

STATE INSTITUTIONS.

CHAPTER 158.

[H. F. 324.]

ACADEMY OF SCIENCE AT WAHPETON.

AN ACT to Locate, Establish and Maintain the North Dakota Academy of Science and to Provide for the Government Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ACADEMY OF SCIENCE—LOCATION.] A State scientific school, to be known as the North Dakota Academy of Science, the special object of which shall be the instruction in such arts and sciences as shall hereafter be determined by the board of education and shall embrace a preparatory department where all the various branches shall be taught, pertaining to a good common school education, is hereby permanently located at the city of Wahpeton, in the county of Richland, State of North Dakota.

§ 2. MANAGEMENT.] The said school shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

§ 3. BOARD, HOW APPOINTED.] Said board of education shall consist of five members, three of whom shall be appointed by the Governor and by and with the consent of the Senate, one of whom shall hold his office for six years, another for four years, and another for two years. The Governor shall designate which person shall hold his office for six years, which for four years and which for two years. The State Treasurer and Superintendent of Public Instruction shall, by virtue of their offices, be members of said board; the State Treasurer, by virtue of his office, shall be treasurer of said board, and the members thereof shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and he shall make such reports to the Legislative Assembly as are required by this act.

§ 4. POWERS OF BOARD.] Said board of education shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salaries of each and prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers, and appoint others in their stead. They shall prescribe the various books to be used in said school, and shall

make all the regulations and by-laws necessary for the good government and management of the same, and shall have power to procure all necessary apparatus, instruments and appurtenances for instruction of the students in said school.

§ 5. RULES AND REGULATIONS.] The said board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board. And the board may in their discretion require an applicant for admission into said school to pay or secure to be paid such fees or tuition as said board shall deem reasonable.

§ 6. OATH AND BOND—PLANS AND SPECIFICATIONS.] Before entering upon the duties of their office, each member of the said board of education shall take and subscribe an oath, as follows:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of North Dakota and will faithfully discharge the duties of board of education of the North Dakota Academy of Science according to the best of my ability; that I have not received, and will not knowingly and intentionally, directly or indirectly, receive any money or other consideration from any source whatever, for any vote or influence I may give or withhold, or for any other official act I may perform as a member of such board, except as herein provided."

And also execute a bond in the penal sum of \$3,000, for the use and benefit of the State of North Dakota, with two or more good and sufficient sureties, to be approved by the Governor, and be filed with the Secretary of State, conditioned upon the faithful performance of his duties, and the honest and faithful disbursement of and accounting for all monies which may come into his hands under the provisions of this act. The said board, having taken the foregoing oath and executed the bond as aforesaid, is hereby empowered and required to cause to be prepared suitable plans and specifications by a competent architect; such plans shall contemplate the erection of a building or buildings, which shall accommodate not less than 100 nor more than 300 scholars, and shall be accompanied by specifications and by a detailed estimate of the amount required and description of all material and labor required for the entire and full completion of the buildings, and no plan shall be adopted that contemplates the expenditure of more money for its completion than the amount reasonably necessary to carry out the objects of said institution.

§ 7. SUPERINTENDENT OF CONSTRUCTION.] That the said board of education shall employ the architect whose plans and specifications are accepted, to act as a superintendent of construction, who shall receive for such plans and specifications, and for superintending construction, such pay as the board shall by agreement

determine, which pay shall not exceed an amount equal to 5 per cent. of the estimated cost of said buildings.

§ 8. PROPOSALS FOR BUILDING—LANDS FOR SITE TO BE CONVEYED TO STATE.] Whenever the said plans and specifications shall have been approved and adopted by a majority of the board, the board of education shall cause to be inserted in at least two of the daily newspapers published in the State of North Dakota, and having a general circulation therein, an advertisement for sealed bids for the construction of the buildings herein authorized, and they shall furnish a printed copy of this act, and of the plans and specifications to all persons applying therefor; *Provided*, Said board may advertise as aforesaid whenever there shall be a sufficient amount of money to the credit of said North Dakota Academy of Science with which to construct all or any part thereof, deemed expedient by said commissioners to erect or construct; *Provided, further*, That before the bids aforesaid shall be advertised for, there shall be secured to the State of North Dakota fee simple title to sufficient and suitable grounds on which to establish said academy of science.

§ 9. MEMBERS OF BOARD NOT TO BE INTERESTED IN CONTRACTS.] No member of the board or officer of said Academy of Science shall be in any way interested in any contract for the erection of said buildings or furnishing any material for said buildings, and if any such officer be so interested, he shall be deemed guilty of a misdemeanor, and on conviction be fined in any sum not exceeding \$5,000.

§ 10. OFFICIAL SCHOOL VISITS.] After said school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of such board, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school, and report to the Superintendent of Public Instruction their views in regard to its condition, success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually.

§ 11. BOARD TO HAVE CONTROL OF FUNDS.] All funds appropriated for the use and benefit of said North Dakota Academy of Science shall be under the direction and control of the board of education, subject to the provisions herein contained. The State Treasurer shall pay out of such funds all orders or drafts for money to be expended under the provisions of this act. Such orders or drafts to be drawn by the State Auditor on certificates of the secretary, countersigned by the president of the board. No such certificate shall be given except upon accounts audited and allowed by the board at their regular meetings.

§ 12. EXPENSES OF BOARD, HOW PAID—FACULTY, HOW PAID.] Services and all other necessary traveling expenses, as hereinafter provided, incurred by members of the board of education in carrying out the provisions of this act, shall be paid on the proper certificate out of any funds belonging to said institution in the

hands of the treasurer, until the erection and completion of the necessary buildings. The principal, assistants, teachers, board of education, and other officers employed in said school, shall be paid out of the North Dakota Academy of Science fund, and from receipts for tuition after the erection of the necessary buildings.

§ 13. APPROPRIATION—LAND GRANT.] That 40,000 acres of the 170,000 acres of land donated by Congress for such other educational or charitable purposes as the Legislative Assembly of the State of North Dakota may determine and set apart by the Constitution of said State for a scientific school or such other educational or charitable institution as the Legislative Assembly may prescribe at the city of Wahpeton, county of Richland, and all monies received from the interest and income derived from the sales of such lands or rents derived from the leasing of such lands or any monies or property otherwise donated are hereby appropriated for the construction and maintenance of said school.

