

## POSTPONING THE TIME WHEN TAXES OF 1884 BECOME DUE.

## CHAPTER 132.

AN ACT Extending the Time in which Taxes shall Become Delinquent for the Year 1884.

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

§ 1. EXTENDED TO JUNE 1.] That the date on which taxes of all kinds levied for the year 1884 shall become delinquent and a penalty attach for non-payment is hereby extended to June 1, 1885, at the end of which time the same proceedings shall be had as would regularly be taken under the present law.

§ 2. This act shall not apply to taxes due from railroad and telegraph companies.

Approved, January 31, 1885.

## School of Mines.

## CHAPTER 133.

AN ACT to Locate, Establish and Endow a School of Mines for the Territory of Dakota.

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

§ 1. SCHOOL OF MINES ESTABLISHED.] That a School of Mines for the Territory of Dakota be established at Rapid City, in Pennington county, Dakota Territory. It shall be the object of such school of mines to furnish facilities for the education of such persons as may desire to receive special instruction in chemistry, metallurgy, mineralogy, geology, mining, milling, engineering, mathematics, mechanics, drawing, the fundamental laws of the United States, and the rights and duties of citizens; *Provided*, That a tract of land of not less than five acres within the corporate limits of said Rapid City, or immediately adjacent to said corpo-

rate limits, be donated and secured to the Territory of Dakota in fee simple as a site for said School of Mines, within six months from the taking effect of this act, and the Governor of the Territory is hereby authorized and it is made his duty to see that a good and sufficient deed be made to the Territory for the same.

§ 2. TRUSTEES.] The Governor of the Territory, with the advice and consent of the council, shall appoint a board of trustees of said school of mines, to be composed of five persons, who shall, except as hereinafter provided, hold their office for a period of two years, and until their successors are appointed and qualified. Any three of said board of trustees shall constitute a quorum for the transaction of business, and the said board shall have such powers and perform such duties as are herein specified.

§ 3. OATH.] Every trustee appointed shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States and Organic act of Dakota Territory, and to perform faithfully the duties of his office to the best of his ability and understanding.

§ 4. POWERS OF TRUSTEES.] That said board of trustees shall have the control and management of said school of mines, and of the property belonging thereto, subject to the laws of this Territory, and may provide all needful rules, regulations and by-laws for the government of said board, and for the government and management of said school of mines, not inconsistent with the laws of this Territory.

§ 5. AUTHORITY TO BUILD.] The board of trustees is hereby authorized and it is made its duty to begin at once the erection and construction of a suitable building for said school of mines, upon the ground specified in this act, as a site for the same, as soon as sufficient appropriation is secured for the erection thereof, and also to procure such machinery and other appliances as may be necessary to carry out the object and intention of said institution, and to promote the welfare thereof, whenever the funds provided for the support of said school of mines shall warrant the same; *Provided*, That all contracts connected with the erection and construction of said building shall be let to the lowest responsible bidder, after notice of the letting of said contract shall have been published in at least two newspapers located in the western part of the Territory, for at least thirty days before the letting of said contract, and the board may reject any or all bids and advertise anew.

§ 6. PUPILS.] The said school of mines shall be a place for instruction without charge, to all *bona fide* residents of this Territory, without regard to sex or color, and with the consent of said board, students from other states or territories may be admitted

thereto, upon such terms and upon such rates for tuition as the board may prescribe.

§ 7. OFFICERS.] The said board at their first meeting, and biennially thereafter, shall elect one of their number president of such board, and shall also appoint a secretary and treasurer either from their own number or other suitable persons, as they may deem best, and prescribe their duties, and may, in their discretion, remove such secretary and treasurer; and the trustees hereby appointed shall hold their first meeting as soon as practicable after this act shall take effect. All meetings of said board shall be held at Rapid City, in the county of Pennington, in this Territory.

§ 8. GOVERNOR TO APPOINT.] The Governor of this Territory, with the advice and consent of the council, shall at each regular session of the Legislative Assembly of Dakota Territory, appoint suitable persons to fill all vacancies in said board of trustees, either by expiration of their term of office or otherwise, and any vacancies occurring in said board when [the] Legislative Assembly is not in session, may be temporarily filled by the Governor until the next meeting of the Legislative Assembly.

§ 9. REPORT.] The board of trustees shall elect a president of the school of mines who shall biennially on or before the 30th day of December in each year, make a report to the Governor of this Territory of the prosperity and condition of said school of mines, containing such statistical and other information pertaining thereto as may be deemed necessary and useful, and also a detailed statement of the receipts and disbursements of such institution.

§ 10. PROPOSALS FOR BUILDING.] Whenever any building is to be erected the board of trustees shall have authority to procure all necessary plans and specifications for such building, and it shall be their duty to advertise for proposals for the erection and completion of said building in such manner as they shall deem most advantageous, and shall let the contract for the erection of said building to the lowest responsible bidder. Such contractor in every case to give adequate security for the faithful performance of his contract; and the said board of trustees shall have authority to appoint a building superintendent, whose duty it shall be to superintend the construction of said building in compliance with the terms of the contract, and to perform such other duties as shall be prescribed by the said board of trustees, and such building superintendent shall receive such compensation for his services as the board of trustees shall determine, and such compensation shall be paid out of the building fund.

