

this act within twenty days after its passage and approval all books, papers, and other property of the Territory in their possession.

§ 11. All acts and parts of acts in any manner inconsistent with this act are hereby repealed.

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

Approved, March 11, 1887.

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## UNIVERSITY.

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### CHAPTER 163.

#### VERMILLION—AUTHORIZING ISSUE OF BONDS FOR PERMANENT IMPROVEMENTS, UNIVERSITY OF DAKOTA.

AN ACT Providing Funds for the Construction of a Dormitory and Wing of Main Building of the University of Dakota, and for Other Purposes.

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

§ 1. BONDS.] That for the purpose of providing funds to pay for the construction of a dormitory and of the east wing of the main building of the University of Dakota, and for other purposes, the Territorial Treasurer is hereby authorized and empowered, and it is hereby made his duty, to prepare for issue thirty thousand (30,000) dollars of Territorial bonds, running for a term of twenty (20) years and bearing interest not to exceed five (5) per cent. per annum, payable semi-annually, on the first day of July and January of each year. Such bonds shall be issued in denominations of five hundred (500) dollars, and the interest thereon shall be payable at some place in New York city, to be specified in said bonds.

§ 2. BONDS—HOW EXECUTED.] Such bonds shall be executed for the Territory and under the seal thereof, by the Governor and Treasurer, and shall be attested by the Secretary, and shall be negotiated by the Treasurer of the Territory.

§ 3. PROPOSALS.] It shall be the duty of the Territorial Treasurer to receive sealed proposals for the purchase of said bonds after giving notice for thirty (30) days in

two (2) newspapers of general circulation, one (1) of which shall be published in the Territory and the other in the city of New York, and said bonds shall be sold to the highest and best bidder for cash, and at not less than their par value.

§ 4. BOND TAX—SINKING FUND TAX—INTEREST.] To secure the prompt payment of principal and interest of the bonds herein provided, there shall be levied by the Territorial Board of Equalization, at the time other taxes are levied, and collected in the same manner as other Territorial taxes are collected, such sum as shall be sufficient to pay the interest and exchange thereon; and after ten (10) years from the first day of May 1887, in addition thereto, a sinking fund tax shall be levied annually, 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 day of July and January of each year, at the place where payable, such interest as shall then be due and to purchase said bonds at their par 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.

§ 5. PAYMENT OF PRINCIPAL AND INTEREST.] If for any reason the Territorial Treasurer shall not have in his hands sufficient of the funds herein provided to pay either principal or interest upon such bonds, when due, he shall pay such interest or principal out of any other unappropriated fund belonging to the Territory, and there is hereby appropriated and set apart out of the general fund 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 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.

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

§ 7. SPECIFIC APPROPRIATION.] There is hereby appropriated out of the Territorial Treasury all the funds realized from the sale of the bonds provided for in this act, to be expended as follows:

1. For material and construction of the east wing of the University of Dakota, fifteen thousand (15,000) dollars.
2. For material and construction of young men's dormitory, ten thousand (10,000) dollars.
3. For heating, plumbing and sewerage for wing and dormitory, five thousand (5,000) dollars.

And there is also appropriated for each of the above stated purposes, the proportionate amount of all premiums, received on the sale of such bonds.

§ 8. PLANS AND SPECIFICATIONS—ADVERTISING FOR PROPOSALS.] The board of directors of the University of Dakota, shall

on or before May 1st, 1887, prepare or cause to be prepared plans and specifications for erecting said wing, and the young men's dormitory, and after adoption and approval thereof by said board and the Governor of the Territory, said board of directors shall cause said plans and specifications to be filed with their secretary, and it shall be the duty of said board within twenty (20) days thereafter to give public notice by publication for thirty (30) days in two (2) newspapers published and of general circulation in the Territory of Dakota, and in two (2) newspapers published in other states, that on the day and hour specified in such notice, they will receive sealed proposals for the erection of such buildings at the office of the secretary of said board, according to the plans and specifications aforesaid, which shall be open for the inspection of bidders at the office of the secretary of the board, or at such other place as the board may designate.

§ 9. BIDS—AWARDING CONTRACTS.] On the day advertised for the opening of said proposals for the erection of said buildings provided for in this act, the board of directors shall proceed to award the contract or contracts, reserving the right to reject any or all bids if in their judgment they are too high, and may again advertise for proposals, or accept such bids as in their judgment may be for the best interests of the institution.