§ 14. TEMPORARY FUNDS, HOW SECURED—CERTIFICATES FOR PAYMENT OF SUBSCRIPTIONS TO BE ISSUED.] To provide temporarily for the erection and maintenance of said North Dakota Academy of Science, the said board of education may receive such sum or sums of money as can be actually used in the construction of permanent buildings, procuring of ground whereon to build the same, and other needed and necessary improvements to be made and expenses incurred in connection therewith, not exceeding the sum of \$10,000, and to each person, association, organization or corporation so subscribing and advancing money as aforesaid, the said board of directors shall issue a certificate stating the date of issue and the amount of subscription, which said certificate shall bear interest at a rate of interest not exceeding 6 per cent. per annum and shall be made payable from the funds to accumulate in the interest and income fund arising from interest on permanent fund or from rents received for any lands set apart for said North Dakota Academy of Science or from any appropriation that may hereafter be made for that purpose; *Provided*, That until a sufficient amount of money accumulates in the fund provided for that purpose, with which to pay said certificates, the holders thereof shall each be paid a *pro rata* share of all monies to be paid out on said indebtedness; *Provided, further*, That no part of any appropriation hereinafter to be made from the funds of the State of North Dakota, unless specifically appropriated for that purpose, shall ever be used in payment of said indebtedness or any part thereof.

§ 15. STATE TREASURER TO BE CUSTODIAN OF ALL FUNDS.] All money that may arise from the interest received on all money derived from the sale of lands hereinbefore or that may hereafter be appropriated for said North Dakota Academy of Science, including all money that may be received from the renting of said land, and all monies that may be hereafter appropriated for said North Dakota Academy of Science, by the State of North Dakota, in-

cluding all money raised in any other manner or donated to said North Dakota Academy of Science, shall be deposited with the State Treasurer, to be by him kept in a separate fund, which shall be known as the North Dakota Academy of Science fund, and be used exclusively for the benefit of said North Dakota Academy of Science as may be herein or hereafter provided.

§ 16. RECORD OF PROCEEDINGS.] Every duty and contract to be performed by said board of education must receive the approval of the majority of the board in regular session duly called in order to make binding and valid. That all proceedings of said board shall be recorded in a book kept for that purpose, and open to the inspection of anybody on request.

§ 17. MONIES, HOW PAID OUT.] All money that may come into the Treasury of the State of North Dakota and credited to the North Dakota Academy of Science fund, shall be paid out to the parties entitled thereto and the State Auditor is hereby directed to draw his warrant on the fund in the hands of the State Treasurer belonging to the said school upon the written order of the said board of education which order shall be accompanied by itemized vouchers for the full amount of such order; *Provided*, No such order shall be issued until there is cash in the treasury with which to pay the same.

§ 18. BOARD TO RECEIVE NO COMPENSATION.] The board of education provided for in this act shall receive no compensation and shall be entitled only to their actual and necessary expenses while performing duties as such board.

§ 19. EMERGENCY.] There being no law authorizing the building of an Academy of Science, and in order to at once select a proper site for the same and receive donations to pay for the same, therefore this act shall take effect and be in force immediately from and after its passage and approval.

Approved March 14, 1890.

CHAPTER 159.

[H. F. 357.]

AMENDMENT TO PRECEDING CHAPTER.

AN ACT to Amend an Act Passed at the First Session of the Legislative Assembly Entitled "An Act for an Act to Locate, Establish and Maintain the North Dakota Academy of Science and to Provide for the Government Thereof," Approved March 14, 1890.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 13 of the act entitled "An act, for an act to locate, establish and maintain the North Dakota

Academy of Science and to provide for the government thereof, approved March 14, 1890," be and the same is hereby amended so as to read as follows:

Sec. 13. APPROPRIATION.] All monies received from the interest and income derived from the sale or leasing of the 40,000 acres of land donated by Congress and appropriated by the Constitution of this State for the purpose of such school, are hereby appropriated for the construction and maintenance thereof.

Approved March 20, 1890.

CHAPTER 160.

[S. F. 140.]

AGRICULTURAL COLLEGE AT FARGO.

AN ACT to Provide for the Establishment, Erection and Operation of the North Dakota Agricultural College and Agricultural Experiment Station at Fargo.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LOCATION.] There is hereby established and located at Fargo, Cass county, North Dakota, an agricultural college, which shall be known by the name of the North Dakota Agricultural College.

§ 2. MANAGEMENT.] The government and management of the North Dakota Agricultural College, is hereby invested in a board of directors to be known as the Agricultural College Board of Directors.

§ 3. BOARD, HOW APPOINTED—VACANCIES.] The board of directors shall consist of five members. The first board shall be appointed as hereinafter provided, and their term of office shall expire when their successors have been appointed and qualified, during the session of the Legislative Assembly in the year A. D. 1891. During the session of the Legislative Assembly in the year A. D. 1891, and before the third Monday in February of said year, the Governor shall nominate and by and with the consent and advice of the Senate appoint a full board of directors, three of whom shall be appointed for the term of two years and two of whom shall be appointed for the term of four years. Thereafter and at each biennial session of the Legislative Assembly and on or before the third Monday in February during each session there shall be nominated by the Governor and by and with the consent and advice of the Senate, appointed for the term of four years directors to fill vacancies occurring by the expiration of the term of office of those previously appointed; *Pro-*

vided, however, That the first board of directors shall be appointed by the Governor at once upon the taking effect of this act. Such appointments to be by and with the consent and advice of the Senate, should the Legislative Assembly be then in session, otherwise the directors appointed shall qualify and hold office until their successors are appointed and qualified. The Governor shall have power to fill all vacancies in said board which occur when the Legislative Assembly is not in session, and the members of said board shall hold their office until their successors are appointed and qualified, as provided in this act; *Provided, further,* That in all cases where the Governor has made an appointment to fill a vacancy when the Legislative Assembly is not in session, the term of office of the director or directors so appointed shall expire at the next ensuing session of the Legislative Assembly.

§ 4. COMMISSION—OATH—ORGANIZATION.] The Governor shall cause to be issued to each of said directors a commission, which shall be under the seal of the State. At the first meeting of said board the members thereof shall take and subscribe the oath of office required of all civil officers of the State, and shall then proceed to elect a president, secretary and treasurer, but the treasurer shall not be a member of the board of directors. A majority of said board shall be a quorum for the transaction of business. The board shall require a bond of its treasurer, and fix the amount thereof.

§ 5. MEETINGS—COMPENSATION.] The board of directors shall hold its meetings at the city of Fargo, and fix the time of holding the same, providing there shall not be to exceed six regular meetings in each year. The members of the board shall receive as compensation for their services, three (3) dollars per day for each day employed, not to exceed twenty-four days in any one year and five (5) cents per mile for each mile actually and necessarily traveled in attending meetings of said board, which sum shall be paid out of the State Treasury upon the vouchers of said board.

§ 6. DUTIES OF BOARD.] The said board of directors shall direct the disposition of all monies appropriated by the Legislative Assembly of the State of North Dakota, or by the Congress of the United States, or that may be derived from the sale of the lands donated by Congress to said State for said college, or that may be donated to or come from any source to said State for the Agricultural College or Experiment Station for North Dakota, subject to all restrictions imposed upon such respective funds either by the Constitution or laws of the State of North Dakota, or the terms of such grants from Congress and shall have supervision and charge of the construction of all buildings provided for or authorized by law for said college and station. The board of directors shall have power to employ a president and necessary teachers, instructors and assistants to conduct said school

and carry on the experiment station connected therewith, and to appoint one of its members superintendent of construction of all buildings, who shall receive three (3) dollars per day for each day actually and necessarily engaged in the discharge of his duties, not to exceed fifty days in any one year, which sum shall be paid out of the State Treasury upon the vouchers of said board.