§ 11. BOND OF TREASURER.] The said board of trustees shall require the treasurer of the school of mines to give such bonds as may be deemed sufficient to protect such institution against loss

of any funds which may come into his hands as such treasurer, conditioned for the safe keeping and faithful disbursement thereof, and the said treasurer of the school of mines shall not pay out any of the funds which shall come into his hands as such treasurer, except upon the order of the president of the school of mines, countersigned by the secretary thereof.

§ 12. FEES FOR ASSAYING.] It shall be lawful for the dean of the said school of mines, who shall be appointed by the board of trustees, to charge and collect such reasonable fees for any and all assays, analysis or mill-tests made at the school of mines, as the said board may prescribe, an account of which shall be kept by said dean and paid over monthly to the treasurer of said school of mines, which shall become a part of the school of mines fund.

§ 13. FUND TO BE USED—HOW.] The school of mines fund shall be used solely for the support of the school of mines and for no other purpose whatever.

§ 14. SUBORDINATE OFFICERS.] Said board of trustees shall have power to appoint a dean and such other instructors and officers as may be required, and fix the salaries of each and prescribe their several duties. They shall also have the power to remove said dean and any or all of said instructors or officers and appoint others in their stead. They shall prescribe the books of instruction to be used in said school of mines, and shall make all needful rules, regulations and by-laws necessary for the good government and management of the same.

§ 15. PUBLIC NOTICE OF OPENING.] As soon as said school of mines is prepared to receive pupils for instruction, the president of the board of trustees shall give notice of the fact to each county clerk in the Territory, and shall also publish said notice in at least one newspaper in each judicial district in said Territory.

§ 16. PER DIEM.] For performing the duties prescribed by this act each member of the said board of trustees shall be entitled to three dollars per day for the days actually and necessarily employed, and five cents for each mile necessarily traveled in attending meetings of said board.

§ 17. MEETINGS.] The board of trustees shall hold two regular meetings in each year on the first Tuesday of June and December, and special meetings of the board may be called upon the written order of the president, which order shall specify the object of the meeting. All financial matters, claims and accounts shall be disposed of at such board meetings. A true and faithful journal of all their proceedings, shall be kept, subject at any reasonable time to the inspection of any member of the board.

§ 18. BONDS TO BE ISSUED.] That for the purpose of providing funds to pay the cost of construction and erection of a main

building of the school of mines at Rapid City, Dakota Territory, the territorial Treasurer is hereby authorized and empowered, and it is hereby made his duty to prepare for issue ten 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, of each year, at the Chemical National Bank in the city of New York. 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.

§ 19. PROPOSALS FOR BONDS.] 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 trustees, 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, at not less than par.

§ 20. PROVIDING FOR PAYMENT.] For the purpose of prompt payment of principal and interest of the bonds herein provided for, there shall be levied by the territorial board of equalization at the time the other taxes are levied and collected in the same manner that other territorial taxes are collected, such sums as shall be sufficient to pay such interest and exchange thereon, and after ten years from the first day of May, 1885, in addition thereto a sinking fund tax shall be annually levied sufficient to pay and retire 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 said bonds, either principal or interest, shall at any time be used for any other purpose.

§ 21. 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 unappropriated funds belonging to the Territory; and there is hereby appropriated and set apart out of the general funds of the Territory a sum sufficient to pay such interest on said bonds as may become due before the funds and taxes herein provided for can be made available; and it shall be made the duty of said Treasurer to pay such interest promptly, at the time it falls due, out of said funds.

§ 22. CERTAIN FUNDS TO BE REPLACED.] All moneys belonging to the territorial general fund, applied by said Treasurer in pay-

ment of the interest on such bonds, shall be replaced from the special tax levied to pay the same.

§ 23. APPROPRIATION.] There is hereby appropriated out of the territorial treasury all the funds realized by the sale of the bonds provided by this act; and the board of trustees shall, within ninety days after the passage of this act, proceed to secure and adopt plans, and begin the erection and construction of said building, with all the powers in the premises conferred by this act upon said board of trustees, or any of its officers.

§ 24. AUDITOR TO DRAW WARRANTS.] It shall be the duty of the Auditor of the Territory, upon the application of the board of trustees of the school of mines, or a majority thereof, to draw warrants upon the territorial Treasurer for the purpose of constructing said building, and for the purpose of carrying out the provisions of this act; *Provided, however,* That a good and sufficient deed in fee simple, free to the Territory, shall first be made for the tract of land hereinbefore specified.

§ 25. IN CASE OF DIVISION.] In case of a division of the Territory of Dakota, that part of said Territory in which said school of mines is located after such division, shall assume and pay all bonds and coupons existing at that time by reason of the erection of the building herein provided for.

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

Approved, March 7, 1885.

## Sheep Husbandry.

### LIABILITY FOR DAMAGES OCCASIONED BY VICIOUS DOG.

#### CHAPTER 134.

AN ACT to Amend Section Seven of Chapter Sixty-three of the Laws of 1881, entitled "An act for the Protection and Encouragement of Sheep Husbandry and Providing Bounty for Wolf Scalps," approved February 14, 1881.

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

§ 1. OWNER OF DOG, LIABLE.] That section seven of "An act for the protection and encouragement of sheep husbandry and