this section. And it shall be unlawful to use said fund so appropriated for any other purpose whatever, or for payment of said indebtedness at any greater or higher rate than herein provided for.

§ 5. BOND REGISTER.] It shall be the duty of the county commissioners to provide a book to be known as the "Bond Register," in which the county treasurer shall enter the number, date and amount of all new bonds issued, when issued, to whom issued, how issued, whether for cash in exchange for old bonds or coupons, or in settlement of judgments. Also the number, date and amount of all bonds or coupons received and retired, date and amount of any judgments settled, when and how retired and amount paid. and such other remarks and memoranda as may be provided for by order of the board of county commissioners, which register when completed shall be deposited with the register of deeds, and shall be and remain a part of the records of the county.

§ 6. SALE OF RAILROAD STOCK.] The board of county commissioners are further authorized and empowered to assign, sell and convey any or all of the stock of the Dakota Southern Railroad company, issued to said county under the act of the Legislature of Dakota and the act of congress referred to in section 1 of this act, upon the best terms and for the highest price that can be obtained therefor, and with the proceeds of such sale to purchase and retire any of the outstanding

bonds and coupons of the county: *Provided, however*, None of the bonds or coupons of said county described in section 1 of this act shall be purchased or retired under the provisions of this section at a higher rate than provided for in section 4 of this act: *And provided further*, That instead of selling said stock for cash, said board of county commissioners may exchange or dispose of any part or all of same in settlement of the outstanding indebtedness of said county, in such manner and upon such terms as they shall deem for the best interests of the county; and any moneys that may be obtained from the sale of said stock is hereby made a special fund and appropriated to the payment of the outstanding indebtedness of said county to the extent of such fund, and at the rate and in the manner herein prescribed.

§ 7. BOND TAX.] The county commissioners shall levy annually a tax sufficient to pay the interest on the bonds issued under this act, and after ten years from the issue of such bonds they shall levy in addition thereto an annual sinking fund tax sufficient to pay the principal of such bonds by the time they shall become due and payable; and with such sinking fund tax, as fast as the same is collected, they shall go into the market and buy up said bonds at their market value and retire and cancel the same, which taxes shall be collected at the same time and in the same manner as other county taxes. And in case of failure on the part of the county commissioners from any cause to levy the taxes provided for in this section forty days prior to turning over of the tax lists to the county treasurer in any year, then it shall be the duty of the county clerk to make the levy provided for in this section, and place the same in the hands of the county treasurer for collection. And all moneys collected under the provisions of this section are hereby made a special fund and appropriated to the uses provided for in this section, and it shall be unlawful to use the same for any other purpose whatsoever,

§ 8. TREASURER'S FEE.] That the county treasurer shall receive for his services under the provisions of this act not to exceed one fourth of one per cent. on all moneys received by him, which sum shall be fixed by the commissioners.

§ 9. SPECIAL ELECTION—HOW TO BE HELD.] If the county commissioners should at any time determine that they could not

amicably fund, settle, commute, discharge and pay off said bonds, coupons and judgments mentioned in section one of this act, at the rate provided for in this act, then in that event they are hereby authorized and empowered to fund, settle, commute, discharge and pay off the same for a greater rate on a dollar than is provided in this act: *Provided, however,* They shall first submit the same to a vote of the people of said county at a special election called for that purpose, by giving at least sixty days' notice of the same, by publication in the newspapers of the county and by posting such notices in each election precinct in the county. And the said board of county commissioners shall fix in their resolution calling such election, and state in the notices the rate or amount of such compromise or settlement, and the votes cast shall be for or against the amount stated in such resolution and notices, and shall be substantially in the following form: For compromise of railroad bonds, coupons and judgment at a rate not exceeding on a dollar, (stating the rate of compromise) or (against compromise of railroad bonds, coupons and judgments at a rate not exceeding on a dollar); and if a majority of the votes cast at such election be for such compromise, then the said board shall have full power and authority and are hereby authorized and empowered to settle, commute, discharge and pay off such bonds, coupons or judgments mentioned in section 1 of this act at a rate not exceeding the amount authorized by said vote.

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

ENDORSED.—Received at Executive Office, February 21, at 4:00 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the Council of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,
Secretary of the Territory.

CHAPTER 30.

VILLAGE OF DELL RAPIDS.

AN ACT to Legalize the acts of the President and Trustees of the Village of Dell Rapids, to increase their Powers and to Authorize the issue of Village Bonds for Railroad purposes, and to provide means of Protection against loss by Fire.

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

§ 1. LEGALIZING ISSUE OF RAILROAD BONDS.] That all the ordinances, by-laws and orders adopted by the president and trustees of the village of Dell Rapids, be and are hereby declared legal, and that village bonds to the amount of twelve thousand five hundred dollars, due in twenty years from their date, and bearing interest after three years at the rate of seven per cent. per annum, issued and payable to the order of the Southern Minnesota Railway Extension company in accordance with a vote of the qualified electors of said village, be recognized and approved as having the same binding force and effect as if they had been duly authorized by the Legislative Assembly of the Territory of Dakota prior to the date of their issue.

§ 2. RIGHT OF WAY BONDS AUTHORIZED.] The president and trustees of said village are authorized to issue bonds of said village, due in ten years from their date, bearing interest at the rate of seven per cent. per annum, to the amount of two thousand five hundred dollars, or so much thereof as may be required to defray the expenses incurred by said village in procuring the right of way for the Southern Minnesota railroad to its present terminus.

§ 3. FIRE APPARATUS BONDS WHEN AUTHORIZED BY VOTE.] Whenever the duly qualified electors of said village shall by majority vote determine to do so said village shall have power to issue bonds, not exceeding in amount the sum of five thousand dollars, bearing interest at the rate of seven per cent. per annum, due in ten years from their date, to provide suitable fire engines, construct water works, tanks, wells or cisterns, or to make such other provisions for the protection of

said village against loss by fire as may be determined by the village board: *Provided*, Said bonds shall be disposed of at par and no greater part of the amount hereby authorized than is actually required for said purpose shall be issued.

§ 4. BOND TAX.] In addition to the amount that may already be assessed upon the taxable property in said village, the president and trustees of said village shall annually levy a tax of not more than five mills upon each dollar of the assessed valuation of all the property within the corporate limits for the purpose of paying the interest upon the bonded indebtedness of said village, and shall also after five years from the date of issuing said bonds ley a tax of two mills upon said valuation, to be retained in the village treasury or invested in accordance with the directions of the president and trustees of said village as a sinking fund to be used in payment of the bonds issued by said village when the same shall become due, and for no other purpose.

§ 5. ADDITIONAL POWERS OF VILLAGE BOARD.] In addition to the powers already vested in the village board they shall have power to prohibit the use without license of all public vehicles, drays and other carriages used for transporting passengers or freight within the limits of said corporation, and to fix the amount of license to be paid into the village treasury by the party or parties owning and operating the same.

§ 6. This act shall take effect and be in force from and after its passage and approval by the governor.

ENDORSED.—Received at Executive Office, February 7, 1881, at 2:00 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,
Secretary of the Territory.