§ 7. ACCOUNTS, HOW AUDITED.] The said board shall audit all accounts against the funds appropriated by the Legislative Assembly of the State of North Dakota or held by the State for the use of the Agricultural College and Experiment Station, and the State Auditor shall issue his warrant upon the State Treasurer for the amount of all accounts which shall have been so audited and allowed by the board of directors and attested by the president and secretary of the same.

§ 8. COURSE OF STUDY.] The design of the institution is to afford practical instruction in agriculture and the natural sciences connected therewith, and also the sciences which bear directly upon all industrial arts and pursuits. The course of instruction shall embrace the English language and literature, mathematics, military tactics, civil engineering, agricultural chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology and such other natural sciences as may be prescribed, political and rural and household economy, horticulture, moral philosophy, history, bookkeeping, and especially the application of science and the mechanic's arts to practical agriculture in the field. A full course of study in the institution shall embrace not less than four years, and the college year shall consist of not less than nine calendar months, which may be divided into terms by the board of directors as in their judgment will best secure the objects for which the college was founded.

§ 9. SALARIES OF FACULTY.] The board of directors shall fix the salaries of the president, teachers, instructors and other employes and prescribe their respective duties. They shall also fix the rate of wages to be allowed to students for labor on the farm and experiment station, or in the shops or kitchen of the college. The board may remove the president or subordinate officers and supply all vacancies.

§ 10. RULES AND REGULATIONS.] The faculty shall consist of the president, teachers and instructors, and shall pass all needful rules and regulations for the government and discipline of the college, regulating the routine of labor, study, meals, and the duties and exercises, and all such rules and regulations as are necessary to the preservation of morals, decorum and health.

§ 11. PRESIDENT'S DUTIES.] The president shall be the chief executive officer of the agricultural college, and it shall be his duty to see that all rules and regulations are executed, and the subordinate officers and employes not members of the faculty shall be under his direction and supervision.

§ 12. FACULTY MAKE ANNUAL REPORT TO BOARD.] The faculty

shall make an annual report to the board of directors on or before the first Monday in November of each year, showing the condition of the school, experiment station and farm and the results of farm experiments, and containing such recommendations as the welfare of the institution in their opinion demands.

§ 13. ANNUAL REPORT TO GOVERNOR.] The board of directors shall, annually, on or before the first day of February in each year, make to the Governor a full and detailed report of the operations of the experimental station hereby established, including a statement of the receipts and expenditures, a copy of which report shall be sent by the Governor to the Commissioner of Agriculture and the Secretary of the Treasury of the United States, and said board of directors shall also make a report to the Governor on or before the first Monday in December next preceding each biennial session of the Legislative Assembly, containing a financial statement, showing the conditions of all funds appropriated for the use of the Agricultural College and Experiment Station; also, the monies expended and the purposes for which the same were expended in detail; also, the condition of the institution and the results of all the experiments carried on there.

§ 14. HONORARY DEGREES.] The board of directors and the faculty shall have power to confer degrees upon all persons who shall have completed the course of study prescribed for said school by the board and faculty, and who shall have passed a satisfactory examination upon the studies contained in said course, and who shall be known to possess a good moral character.

§ 15. WHO KNOWN AS DIRECTORS.] The board of directors as appointed by the Governor and confirmed by the Senate shall constitute and be known as the directors provided for in this act.

§ 16. EXPERIMENT STATION.] There is hereby established an agricultural experiment station in connection with the North Dakota Agricultural College, and under the direction of the board of directors of said college, for the purpose of conducting experiments in agriculture, according to the terms of Section 1 of an act of Congress, approved March 2, 1887, and entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act, approved July 2, 1862, and of the acts supplementary thereto."

§ 17. ASSENT OF LEGISLATIVE ASSEMBLY.] The assent of the Legislative Assembly of North Dakota is hereby given, in pursuance of the requirements of Section 9 of said act of Congress, approved March 2, 1887, to the grant of money therein made, and to the establishing of an experiment station, in accordance with Section 1 of said last mentioned act, and assent is hereby given to carry out all and singular the provisions of said act.

§ 18. ACCEPTANCE OF LAND GRANT.] The grants of land accruing to the State of North Dakota under and by virtue of an act of Congress, donating public lands for the use and support of agri-

cultural colleges in certain proposed states, approved February 22, 1889, is hereby accepted with all the conditions and provisions in said act contained, and said lands are hereby set apart for the use and support of the college herein provided for.

§ 19. PER DIEM AND MILEAGE.] There shall be no expense incurred or *per diem* and mileage paid to any officer of the board contemplated under the provisions of this act until an appropriation shall have been made for the erection of any building or buildings for the agricultural college or experimental station.

§ 20. EMERGENCY.] An emergency exists in that it is desirable to receive at once the benefit of the money appropriated by Congress for such institutions, therefore, this act shall be in force immediately from and after its passage and approval.

Approved March 8, 1890.

CHAPTER 161.

[S. F. 31.]

DEAF AND DUMB SCHOOL AT DEVILS LAKE.

AN ACT to Create an Institute for the Education of the Deaf and Dumb of North Dakota, and Providing for its Support and Management.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LOCATION.] That there shall be located and permanently maintained at or near the city of Devils Lake, in the county of Ramsey, an institute for the support and education of the deaf and dumb children of the State, to be known and designated as the "North Dakota School for the Deaf and Dumb."

§ 2. MANAGEMENT—BOARD, HOW APPOINTED.] That the said school shall be under the supervision of a board of trustees consisting of three persons, together with the Governor and Superintendent of Public Instruction, who shall be *ex-officio* members of the said board; who shall be appointed by the Governor within thirty days after the passage of this bill, by and with the advice and consent of the Senate. Said trustees shall hold office for a term of two years, and until their successors are appointed and qualified, subject to removal for cause. When a vacancy occurs in said board, by death, resignation or removal, and the Senate shall not be in session, the Governor shall have power to fill such vacancy by appointment.

§ 3. ORGANIZATION—MEETINGS.] That the said trustees shall meet in the city of Devils Lake within one month from the date of their appointment for the purpose of organization. They shall

choose from among their number a president, secretary and treasurer, who shall hold office for two years, or until their successors are appointed and qualified. Three of said board of trustees shall constitute a quorum for the transaction of business. Said board shall meet annually in the month of December and as often thereafter as may be deemed necessary for the proper transaction of business, upon the call of the president or secretary.

