

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

Approved, February 27, 1883.

University of North Dakota.

CHAPTER 40.

AT GRAND FORKS.

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

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

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

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

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

have the custody of the books, records, buildings and all other property of said University. The board shall elect a president and a secretary, who shall perform such duties as may be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board, and of the executive committee thereof. The Territorial Treasurer shall be the treasurer of the board and perform all the duties of such office, subject to such regulations as the board may adopt, not inconsistent with his official duties, and he and his sureties shall be liable on his official bond as Territorial Treasurer for the faithful discharge of such duties.

§ 4. REGULAR AND SPECIAL MEETINGS.] The time for the election of the president and secretary of said board, and the duration of their respective terms of office, and the time for holding the regular annual meeting, and such other meetings as may be required, and the manner of notifying the same, shall be determined by the board, shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

§ 5. LAWS, REGULATIONS AND INSTRUCTION.] The board of regents shall enact laws for the government of the University in all its branches; elect a president and the requisite number of professors, instructors, officers and employes, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no instruction, either sectarian in religion or partisan in politics, shall ever be allowed in any department of the University, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents, or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatever. The board of regents shall have power to remove the president or any professor, instructor, or officer of the University, when in their judgment the interests of the University require it. The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories, and all other property of the University, and of its several departments, and for the care and preservation thereof with penalties and forfeitures, by way of damages for their violation, which may be sued for and collected in the name of the board, before any court having jurisdiction of such actions.

§ 6. MAY EXPEND FUNDS.] The board of regents are authorized to expend such portion of the income of the University fund as they may deem expedient for the erection of suitable buildings and the purchase of apparatus, a library, cabinets, and additions thereto; and if they deem it expedient, may receive in connection with the University, any college in this Territory, upon application of its

board of trustees; and such college so received shall become a branch of the University, and be subject to the visitation of the regents.

§ 7. REPORT.] At the close of each fiscal year the regents, through their president, shall make a report in detail to the Governor, exhibiting the progress, condition and wants of each of the colleges embraced in the University, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs, and results of all important investigations and experiments, and such other information as they may deem important, one copy of which shall be transmitted free by the Governor of the Territory, to all colleges endowed under the provisions of the act of Congress, entitled "An act donating land to the several States and Territories, which provide colleges for the benefit of agriculture and mechanic arts," approved, July 2, 1862, and also one copy of [to] the Secretary of the Interior, as provided in said act.

§ 8. POWERS OF PRESIDENT.] The president of the University shall be president of the several faculties, and the executive head of the instructional force in all its departments; as such, he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigations of the several colleges, and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The immediate government of the several colleges shall be intrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction, and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate, and to confer upon the faculty by by-laws the power to suspend or expel students for misconduct or other causes prescribed in such by-laws.

§ 9. OBJECT OF UNIVERSITY.] The object of the University of North Dakota shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial and professional pursuits, in the instruction and training of persons in the theory and art of teaching, and also instruction in the fundamental laws of the United States, and of this Territory, in what regards the rights and duties of citizens, and to this end it shall consist of the following colleges or departments, to-wit:

1. The college or department of arts.
2. The college or department of letters.
3. The normal college or department.
4. Such professional or other colleges or departments as now

are, or may, from time to time, be added thereto or connected therewith.

§ 10. SAME.] The college or department of arts shall embrace courses of instruction in mathematical, physical and natural sciences, with their application to the industrial arts, such as agriculture, mechanics, engineering, mining and metallurgy, manufactures, architecture, and commerce, *in* [and] such branches included in the college of letters, as shall be necessary to proper fitness of the pupils in the scientific and practical courses for their chosen pursuits and in military tactics; in the normal department the proper instruction and learning in the theory and art of teaching, and in all the various branches and subjects needful to qualify for teaching in the common schools; and as soon as the income of the University will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts shall be expanded into distinct colleges of the University, each with its own faculty and appropriate title. The college of letters shall be co-existent with the college of arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses, or parts of courses, in the college of arts, as the regents of the University shall prescribe.

§ 11. PUPILS, INSTRUCTION, ETC.] The University shall be open to female as well as to male students, under such regulations and restrictions as the board of regents may deem proper; and all able-bodied male students of the University, in whatever college, may receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the Territory. After any person has graduated at the University, and after such graduation, has successfully taught a public school in this Territory for sixteen school months, the Superintendent of Public Instruction shall have authority to countersign the diploma of such teacher after such examination as to moral character, learning and ability to teach, as to said superintendent may seem proper and reasonable. Any person holding a diploma granted by the board of regents of the Territorial University of North Dakota, certifying that the person holding the same is a graduate of said University, shall, after his diploma has been countersigned by the Territorial Superintendent of Public Instruction as aforesaid, be deemed qualified to teach any of the public schools of this Territory, and such diploma shall be a certificate of such qualifications until annulled by the Superintendent of Public Instruction.