§ 10. WALLS.] The walls of such buildings shall be constructed of good brick or stone and the buildings shall be made as nearly fire proof as practicable.

§ 11. PAYMENTS—HOW MADE.] The board of directors as the work progresses shall on application of the contractors, certify to the Territorial Auditor the value of the work done on the said buildings at the time, and on such certified statement the Auditor shall issue a warrant on the Territorial Treasurer, for a sum not exceeding seventy-five (75) per cent. of the value of the work as certified to have been done on said buildings at the time of making such application, including the amount of all warrants previously issued in part payment of such work; *Provided*, That no part of the funds herein appropriated for the construction of said buildings shall be paid or value of the work certified by the board until at least one-fourth ( $\frac{1}{4}$ ) of the work has been completed by the contractor.

§ 12. CONTRACT—WHAT TO STIPULATE.] The contract or contracts aforesaid shall stipulate that all material shall be of good quality, and that the work shall be performed in a good workman-like manner, and these stipulations shall be enforced.

§ 13. FINAL PAYMENT.] The balance due under any contract or contracts shall be paid on the completion of the work and its acceptance and approval by the board of directors.

§ 14. LIABILITY UPON DIVISION OF TERRITORY.] In case of the division of the Territory, that part of the Territory of Dakota in which said University is located shall, on the division of the

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Territory, assume and pay all bonds and coupons outstanding on account of the construction of said buildings.

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

Approved, March 10, 1887.

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## CHAPTER 164.

### VERMILLION—APPROPRIATION FOR MAINTENANCE OF UNIVERSITY AT VERMILLION.

AN ACT To Provide Funds for the Maintenance of the University of Dakota, at Vermillion.

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

§ 1. APPROPRIATION.] That there is hereby appropriated the following sums of money, or as much as may be necessary, out of any moneys in the Territorial Treasury not otherwise appropriated, for the maintenance of the University of Dakota, at Vermillion, Dakota Territory, for the ensuing two years:

Apparatus, three thousand dollars.

Library, one thousand dollars.

Heating and furnishing east wing of University, one thousand dollars.

Lights and fuel, five thousand dollars.

Janitor and engineer, twelve hundred dollars.

Incidental expenses, one thousand dollars.

Secretary's salary, one thousand dollars.

Salary of president, five thousand dollars.

Salaries of professors and teachers, eighteen thousand dollars.

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

Approved, March 11, 1887.

## CHAPTER 165.

VERMILLION—AUTHORIZING ISSUE OF BONDS FOR EQUIPMENT  
AND IMPROVING GROUNDS OF UNIVERSITY AT VERMILLION.

AN ACT To Provide Funds for the Furnishing, Equipment and Improving the Grounds of the University of Dakota at Vermillion and for Other Purposes.

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

§ 1. APPROPRIATION.] That there is hereby appropriated the following sums of money, or as much thereof as may be necessary, out of the Territorial Treasury, not otherwise appropriated, viz:

For furnishing the east wing of the University, one thousand (1,000) dollars.

For improving University grounds, two thousand (2,000) dollars.

For heating apparatus in dormitories, four thousand (4,000) dollars.

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

Approved, March 11, 1887.

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## CHAPTER 166.

GRAND FORKS—AUTHORIZING ISSUE OF BONDS FOR DORMITORY  
FOR UNIVERSITY OF NORTH DAKOTA.

AN ACT To Provide Funds for the Construction and Furnishing of a Dormitory for the University of North Dakota at Grand Forks, Dakota, and for Other Purposes.

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

§ 1. BONDS.] That for the purpose of providing funds to pay the cost of erecting and furnishing of a dormitory for the University of North Dakota at Grand Forks, Dakota, the Territorial Treasurer is hereby authorized and empowered, and it is made his duty to prepare for issue twenty thousand

(20,000) dollars of Territorial bonds, running for a term of ten years and bearing interest at the rate of four (4) per cent. per annum, with coupons attached, payable semi-annually on the first days of July and January of each year. Such bonds shall be executed under the seal of the Territory, shall be signed by the Governor, and shall be attested by the Secretary and negotiated by the Treasurer.

§ 2. SALE OF BONDS.] It shall be the duty of the Treasurer to receive sealed proposals for the purchase of said bonds, and upon the request of the board of regents of said University he shall give public notice for thirty (30) days in two (2) newspapers of general circulation, one of which shall be published in the Territory and the other in the city of New York, and said bonds shall be sold to the highest bidder for cash, at not less than their par value.