§ 4. OATH—DUTIES OF OFFICERS OF BOARD.] Each member of the board shall, before entering upon his duties, take and subscribe an oath to support the Constitution of the United States, the Constitution of the State of North Dakota, and that he will faithfully and impartially discharge the duties required of him by the provisions of this act, which oath shall be filed in the office of the Secretary of State. The president shall preside at all meetings of the board, when present, and in his absence a president *pro tempore* may be named to perform the duties of president. He shall sign all certificates of indebtedness, bills and all papers approved or allowed by said board. The secretary shall countersign all certificates of indebtedness, bills and all papers approved or allowed by said board. The secretary shall keep a correct record of the proceedings of the board and have charge of, in trust for the school, all papers and records of the same. The treasurer, before entering upon the duties of his office, shall give a bond in the amount and in the manner prescribed by the laws of this State, and shall safely keep and faithfully disburse all monies coming into his hands for the use of said school, and shall render an exact and detailed account of each and all expenditures when the said board shall require.

§ 5. BOARD TO DIRECT DISPOSITION OF MONEY.] The board of trustees shall direct the disposition of all monies appropriated by the Legislative Assembly of the State of North Dakota or received from any other source for the benefit of said institution.

§ 6. GENERAL DUTIES OF BOARD.] Said board shall have general supervision of the school, adopt rules for the government thereof, employ officers, teachers and servants, provide necessities for the institute, and perform all other acts necessary to render it efficient and to carry out the provisions of its establishment.

§ 7. INDEBTEDNESS LIMITED.] The board shall not create any indebtedness against the institute exceeding the amount appropriated by the Legislative Assembly for the use thereof.

§ 8. PER DIEM AND MILEAGE.] All indebtedness incurred by said board in carrying out the provisions of this act, together with the compensation of three (3) dollars per day for the time actually employed in such service, and five (5) cents per mile for each mile necessarily traveled in going to and returning from the meetings of said board, shall be paid out of the State Treasury upon a certificate of the president of the board, countersigned by the secretary, stating the items of such indebtedness and compensation, and that the same is just and necessary according to the

provisions of this act, and upon the presentation of said certificate to the Auditor of State, he shall issue his warrant or warrants to the party or parties to whom such money is due and payable, and the Treasurer of the State shall pay such warrants out of any monies appropriated for that purpose. But the Auditor shall not issue any warrant without an itemized account, properly sworn to, accompanying the certificate of the president of the board. Said account may be sworn to before the president of said board, who is hereby authorized and empowered to administer oaths for said purpose.

§ 9. FEE FOR NON-RESIDENT SCHOOL CHILDREN.] That deaf and dumb children, not resident of this State, of suitable age and capacity, shall be entitled to an education in said school on payment to the State Treasurer of the sum of one hundred and eighty (180) dollars per annum, in advance, but such children shall not be received to the exclusion of children of this State.

§ 10. RESIDENTS OF STATE ENTITLED TO EDUCATION.] That every deaf and dumb person, who is a resident of this State, of suitable age and capacity, shall be entitled to receive an education in said school at the expense of the State.

§ 11. COUNTY ASSESSORS TO GATHER STATISTICS.] That the county assessors of each county shall annually report to the county clerk the names, ages, postoffice address and names of parents or guardians of every deaf and dumb person between the ages of five and twenty-five years residing in his county, including all such persons as may be too deaf to acquire an education in the common schools. The county clerk shall, on or before the first day of August in each year, send a list containing the names, ages and residence of all such persons to the principal of the school.

§ 12. ACCOUNTS FOR CLOTHING, HOW COLLECTED.] When the pupils of said school are not otherwise provided or supplied with suitable clothing, they shall be furnished by the principal, who shall make out an account thereof in each case against the parent or the guardian, if the pupil be a minor, and against the pupil if he or she has no parent or guardian or has attained the age of majority; which account shall be certified to be correct by the principal, and when so certified such account shall be presumed correct in all courts. The principal shall thereupon remit such account by mail to the treasurer of the county from which the pupil so supplied shall have come to the school; such treasurer shall proceed at once to collect the amount by suit in the name of his county, if necessary, and pay the same into the State Treasury; the principal shall at the same time remit a duplicate of such account to the Auditor of State, who shall credit the same to the account of the school, and charge it to the proper county; *Provided*, If it shall appear by the affidavit of three disinterested citizens of the county, not a kin to the pupil, that the said pupil or his or her parents would be unreasonably oppressed by such suit, then such

treasurer shall not commence such suit, but shall credit the same to the State on his books, and report the amount of such account to the board of commissioners of his county, and the said board shall levy sufficient tax to pay the same to the State, and cause the same to be paid into the State Treasury.

§ 13. TRANSPORTATION OF INDIGENT PERSONS.] The board of county commissioners shall order the expenses of transportation of any indigent deaf and dumb children found in their counties to and from the said school, from the county treasury. They shall levy a tax sufficient to cover the same back into the said treasury at the same time when taxes are generally levied for county and other purposes.

§ 14. FACULTY—DUTIES OF PRINCIPAL.] The officers of the school shall be a principal and a matron. The principal shall be a capable person, skilled in the sign language and who shall have a knowledge of the wants and instruction of the deaf and dumb. The principal shall be a resident officer of the school and shall receive a salary of \$1,000 per annum, which salary may be increased by enactment of the Legislative Assembly when the growth of the school and increase of responsibilities shall justify the same. He shall annually certify to the board of trustees a written report stating in full the true condition of the educational, the domestic and the industrial departments of the school, his actions and proceedings therein, which report shall be embodied in the report of the board of trustees to the Governor. He shall keep and have charge of all necessary records and register of said departments; have supervision of its teachers, pupils and servants, and perform such other duties as the board may require. He shall secure and employ all assistants needed therein, with the consent and approval of the board. He shall have special charge of the male pupils out of school hours, and shall furnish them with employment about the premises, or in some trade to which they are adapted. The proceeds and products arising from the labor and employment of all the pupils shall inure to the use and benefit of the school.

§ 15. DUTY OF MATRON.] The matron of the school shall also be a resident of the same. She shall have control of the internal arrangements and management of the house, and of the female pupils out of school hours. She shall instruct them in and about the house, and the domestic departments, or in some trade to which they are adapted, under the direction of the principal.

§ 16. BIENNIAL REPORT.] The board of trustees shall, on or before the first day of December, 1890, biennially thereafter, make out to the Governor of the State a full and complete report as follows, to-wit:

First. A statement of the financial condition of the school from the date of the last report, giving in detail the amount of monies received from all sources and the amount expended.

Second. The value of real estate and buildings at the date

of last report and cost of improvements made, if any, since last report.

Third. The number of pupils in attendance, their names, ages, residences and cause of deafness; also, the number that have entered the school, and the number of those who may have left it since the last report.

Fourth. The number and cause of deaths if any that have occurred in the school since last report.

Fifth. The improvement, health and discipline of the pupils

Sixth. The number of officers and teachers and servants employed, with their names.

Seventh. All other needful information touching every point that may be deemed of interest to be communicated.

Eighth. They shall make such recommendations as may be deemed needful.

§ 17. APPROPRIATION.] That the sum of \$5,000 are hereby appropriated for the purpose of carrying out the provisions of this act for the fiscal year next on and after March 31, 1890.

