

Agricultural College.

CHAPTER 2.

AN ACT to Amend Chapter 3 of the Laws of 1881.

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

§ 1. WHERE LOCATED.] That chapter 3 of the laws of 1881, be amended to read as follows:

“That an Agricultural College for the Territory of Dakota is hereby located and established at the city of Brookings, Brookings county. The building for said college shall be erected and constructed upon the land now owned by the Territory within the limits of said city of Brookings. The purpose of said college shall be the instruction of persons, both male and female, in such branches as may be prescribed by the board of regents hereinafter provided for.”

§ 2. BOARD OF REGENTS.] The said Agricultural College shall be under the direction of a board of regents consisting of six members, who shall be appointed by the Governor, by and with the consent of the Legislative Council. The Governor shall also be *ex-officio* member of said board, and shall be president of the same. The members of said board shall be appointed for the following terms, to-wit: Three for a term of two years and three for a term of four years, as by the Governor designated at the time of appointment. And after the appointment of the first board as herein provided, all appointments except to fill vacancies shall be for a term of four years, and all appointments to fill vacancies shall be for the unexpired term only. The Governor shall have power to fill all vacancies in said board during the interim of the session of the Legislative Council. Said board shall have power to elect a president *pro tempore* in the absence of the Governor, and also shall select a treasurer and secretary from their number, and the treasurer shall execute to the Territory a bond with sufficient sureties, in such sum as the board may direct.

§ 3. OATH.] The Governor shall cause to be issued to each of said regents a commission which shall be under seal of the Territory and attested by the Secretary of the Territory. At the first meeting of said board the members thereof shall take and subscribe an oath to support the constitution of the United States and

the Organic act of the Territory of Dakota, and for the faithful performance of their duties, which oath shall be filed with the Secretary and kept among the records of the board.

§ 4. ORGANIZATION.] Said board shall meet and organize at Brookings, Dakota, on the 1st day of June, A. D. 1884, and make provision for the opening of said school. They shall have full power to employ a president and all necessary professors and assistants, and prescribe the course of study to be pursued in all the departments of said college, the requisites to graduation and the degrees to be conferred thereupon, and to do all things necessary to the successful operation of said school.

§ 5. MONEYS, HOW CONTROLLED.] All money remaining in the Agricultural College fund, after the construction of the building for said Agricultural College, shall be under the control of the board of regents, and the Territorial Treasurer shall pay out of the said fund all warrants which shall have been audited by the said board of regents and signed by the president and secretary of the same.

§ 6. REPORT.] The said board of regents shall make a report to the Legislature at each session thereof, embracing a detailed statement of all their doings, which report shall be printed before or at the date of the meeting of the Legislature.

§ 7. COMPENSATION.] The members of the board of regents shall be entitled to receive the sum of three dollars per day and all necessary traveling expenses while attending to the business of the college, which shall be in full of all compensation they shall receive, which sums shall be paid out of the territorial treasury.

§ 8. MEETINGS.] Said board shall have meetings from time to time as they shall deem advisable, not less than once in each year.

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

Approved, March 9, 1883.

CHAPTER 3.

AGRICULTURAL COLLEGE FUND.

AN ACT to Provide for an Agricultural College Fund for Dakota, and Providing for the Erection and Construction of an Agricultural College at Brookings, Dakota.

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

§ 1. FUNDS, HOW PROVIDED.] For the purpose of providing a fund to erect and construct an Agricultural College the Territorial Treasurer is hereby authorized and empowered and it is made his duty to prepare for issue twenty-five thousand dollars of territorial bonds. Said bonds shall be dated on the day of the execution and delivery thereof, shall be due in twenty years from and after their date and shall be payable at the option of the Territory at any time after ten years from their date. Said bonds shall bear interest at the rate of five per cent. per annum, which interest shall be expressed in coupons attached to said bonds and made payable semi-annually on the first days of July and January of each year. Said bonds shall be drawn in denominations of five hundred dollars each and shall be numbered in the order of their issue, and shall be made payable at the office of the Treasurer of the Territory. Said bonds shall be executed for the Territory and under seal thereof by the Governor and Treasurer, attested by the Secretary and negotiated by the Treasurer.

§ 2. FUND, HOW DESIGNATED.] Said bonds and the money arising from the sale of the same shall be known and designated as the "Dakota Agricultural College Fund," and shall be kept as a separate fund on the books of the Treasurer.

§ 3. BONDS, HOW SOLD.] Said bonds shall be sold in the following manner: Whenever the directors appointed to superintend the building of the Agricultural College as hereinafter provided, shall certify to the Treasurer that contracts for building said Agricultural College have been entered into according to the provisions of this act, it shall be the duty of the said Treasurer to offer for sale by such public advertisement as he shall deem expedient, to the person or persons paying par, or the highest premium above par, the whole amount of bonds as herein provided for.