§ 12. TUITION FEE.] No student who shall have been a resident of the Territory for one year next preceding his admission, shall be required to pay any fees for tuition in the University, ex-

cept in the law department and for extra studies. The regents may prescribe rates of tuition for any pupil in the law department, or who shall not have been a resident as aforesaid, and for teaching extra studies.

§ 13. APPROPRIATION.] For the support and endowment of the University there is annually and perpetually appropriated:

1. The University fund income and all other sums of money appropriated by any law to the University fund income of North Dakota.

2. The agricultural college fund income of North Dakota.

3. All such contributions as may be derived from public or private bounty.

The entire income of all said funds shall be placed at the disposal of the board of regents by transfer to the treasurer of said board, thenceforth to be distinct and independent of the accounts of the Territory, and for the support of the aforesaid colleges or departments of arts, of letters, normal, and such other colleges or departments as shall be established in the said University, or connected therewith; but all means derived from other public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designated by the grantor.

§ 14. TAX.] *They* [there] shall be levied and collected annually a territorial tax of one-tenth of one mill for each dollar of the assessed valuation of the taxable property of the Territory, which amount, when so levied and collected, is appropriated to said University fund income, to be used annually as a part thereof.

§ 15. SPECIAL APPROPRIATION FOR ASTRONOMICAL APPARATUS.] The sum of two thousand dollars shall be set apart annually forever, from the receipts of the tax mentioned in the preceding section, so soon as a complete and well equipped astronomical observatory shall be given to the University on its own grounds, without cost to the Territory, to be expended by the regents in astronomical work and instruction;

Provided, Such observatory be completed by the 4th day of July, A. D. 1886.

§ 16. COMPENSATION OF REGENTS.] The regents shall each receive the actual amount of expenses in traveling to and from and in attendance upon all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board; accounts for such expense, duly authenticated, shall be audited by the board and be paid on their order by the treasurer out of the University fund income. No regent shall receive any pay, mileage, or *per diem*, except as above described.

§ 17. REGENTS TO MAKE RULES, ETC.] The said board of re-

gents shall make such rules, regulations and by-laws for the good government and management of the University, and of each department thereof; to prescribe rules and regulations for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he or she is not of good moral character; to require any applicant for admission in the normal department, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this Territory for at least one year, to pay or to cause to be paid such fees for tuition as the board may deem proper and reasonable.

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

Approved, February 27, 1883.

CHAPTER 41.

AMENDMENT.

AN ACT Supplementary to a Bill Entitled a Bill for An Act Establishing a Territorial University at Grand Forks, Dakota Territory, Known on the Records as Council Bill No. 101, Passed at the Fifteenth Session of the Legislative Assembly of the Territory of Dakota.

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

§ 1. CERTAIN SECTIONS STRICKEN OUT.] That the bill entitled an act establishing a Territorial University at Grand Forks, Dakota Territory, known on the records as Council Bill No. 101, passed at the Fifteen Session of the Legislative Assembly of the Territory of Dakota, be, and the same is hereby amended by striking out all of sections thirteen (13), fourteen (14), and fifteen (15) of said bill.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved, February 27, 1883.

CHAPTER 42.

APPROPRIATION FOR MAINTENANCE.

AN ACT to appropriate Funds for the Necessary Maintenance of the Territorial University of North Dakota, at Grand Forks, D. T.

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

§ 1. APPROPRIATION.] That for the purpose of putting into active operation of the Territorial University of North Dakota, at Grand Forks, when the building of the same shall have been completed and ready for occupancy, that there is, hereby appropriated out of the Territorial Treasury the following sums or so much thereof as may be necessary :

For apparatus for the said University, one thousand dollars.

For lights, fuel, and pay of janitor, six hundred dollars.

For necessary incidental expenses, one thousand dollars.

For improvement of University grounds, four hundred dollars.

§ 2. SALARIES.] The board of regents shall from time to time fix the salary of the president, professor and teachers of said University, and shall certify the same to the Territorial Auditor, and it shall be the duty of the Territorial Auditor to draw warrants on the Territorial Treasurer upon the certificate of the secretary of said board of regents, that the amount is due for such salary fixed by said board, and that the services therein mentioned were actually performed ;

Provided, That the aggregate salaries of such president, professor and teachers shall not exceed the sum of five thousand dollars per annum.

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

Approved, March 7, 1883.

CHAPTER 43.

TO PROVIDE FOR ISSUING BONDS FOR BUILDING.

AN ACT to Provide Funds for the Construction of a Main Building for the University of North Dakota.

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

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

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

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

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

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

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

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

Provided, however, That sufficient deed of warranty be delivered to the Governor, free to the Territory, of a tract of land not less than ten acres in area, and situated within a limit of one mile of said city of Grand Forks, and also a bond from responsible parties that a well equipped observatory shall be furnished said University free of cost and not to cost less than \$10,000, which is to be made contingent upon this act.

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

Approved, February 27, 1883.