SENATE CHAMBER,

BISMARCK, N. Dak., March 18, 1890.

I hereby certify that the within Act, together with the objections of His Excellency, Governor John Miller, was returned to the Senate, the house in which it originated, on the 14th day of January, A. D. 1890; that the objections of the Governor were read at length and entered upon the Journal; that thereupon the said bill was laid over for consideration until March 15, 1890, and upon that day the matter coming up for consideration, the question was put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" The roll was called and the bill did pass, more than two-thirds of the members-elect and voting, voting in the affirmative.

ALFRED DICKEY,

President of the Senate.

Attest:

C. C. BOWSFIELD,
Secretary of the Senate.

HOUSE OF REPRESENTATIVES,

BISMARCK, N. Dak., March 18, 1890.

I hereby certify that the within Act, together with the objections of His Excellency, Governor John Miller, was received by the House from the Senate, that being the house in which it originated, on the 15th day of March, 1890; that the objections of the Governor were read at length and entered upon the Journal; that said bill came before the House for consideration on the 18th day of March, 1890, and the question was put "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" The roll was called and the bill did pass, more than two-thirds of the members-elect and voting, voting in the affirmative.

D. B. WELLMAN,

Speaker of the House.

Attest:

J. G. HAMILTON,
Chief Clerk.

CHAPTER 162.

[S. F. 64.]

NORMAL SCHOOL AT MAYVILLE.

AN ACT Entitled "An Act to Provide for the Erection and Operation of a State Normal School at Mayville, Traill County, North Dakota."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LOCATION.] For the purpose of establishing a State Normal School at Mayville, Traill County, North Dakota, there is

hereby located at said city of Mayville, in the county of Traill and State of North Dakota, a State Normal School, to be known as the State Normal School, and the 30,000 acres of land set apart by the Constitution for such institution is hereby appropriated for that purpose, under such regulations as may hereafter be provided by law.

§ 2. ENDOWMENT.] All proceeds accumulating in the interest and income fund arising from the sale or renting of all lands granted, or hereafter to be granted, by the State of North Dakota, or by the Constitution of said State for said normal school at the city of Mayville, are hereby pledged for its establishment and maintenance.

§ 3. MANAGEMENT.] The government and management of said normal school is hereby vested in a board of directors, to be known as the Board of Directors of the State Normal School at Mayville.

§ 4. BOARD, HOW APPOINTED.] The board of directors shall consist of five members, who shall be named by the Governor, by and with the consent and advice of the Senate, on or before the third Monday in February of each biennial session of the Legislative Assembly. The Governor and State Superintendent of Public Instruction shall be *ex-officio* members of said board. The Governor shall have power to fill all vacancies in said board which may occur when the Legislative Assembly is not in session, and the members of said board shall hold their office until their successors are appointed and qualified as provided in this act.

§ 5. COMMISSION—OATH—OFFICERS.] The Governor shall cause to be issued to each of said directors a commission, which shall be under the seal of the State. At the first meeting of the said board the members thereof shall take and subscribe the oath of office required by all civil officers of the State, and shall proceed to elect a president, and the principal of the school shall be secretary of the board, but shall have no vote in the board. In the absence of the principal the board may select one of their own number to act as secretary of said board; a majority of said board shall be a quorum for the transaction of business.

§ 6. MEETINGS—COMPENSATION.] The board of directors shall hold its meetings at the city of Mayville, and fix the time of holding the same in each year. The members of the board shall receive no compensation for their services, except such sum or sums of money as they may pay out for actual and necessary expenses in attending said meetings of the board, which sums shall be paid out of the State Treasury upon vouchers of said board to be approved by the Auditor, who shall issue his warrant upon the Treasurer for the amount, until otherwise provided by law. Said board shall not be in session to exceed twenty-four days in any one year.

§ 7. FUNDS, HOW RAISED—RESTRICTIONS.] To provide temporarily for the erection and maintenance of said State Normal School the said board of directors may receive such sum or sums

of money as can be actually used in the construction of permanent buildings, procuring of ground whereon to build the same, and other needed and necessary improvements to be made, not exceeding the sum of \$10,000, and to each person who shall so subscribe and advance said money to said fund the said board of directors shall issue a certificate stating the date of issue, and the amount of such subscription, which said certificate shall bear interest at a rate not exceeding 6 per centum per annum, and shall be payable from the interest and income fund to accumulate from the sale of the lands hereinbefore appropriated; *Provided*, That until sufficient money accumulates from the interest and income fund from the interest and income derived from the fund accumulating from the renting or sale of said lands aforesaid with which to discharge said indebtedness, the said holders of said certificates shall each be paid a *pro rata* share of all monies to be paid out on said indebtedness; *Provided, further*, That no part of any appropriations hereafter to be made, from the funds of the State of North Dakota, other than the fund accumulated from the sale of lands aforesaid, shall ever be used in payment of any part of said indebtedness.

§ 8. DUTIES AND POWERS OF BOARD—SUPERINTENDENT OF CONSTRUCTION.] The said directors shall direct the disposition of all monies appropriated by the Legislative Assembly for said normal school, and shall have supervision and charge of the construction of all buildings provided for by law for said school. The board of directors shall have power to employ a principal and necessary teachers, instructors and assistants to conduct said school, and to appoint one of its members superintendent of construction of all buildings, who shall receive three (3) dollars per day for each day actually and necessarily engaged in the discharge of his duties, not to exceed fifty days in any one year, which sum shall be paid out of any funds provided for the establishment and maintenance of said school upon the vouchers of said board, when approved by the Auditor.

§ 9. ACCOUNTS, HOW AUDITED AND PAID.] The said board shall audit all accounts against the funds appropriated for the use of the school, and shall issue its warrant for the amount of all accounts, which shall have been audited and allowed by the board of directors and attested by the president and secretary of the same, payable out of any funds provided for the payment thereof.

§ 10. COURSE OF STUDY.] The normal school hereby established and provided for shall be known by the name of the State Normal School of Mayville, North Dakota. The design of the institution is to afford instruction in the several English branches and natural science; to prepare and educate the student especially in the art of teaching public schools, and such branches as are taught in normal schools generally; but said school shall, in all things, be free from sectarian control or instruction. Said board shall, by and with the assistance of the faculty of said school, pre-

pare a full course of study not inconsistent with the foregoing provisions.

§ 11. SALARIES OF FACULTY TO BE FIXED BY BOARD.] The board of directors shall fix the salaries of the principal, teachers and other employes and prescribe their respective duties. The board may remove the principal or subordinate officers and supply all vacancies, and may further prescribe the time and length of the various terms of said school.

§ 12. FACULTY.] The faculty shall consist of the principal, teachers and instructors, who shall pass all needful rules and regulations for the government and discipline of the school, regulating the routine of labor, study, meals, and the duties and exercises, and all such rules and regulations as are necessary to the preservation of morals, decorum and health.