§ 4. TAX.] For the purpose of the prompt payment of the

principal and interest of the bonds herein provided for, there shall be levied annually by the territorial board of equalization at the time the other taxes are levied, and collected in the same manner as other territorial taxes are collected, such a tax as shall be sufficient to pay such interest and the exchange thereon; and after nine years from the date of said bonds, if no other provision shall have been made for the payment of the principal of the same, the said board of equalization, or any other officer or officers then empowered to perform the duties now performed by said territorial board of equalization, shall levy such sinking fund tax annually as shall be sufficient to retire and pay said bonds at their maturity. It shall be the duty of the Territorial Treasurer to pay promptly on the first days of July and January of each year such interest as shall then be due on said bonds, and at the end of ten years if a sinking fund tax is raised as herein provided, to pay, retire and cancel said bonds in the order of their issue with the sinking fund, as fast as the same shall be received in sufficient amounts to pay a bond. The tax and fund herein provided for, for the payment of the principal or interest of said bonds shall not be used for any other purpose.

§ 5. PAYMENT OF INTEREST.] If at any time the Territorial Treasurer shall not have in his hands sufficient funds as hereinbefore provided to pay the interest on said bonds when the same is due, he shall pay such interest out of any funds in the territorial treasury not otherwise appropriated; and all money belonging to the general territorial fund, applied by the said Treasurer to the payment of such interest on said bonds, shall be replaced from the special tax levied to pay the same.

§ 6. DIRECTORS.] The said Agricultural College shall be erected and constructed under the direction and management of three directors, who shall be appointed by the Governor and confirmed by the council. Said directors shall hold their office until the completion of the said Agricultural College and until its acceptance as hereinafter provided, unless sooner removed by the Governor upon specific charges, and in case of a vacancy in the said board of directors such vacancy shall be filled by appointment by the Governor.

§ 7. BOARD OF DIRECTORS.] Each of said directors before entering upon the duties of his office shall give a bond to the Territory of Dakota, with sufficient sureties, conditioned upon the faithful performance of his duties in the penal sum of ten thousand dollars each. Said bond shall be approved by the Territorial Treasurer and put on file in his office.

§ 8. DUTY OF DIRECTORS IN LETTING CONTRACT.] Said directors shall within thirty days after their appointment, notice of which

shall be given them in writing by the Governor, take steps to secure a contract for the erection and construction of a suitable building for an Agricultural College, to be erected and constructed upon the land belonging to the Territory adjacent to the village of Brookings, Dakota, and for that purpose shall advertise for a period of thirty days, in such papers as they shall deem best, for plans and specifications for said college building, which plans and specifications may or may not be accompanied by the price for which the person furnishing the same will perform the work and build said building, but such plans and specifications so furnished shall be without cost to the Territory. From the plans and specifications so furnished, or from any other plans and specifications, the said directors shall, within ten days after the expiration of the time of advertising for said plans and specifications as hereinbefore provided, select a plan for an Agricultural College building. Immediately after said plan shall have been selected, the same, together with the specifications accompanying it, shall be placed on file in the office of the Treasurer of the Territory and be open to inspection for a period of thirty days from the date of filing the same, and during said times bids shall be received from persons desiring to contract for the erection and construction of said building as per the plans and specifications selected by said directors. On the day following the expiration of said time for filing said plans and specifications, the directors shall, in a public manner, open said bids, and within three days thereafter award the contract to the lowest responsible bidder: *Provided, however,* That the directors shall have the right to reject any or all bids, and again advertise for bids as herein provided.

§ 9. TOTAL COST.] The total cost of said Agricultural College building, including fixtures, shall not exceed twenty thousand dollars.

§ 10. BOND OF CONTRACTOR.] The person to whom the contract for the erection and construction of said Agricultural College building is awarded, shall, before entering upon the work, give a bond to the Territory, with sufficient sureties, to be approved by the directors, conditioned for the faithful performance of the contract, in the sum of \$20,000.

§ 11. BUILDING—MATERIAL.] The walls of the said Agricultural College building shall be constructed of good brick or stone, and said building shall be as nearly fire-proof as practicable. The material used in said building shall be examined by the directors, and they shall reject all material which they deem unsuitable.

§ 12. CONTRACT, WHAT TO PROVIDE.] The contract for the erection and construction of said Agricultural College building, shall provide that all material shall be of good quality, that the

work shall be performed in a good, workmanlike manner, and that said building shall be all enclosed on or before the 1st day of November, A. D. 1883, and shall be all completed and ready for acceptance on or before the 1st day of July, A. D. 1884.