§ 3. INTEREST.] 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 sums as shall be sufficient to pay such interest and the exchange thereon, and after six (6) years from the first (1st) day of May, 1887, 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 January and July of each year, such interest as shall be due, and to purchase said bonds at not more than their par 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. INTEREST PROVIDED FOR.] If for any reason the Territorial Treasurer shall not have in his hands sufficient of the funds herein provided to pay either principal or interest, upon such bonds, when due, he shall pay such interest or principal out of any other unappropriated fund belonging to the Territory, and there is hereby appropriated and set apart out of the general fund 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. FUNDS TO BE REPLACED.] All moneys belonging to the general Territorial fund applied by said Treasurer in payment of either principal or interest of said bonds, shall be replaced from the special tax levied to pay the same.

§ 6. PLANS AND SPECIFICATIONS.] The board of regents of the North Dakota University at Grand Forks, Dakota, shall, immediately after the passage and approval of this act, prepare or

cause to be prepared plans and specifications for building the dormitory enumerated in section one (1) of this act, and after the same shall have been approved by them and the Governor of the Territory, the said board of regents shall cause said plans and specifications to be filed with their secretary, and it shall be the duty of said board within twenty (20) days thereafter to give public notice, which notice shall be inserted for thirty (30) days in two (2) newspapers published in the Territory, and of general circulation therein, and in two (2) newspapers published in other states, and that on a day specified in such notice they will receive proposals at the office of the secretary at Grand Forks (and elsewhere, as they may designate) for the building of said dormitory according to the plans and specifications aforesaid, which shall be open for the inspection of bidders at the office of the secretary at Grand Forks, and at such place or places as the board may designate.

§ 7. TOTAL COST.] The total cost of building said dormitory including the furnishing thereof, shall not exceed twenty thousand (20,000) dollars.

§ 8. CONTRACT.] On the day advertised for the opening of said proposals for building said dormitory and furnishing the same, the board of regents shall proceed to award the contract or contracts, reserving the right to reject any or all bids, if in their judgment they are too high, and may again advertise for proposals, or to accept such bids as in their judgment may be for the best interests of the institution.

§ 9. MATERIAL.] The walls for said dormitory shall be constructed of good brick or stone, and said building shall be made as nearly fire proof as practicable.

§ 10. PARTIAL PAYMENTS.] The board of regents, as the work progresses, shall on application of the contractor or contractors, certify to the Territorial Auditor the value of the work done on said dormitory, and on such certified statement the auditor shall issue a warrant on the Territorial Treasurer for a sum not exceeding eighty (80) per cent. of the value of the work so certified to have been done at the time of making such application, including amount of all warrants previously issued in part payment of such work; *Provided*, That no part of the funds herein appropriated for the construction of said work shall be paid, or the value of the work certified by the regents until at least one-third ( $\frac{1}{3}$ ) of the work has been completed by the contractor or contractors.

§ 11. MATERIAL TO BE OF GOOD QUALITY.] The contract or contracts aforesaid shall stipulate, that all material shall be of good quality, and that the work shall be performed in a good workman-like manner and these stipulations shall be enforced.

§ 12. FINAL PAYMENT.] The balance due the contractor or contractors, under the contract or contracts, shall be paid on the completion of the work and its acceptance and approval by the board of regents.

§ 13. APPROPRIATION.] That there is hereby appropriated for the performance of the work named in section one (1) of this act, all sums realized from the sale of the bonds hereinbefore specified, and the same and all thereof shall be at the disposal of the board of regents for the purpose hereinbefore named.

§ 14. IN CASE OF DIVISION.] In case of the division of the Territory, that part of the Territory of Dakota, in which said University of North Dakota is located, shall, on the division of the Territory, assume and pay all bonds and coupons issued, and then existing, on account of the construction of the said dormitory.

§ 15. All acts or parts of acts conflicting herewith are hereby, repealed.

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

Approved, March 9, 1887.

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## CHAPTER 167.

### GRAND FORKS — APPROPRIATION FOR MAINTENANCE, UNIVERSITY OF NORTH DAKOTA.

AN ACT Appropriating Funds for the Maintenance of the University of North Dakota, at Grand Forks, Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the Territorial treasury not otherwise appropriated the following sums of money, or so much thereof as may be necessary, for the purpose of paying the current and contingent expenses of the University of North Dakota for the ensuing two years:

For salaries of president, professors, teachers and assistants, \$25,000.