§ 13. PRINCIPAL'S DUTY.] The principal shall be the chief executive officer of the school, and it shall be his duty to see that all rules and regulations are executed and the subordinate officers and employes, not members of the faculty, shall be under his direction and supervision.

§ 14. REPORT TO BOARD.] The faculty shall make an annual report to the board of directors on or before the first Monday in December of each year, showing the general condition of the school, and containing such recommendations as the welfare of the institution demands.

§ 15. BIENNIAL REPORT TO THE GOVERNOR.] The board of directors shall make a report to the Governor on or before the last Monday in December next preceding each biennial session of the Legislative Assembly, containing a financial statement, showing the condition of all funds appropriated for the school; also the money expended and the purpose for which the same was expended, in detail; also showing the condition of the institution generally.

§ 16. CERTIFICATES.] The board of directors and the faculty shall have power to issue certificates to all persons who shall have completed the course of study prescribed for said school by the board of faculty, and who shall have passed a satisfactory examination upon the studies contained in said course, and who shall be known to possess good moral character, which certificate shall set forth the above mentioned facts.

§ 17. FUNDS, HOW KEPT.] All monies that may arise from the interest and income derived from the renting and sale of lands hereinbefore appropriated and all monies that may hereafter be appropriated by the State of North Dakota, including all monies raised in any other manner for said school, shall be deposited with the State Treasurer, to be by him kept in a separate fund, which shall be known as the "fund of the State Normal School located at the city of Mayville," and be used exclusively for the benefit of said school as may be herein or hereinafter provided.

§ 18. WHO KNOWN AS DIRECTORS.] The board of directors as

appointed by the Governor and confirmed by the Senate, shall constitute and be known as the directors provided for in this act.

Approved February 17, 1890.

CHAPTER 163.

[H. F. 241.]

NORMAL SCHOOL AT VALLEY CITY.

AN ACT to Locate and Provide for the Government of a State Normal School at Valley City, Barnes County, North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LOCATION.] There is hereby established and located at Valley City, Barnes county, North Dakota, a Normal School, which shall be known by the name of the State Normal School at Valley City.

§ 2. MANAGEMENT.] The government and management of said Normal School is hereby vested in a board of directors consisting of five members.

§ 3. BOARD, HOW APPOINTED.] The members of said board shall be nominated by the Governor, and by and with the consent and advice of the Senate, shall be appointed on or before the third Monday in February of each biennial session of the Legislative Assembly; *Provided, however,* That the first board of directors shall be appointed by the Governor at once upon the taking effect of this act; such appointments to be by and with the consent and advice of the Senate, should the Legislative Assembly be then in session, otherwise the directors appointed shall qualify and hold office until their successors are appointed and qualified. The Governor shall have power to fill all vacancies in said board which occur when the Legislative Assembly is not in session, and the members of said board shall hold their office until their successors are appointed and qualified as provided in this act.

§ 4. COMMISSION—OATH—OFFICERS.] The Governor shall cause to be issued to each of said directors a commission, which shall be under the seal of the State. At the first meeting of said board the members thereof shall take and subscribe the oath of office required of all civil officers of the State, and shall then proceed to elect a president, secretary, and treasurer, but the treasurer need not be a member of the board of directors. A majority of said board shall be a quorum for the transaction of business.

The board shall require a bond of its treasurer, and fix the amount thereof.

§ 5. MEETINGS—PER DIEM AND MILEAGE.] The board of directors shall hold its meetings at the city of Valley City, and fix the time of holding the same; *Providing*, There shall not be to exceed ten regular meetings each year. The members of the board shall receive as compensation for their services three (3) dollars per day for each day employed, not to exceed twenty-four days in any one year, and five (5) cents per mile for each mile actually and necessarily traveled in attending meetings of said board, which sum shall be paid out of the State Treasury upon the vouchers of said board.

§ 6. DUTIES AND POWERS OF BOARD—SUPERINTENDENT OF CONSTRUCTION.] The said board of directors shall direct the disposition of all monies appropriated by the Legislative Assembly of the State of North Dakota or the interest of all monies that may be derived from the sale or lease of the lands donated by Congress to said State, and by the Constitution of said State appropriated for said school, and shall have supervision and charge of the construction of all buildings provided for or authorized by law for said school. The board of directors shall have power to employ a principal and the necessary teachers, instructors and assistants to conduct said school, and to appoint one of its members superintendent of construction of all buildings, who shall receive three (3) dollars per day for each day actually and necessarily engaged in the discharge of his duties, not to exceed fifty days in any one year, which sum shall be paid out of the State Treasury upon the vouchers of said board.

§ 7. ACCOUNTS, HOW AUDITED AND PAID.] The said board shall audit all accounts against the funds appropriated by the Legislative Assembly of the State of North Dakota or held by the State for the use of said normal school, and the State Auditor shall issue his warrant upon the State Treasurer for the amount of all accounts which shall have been so audited and allowed by the board of directors and attested by the president and secretary of the same.

§ 8. COURSE OF STUDY.] The design of said normal school is to afford instruction in the several English branches and natural science; to prepare and educate the students especially in the art of teaching public schools, and such branches as are usually or generally taught in normal schools. But said school shall in all things be free from sectarian control. Said board shall by and with the assistance of the faculty of said school prepare a full course of study not inconsistent with the foregoing provisions.

§ 9. BOARD TO FIX SALARIES OF FACULTY.] The board of directors shall fix the salaries of the principal, teachers, instructors and other employes, and prescribe their respective duties. The board may remove the principal or subordinate officers and supply all vacancies, and may further prescribe the time and length of the various terms of said school.

§ 10. FACULTY.] The faculty shall consist of the principal, teachers and instructors, and shall pass all needful rules and regulations for the government and discipline of the school, regulating the routine of labor, study, meals and the duties and exercises, and all rules as are necessary to the preservation of morals, decorum and health.

§ 11. DUTY OF PRINCIPAL.] The principal shall be the chief executive officer of the school, and it shall be his duty to see that all rules and regulations are executed and enforced, and the subordinate officers and employes not members of the faculty shall be under his direction and supervision.

§ 12. ANNUAL REPORT TO BOARD.] The faculty shall make an annual report to the board of directors on or before the first Monday in December of each year, showing the general condition of the school, and containing such recommendations as the welfare of the school demands.

§ 13. BIENNIAL REPORT TO GOVERNOR.] The board of directors shall make a report to the Governor on or before the last Monday in December next preceding each biennial session of the Legislative Assembly, containing a financial statement, showing the conditions of all funds appropriated for the use of the school; also the money expended and the purposes for which the same were expended in detail; also showing the conditions of the school generally.

§ 14. CERTIFICATES.] The board of directors and the faculty shall have power to issue certificates to all persons who shall have completed the course of study prescribed for said school by the board and faculty and who shall have passed a satisfactory examination upon the studies contained in said course, and who shall be known to possess a good moral character, which certificate shall set forth the above mentioned facts and said certificate shall be considered equivalent to a first grade public school teachers' certificate, and qualify the holder thereof to teach in any of the public schools of this State without further examination.