§ 13. ACCEPTANCE OF BUILDING.] When the work is all done on said Agricultural College building, the directors, together with the Governor and Territorial Auditor, shall constitute a committee to accept said work and discharge the contractor from further obligation or liability therefor. Said committee, upon receiving written notice from the contractor that said work is all done, shall at once proceed to an examination of and accept or reject the same.

§ 14. PARTIAL PAYMENTS.] After one fourth of the work provided for in the contract shall have been completed, and on application of the contractor the directors shall certify to the Auditor of the Territory the value of the work done on the building at the time, and on such certificate the Auditor shall issue a warrant on the Treasurer for a sum not exceeding 60 per cent. of the value of the work so certified to have been done, which warrant shall be paid out of the Agricultural College fund.

§ 15. CONTRACTOR, HOW PAID.] Upon completion of the work and acceptance of the same as hereinbefore provided, the balance due the contractor under his contract shall be paid by warrant drawn by the Territorial Auditor on the Territorial Treasurer, upon certificate of the directors as provided in cases of the payments mentioned in section 14 of this act, which warrant shall also be paid out of the Agricultural College fund.

§ 16. REPORT OF DIRECTORS.] After the completion of said Agricultural College building and the acceptance of the same as hereinbefore provided, the directors shall make a full and complete report of their work to the Governor, which shall be by him communicated to the Legislature at its next session, with his recommendation, which report may be adopted or rejected by the said Legislature, and until said report is adopted by the Legislature the directors shall not be discharged from liability on their bonds.

§ 17. COMPENSATION OF DIRECTORS.] The said directors shall receive five dollars per day for every day they may be actually employed about the erection of said building, and in addition thereto shall be allowed traveling expenses not to exceed ten cents per mile for each and every mile actually and necessarily traveled in the discharge of their duties: *Provided, however,* That but one of said directors shall be paid for attendance during the progress of the work, except when meetings are held for conference. Each director shall render to the Territorial Auditor a sworn account of the amount due him, and the said sum shall then be paid out of the Agricultural College fund on the warrant of the Auditor.

§ 18. DEBTS, IN CASE OF TERRITORIAL DIVISION.] That part of the Territory of Dakota in which the Agricultural College is situated shall, on the division of the Territory, assume all debts incurred and then existing on account of the erection, construction and equipment of said Agricultural College and Agricultural College farm.

Approved, February 27, 1883.

CHAPTER 4.

AGRICULTURAL COLLEGE—NORTH DAKOTA.

AN ACT to Locate and Establish the North Dakota Territorial Agricultural College.

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

§ 1. ESTABLISHED AT FARGO.] That an Agricultural College to be called and known as the "North Dakota Agricultural College," for the Territory of Dakota, be and is hereby established at Fargo, Cass county, Dakota, the exclusive purpose of which shall be the instruction of persons, both male and female, in such branches as may be prescribed by the board of education herein provided for: *Provided*, That a tract of land not less than forty acres, adjacent to said city of Fargo, be secured and donated to the Territory of Dakota, in fee simple, as a site for a college, within one year from the taking effect of this act, and the Governor of the Territory of Dakota is hereby empowered and it is made his duty to see that a good and sufficient deed be made to the same.

§ 2. TRUSTEES, HOW APPOINTED.] The said Agricultural College shall be under the direction of a board of trustees consisting of five members, four of whom shall be appointed by the Governor, and the fifth member shall be superintendent of public instruction, who shall be *ex-officio* president of said board. The other four members shall hold their office for one, two, three and four years respectively, as by the Governor designated at the time of appointment. The board shall select a treasurer and secretary from their number, and the treasurer shall execute to the Territory a bond with sufficient securities in such sum as the board may direct.

§ 3. MEETINGS.] Said board shall have meetings from time to time as they may deem advisable, not less than once every year, and they shall have power to direct the management of said college in all its departments, to employ teachers and make such rules and regulations as they shall deem necessary; to prescribe a course of study, including a normal department, the requisite to graduation, and the degree to be conferred thereupon.

§ 4. CONTROL OF FUNDS. All funds appropriated for the use and benefit of said college shall be under the direction and control of the board of trustees, and the Treasurer of the Territory shall pay out of the said Agricultural College fund all orders or drafts which shall have been authorized by the board and audited by the president and secretary of the same. Said orders shall be certified to the Territorial Auditor as herein provided, and he shall draw his warrant upon the Territorial Treasurer for the payment of the same.

§ 5. REPORT OF TRUSTEES.] The board of trustees shall render to the Legislature at each session thereof, a full and complete report of its operations, which report shall be prepared and printed before or at the date of the meeting of the Legislature.

§ 6. COMPENSATION.] The members of the board of trustees shall be entitled to receive the sum of three dollars per day and all necessary traveling expenses while attending to the business of the college, which shall be in full of all compensation which they shall receive, and said accounts shall be audited by the board and paid out of the said Agricultural College fund.

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

Approved, March 9, 1883.