For salary of secretary, who in addition to performing the duties of secretary, shall be the superintendent of the buildings and grounds of the University, and discharge such other duties as may from time to time be prescribed by the board of regents, \$2,000.

For fuel and lights, \$4,000.

For engineers, firemen and janitors, \$2,400.

For incidental expenses, \$2,000.

For natural science, chemical and physical apparatus, \$3,000.

For museum, \$2,000.

For water supply, \$600.

For support of medical department, \$1,000.

For library fund, \$2,000.

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

Approved, March 11, 1887.

## CHAPTER 168.

### GRAND FORKS—RELATING TO BOARD OF REGENTS, UNIVERSITY OF NORTH DAKOTA.

AN ACT Entitled "An Act Amending Chapter 40 of the Special Laws of the Fifteenth General Assembly."

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

§ 1. BOARD OF REGENTS INCREASED TO SIX. ] That section two of chapter forty of the Special Laws of the Fifteenth General Assembly be, and the same is hereby amended, by striking out the word five (5) in the second line of said section, and inserting in lieu thereof the word six (6), and after the word "members" in said line, insert the words "five of whom."

§ 2. QUORUM. ] That section four of said chapter forty be, and the same is hereby amended, by inserting the words "four (4) members," in the sixth line of said section, between the words "board" and "shall," where they occur in said line.

§ 3. ADDITIONAL POWERS. ] That section nine of said chapter forty, be and the same is hereby amended, by inserting at the end of the section the following: "and the board of regents are hereby authorized to establish such professional and other colleges or departments when in their judgment, they may be deemed necessary and proper; *Provided*, That no money shall be expended by the board of regents in establishing and organizing any of the additional colleges or departments provided for in this section, until an appropriation therefor shall have first been made."

COUNCIL CHAMBER,

BISMARCK, Dak., March 11, 1887.

I, George A. Mathews, President of the Council, hereby certify, that on the third day of March 1887 the attached act of the Legislative Assembly of this Territory, "An act entitled an act amending chapter forty of the acts of the Fifteenth General Assembly," was returned to the Council, the body in which it originated, without the approval of his Excellency, Governor Louis K. Church, and with his objections thereto in writing. The objections were entered at large upon the Journal of the Council, and the question stated, "shall this act be passed, the objections of the Governor to the contrary notwithstanding?" The roll of the Council was called, and the act did pass, more than two-thirds of the members of the Council present and voting, voting in the affirmative.

Attest: T. A. KINGSBURY,  
Chief Clerk.

G. A. MATHEWS,  
President of the Council.

HALL OF THE HOUSE OF REPRESENTATIVES,

BISMARCK, D. T., March 11, 1887.

I hereby certify that the within act, together with the objections of his Excellency, Governor Louis K. Church, was received from the Council on the 4th day of March, 1887; that the objections of the Governor were read at length, and the question stated, "Shall this act be passed the

objections of the Governor to the contrary notwithstanding?" The roll of members was called and the act did pass, more than two-thirds of the members of the House of Representatives present and voting, voting in the affirmative.

Attest: W. G. EAKINS,  
Chief Clerk.

GEORGE G. CROSE,  
Speaker of the House.

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## USURY.

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### CHAPTER 169.

AN ACT To Repeal Section Four Hundred and Twenty-seven (427) of Chapter Thirty-seven (37) of the Penal Code.

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

§ 1. REPEALED.] That section four hundred and twenty-seven (427) of chapter thirty-seven (37) of the Penal Code of the Territory of Dakota be and the same is hereby repealed.

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

Approved, February 16, 1887.

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## VICIOUS DOGS.

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### CHAPTER 170.

#### LIABILITY OF OWNER OR KEEPER.

AN ACT To Amend Section One, of Chapter 134, of the Session Laws of 1885, Entitled "Liability for Damages Occasioned by Vicious Dogs."

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

§ 1. OWNER OF DOG LIABLE.] That section one, of an act defining the liability of damages occasioned by vicious dogs, approved March 13, 1885, be and the same is hereby amended to read as follows:

§ 1. That any person keeping, owning or harboring a dog that shall chase, worry or kill horses, mules, cattle or sheep, shall be