§ 15. WHO KNOWN AS DIRECTORS.] The board of directors, as appointed by the Governor and confirmed by the Senate shall constitute and be known as the board of directors provided for in this act.

§ 16. COMPENSATION OF BOARD CONDITIONAL.] Until such time as the Legislative Assembly of the State of North Dakota shall make an appropriation for the construction and maintenance of said school, or until there shall be derived from the interest of the proceeds of the sale or lease of the 50,000 acres appropriated to this school in the Constitution of this State sufficient funds to constitute and maintain said school, or until there shall be donated to said school the sum of \$5,000, the directors appointed under this act shall receive no compensation whatever, nor shall they

issue their warrant upon the State Treasurer for any purpose whatever.

Approved March 8, 1890.

CHAPTER 164.

[H. F. 283.]

REFORM SCHOOL AT MANDAN.

AN ACT to Locate and Provide for the Government of a State Reform School at Mandan, Morton County, North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LOCATION—MANAGEMENT.] There is hereby established and located at the city of Mandan, Morton county, North Dakota, a reform school, which shall be known by the name of the North Dakota State Reform School, and shall be maintained for the reformation of such boys and girls under the age of eighteen years who may be committed to it as hereinafter provided. The government and management of said reform school is hereby vested in a board of trustees consisting of five members, who shall be styled the Board of Trustees of the North Dakota Reform School.

§ 2. BOARD, HOW APPOINTED.] The members of said board shall be nominated by the Governor, and by and with the consent of the Senate shall be appointed on or before the third Monday of February of each biennial session of the Legislative Assembly; *Provided, however,* That the first board of trustees shall be appointed by the Governor at once upon the taking effect of this act. Such appointments to be by and with the consent and advice of the Senate, should the Legislative Assembly be then in session; otherwise the trustees appointed shall qualify and hold office until their successors are appointed and qualified. The Governor shall have power to fill all vacancies in said board which may occur, when the Legislative Assembly is not in session, and the members of said board shall hold their office until their successors are appointed and qualified as provided in this act.

§ 3. COMMISSION—OATH—OFFICERS.] The Governor shall cause to be issued to each of said trustees a commission, which shall be under the seal of the State. At the first meeting of said board the members thereof shall take and subscribe the oath of office required of all civil officers of the State, and shall then proceed to elect a president, secretary and treasurer, but the treasurer need not be a member of the board of trustees. A majority

of said board shall be a quorum for the transaction of business. The board shall require a bond of its treasurer and fix the amount thereof.

§ 4. MEETINGS—PER DIEM AND MILEAGE.] The board of trustees shall hold its meetings at the city of Mandan, and fix the time of holding the same; *Provided*, There shall not be to exceed twelve regular meetings in each year. The members of the board shall receive as compensation for their services three (3) dollars per day for each day employed, not to exceed twenty-four days in any one year, and five (5) cents per mile for each mile actually and necessarily traveled in attending the meetings of said board, which sum shall be paid out of the State Treasury on the vouchers of said board.

§ 5. DUTIES AND POWER OF BOARD.] The said board of trustees shall direct the disposition of all monies appropriated by the Legislative Assembly of the State of North Dakota or the interest of all monies that may be derived from the sale, or the rent derived from the leasing of land donated by Congress to said State and by the Constitution of said State appropriated for said school, and shall have supervision and charge of the construction of all buildings provided for or authorized by law for said school. Said board of trustees of said school shall have power to enact by-laws and rules for the regulation of all its concerns not inconsistent with the laws of this State, to see that its affairs are conducted in accordance with the requirements of law, and that strict discipline is maintained therein; to provide employment and instruction for the inmates; to appoint a superintendent, a steward, a teacher or teachers, and such other officers as in their judgement the wants of the institution may require, and prescribe their duties; to exercise a general supervision over the institution, its officers and inmates, and determine the salaries to be paid to the officers and order their removal upon good cause.

§ 6. INSTRUCTION OF INMATES.] They shall cause the boys and girls under their charge to be instructed in morality, and in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing or agricultural, as is best suited to their age, strength, disposition and capacity, and as may seem best adapted to secure the reformation and future benefit of said boys and girls.

§ 7. EXAMINATION OF SCHOOL—BIENNIAL REPORT.] When there shall be twenty or more boys in the school one or more of the trustees shall visit the school once in every month, and examine the boys and girls in their school room and labor, and inspect the register and accounts of the superintendent. A record shall be kept of these visits in the books of the superintendent. Once in each year or oftener if the trustees think it necessary they shall examine the school in all its departments, including the accounts, vouchers and documents of the superintendent, and prepare a report on the condition of the institution on the last Monday in De-

cember preceding the meeting of the Legislative Assembly, which, together with the full report of the superintendent and a list of the officers and employes and their salaries, with the estimate of the value of the personal property belonging to the school, and a financial statement showing the condition of all funds appropriated for the use of the school, also the money expended and the purposes for which the same were expended in detail, shall be laid before the Legislative Assembly.

§ 8. DISCIPLINE.] The superintendent with such subordinate officers as the trustees may appoint shall have the charge and custody of the boys and girls. He shall discipline, govern, instruct, employ and use his best endeavors to reform the inmates in such a manner as, while preserving their health, will secure the promotion as far as possible of moral and industrious habits, and regular, thorough progress in their studies, trades and employment.

§ 9. BOND OF SUPERINTENDENT—DUTIES OF SUPERINTENDENT.] He shall, before entering upon his duties, give a bond to the State of North Dakota with sureties for the amount, such sureties to be satisfactory to the board of trustees, conditioned that he will faithfully perform all his duties, and account for all money received by him as superintendent, which bond shall be filed in the office of Secretary of State. He shall have charge of all the property of the institution within the precincts thereof; he shall keep in suitable books complete accounts of all his receipts and expenditures, and of all property entrusted to him, showing the income and expenses of the institution in such manner as the trustees may require. His books and documents relating to the school shall at all times be open to the inspection of the trustees, who shall keep a register containing the name, age and circumstances connected with the early history of each boy and girl, and shall add such facts as may come to his knowledge relating to his or her history while at the institution and after leaving it.

§ 10. WHO MAY BE SENT TO REFORM SCHOOL BY COURT OF RECORD.] When a boy or girl under the age of 18 years shall in any court of record be found guilty of any crime excepting murder, the said court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered that said boy or girl be sent to the State Reform School pursuant to the provisions of this act, and a copy of said order duly certified by the clerk under the seal of said court, shall be sufficient warrant for carrying said boy or girl to the school and for his or her commitment to the custody of the superintendent thereof.

§ 11. WHEN CONVICTED BEFORE JUSTICE OF THE PEACE.] When a boy or girl under the age of eighteen shall be convicted before a justice of the peace or other inferior courts, of any crime or of being a disorderly person, it shall be lawful for the magistrate before whom he or she may be convicted, to forthwith send such boy or girl, together with all the papers filed in his office on the subject, under

the control of some officer to a judge of a court of record, who shall then issue an order to the parent or guardian of said boy or girl, or such person as may have him or her in charge, or with whom he or she has last resided, or one known to be nearly related to him or her, or if he or she be alone or friendless, then to such person as the said judge may appoint to act as guardian for the purposes of the case, requiring him to appear at a time and place stated in said order, to show cause why said boy or girl should not be committed to the Reform School for reformation and instruction.

§ 12. ORDER ON PARENT OR GUARDIAN TO BE SERVED BY SHERIFF.] Said order shall be served by the sheriff or other officer by delivering a copy thereof personally to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediate return shall be made to the said judge of the manner and time of said service; the fees of the sheriff or other officer under this act shall be the same as now allowed by law for like services.

§ 13. APPEARANCE AND HEARING—WHEN COURT MAY COMMIT.] At the time and place mentioned in said order or at the time and place to which it may be adjourned, if the parent or guardian to whom the order may be addressed shall appear, then in his or her presence or if he or she shall fail to appear, then in the presence of some suitable person, whom the said judge shall appoint as guardian for the purposes of the case it shall be lawful for said judge to proceed to take the voluntary testimony of said boy or girl and to hear the statements of the party appearing for him or her, and such testimony in relation to the case as may be produced, and if upon such examination and hearing the said judge shall be satisfied that the said boy or girl is a fit subject for the State Reform School, he may commit him or her to said school by warrant.

§ 14. WHAT JUDGE SHALL CERTIFY IN WARRANT, ETC.] The said judge shall certify in the warrant the place in which the boy or girl resided at the time of his or her arrest; also his or her age as near as can be ascertained, and command the said officer to take the said boy or girl and deliver him or her without delay to the superintendent of said school or other person in charge thereof at the place where the same is established, and such certificate for the purposes of this act shall be conclusive evidence of his or her age. Accompanying this warrant the judge shall transmit to the superintendent by the officer executing it a statement of the nature of the complaint, together with such other particulars concerning the boy or girl that the judge is able to ascertain.

§ 15. WHEN BOY OR GIRL TO BE REMANDED.] If the judge is of the opinion that the boy or girl is not a fit subject for the school, or if said boy or girl shall appeal from the decision of the court in which the conviction was had he shall remand him or her to the custody of the officer in charge to be returned to the magis-

trate before whom the conviction was had to be dealt with according to law.

§ 16. COMPLAINT BY PARENT OR GUARDIAN—WHEN JUDGE MAY COMMIT.] If any parent or guardian shall make complaint to a judge of a court of record that any boy or girl, the child or ward of said parent or guardian is habitually vagrant, or disorderly, or incorrigible it shall be lawful for said judge to issue a warrant to have the sheriff or constable to cause said boy or girl to be brought before him at such time and place as he may appoint, when and where said judge shall examine the parties and if in his judgment the said boy or girl is a fit subject for the reform school, he may issue an order with the consent of said parent or guardian endorsed thereon, to be executed by the sheriff or constable committing said boy or girl to the custody of the superintendent of said school, for reformation and instruction till he shall attain the age of majority; *Provided*, That security for the payment of the expenses of said complaint, commitment, and carrying such boy or girl to the reform school and the expenses of board at such school, may, in the discretion of said judge be required of said parent or guardian.

§ 17. TERM OF COMMITMENT—DISCHARGE FOR GOOD CONDUCT.] No boy or girl shall be committed to said reform school for a longer term than until he or she attain the age of majority; the said trustees by their order may at any time after one year's service discharge a boy or girl from said school as a reward of good conduct in the school, and upon satisfactory evidence of reformation.

§ 18. INCORRIGIBLES MAY BE RETURNED TO COUNTY FROM WHENCE COMMITTED.] If any boy or girl convicted of a felony committed to the reform school shall prove unruly or incorrigible, or if his or her presence shall be manifestly or persistently dangerous to the welfare of the school, the trustees shall have power to order his or her removal to the county from which he or she came and delivered to the jailer of said county, and proceedings against him or her shall be resumed as if no warrant or order committing him or her to the reform school had been made.

§ 19. PENALTY FOR AIDING INMATES TO ESCAPE.] Every person who unlawfully aids or assists any boy or girl lawfully committed to the reform school in escaping or attempting to escape therefrom, or knowingly conceals such boy or girl after his or her escape, shall be punished by a fine not exceeding \$1,000, and imprisonment in the penitentiary not more than two years.

§ 20. APPROPRIATION.] The forty thousand acres of land donated by Congress for the purpose of such school and appropriated by the Constitution of this State therefor, and all monies received from the interest and income derived from the sales of such lands or rents derived from the leasing of such lands, are hereby appropriated for the construction and maintenance of said school.

§ 21. COMPENSATION OF BOARD CONDITIONAL.] Until such time

as the Legislative Assembly of the State of North Dakota shall make an appropriation for the construction and maintenance of such school, or until there shall be derived from the interest of the proceeds of the sale or rent for the leasing of the 40,000 acres appropriated for this school, sufficient funds to construct and maintain such school, or until there shall be donated to said school the sum of \$5,000 the trustees appointed under this act shall receive no compensation whatever, nor shall they issue their warrant upon the State Treasury for any purpose whatever.

§ 22. All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 16, 1890.

CHAPTER 165.

[H. F. 305.]

SOLDIER'S HOME AT LISBON.

AN ACT for the Establishment, Government and Maintenance of a Soldier's Home.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LOCATION.] That there be and is hereby created, located and established a Soldier's Home in the city of Lisbon, in the county of Ransom and State of North Dakota.

§ 2. OBJECTS OF SOLDIER'S HOME—WHO MAY BE ADMITTED.] The object of the Soldier's Home shall be to provide a home and subsistence for all honorably discharged soldiers, sailors and marines who have served in the army or navy of the United States, and who are disabled by disease, wounds, old age or otherwise; *Provided*, That no applicant shall be admitted to said home who has not been a resident of this State or the Territory of Dakota at least one year next preceding his application for admission therein, unless he served in a Dakota regiment or company, or was accredited to the territory of Dakota.

§ 3. GRANTED LANDS AND FUNDS PLEDGED.] All lands granted or hereafter to be granted by the United States or by the State of North Dakota or by the Constitution of the State, set apart for the support of a Soldier's Home at the city of Lisbon, in the county of Ransom in the State of North Dakota, and all the proceeds from sales thereof, are hereby pledged as a perpetual fund for the use and benefit of said Soldier's Home as herein provided.

§ 4. MANAGEMENT.] The government and management of said Soldiers' Home, until otherwise provided, is hereby vested in a board of commissioners to be known as the Board of Commissioners of the Soldiers' Home.

§ 5. BOARD OF COMMISSIONERS, HOW APPOINTED.]. The general supervision and government of the Soldiers' Home shall be vested in a board of five commissioners, who shall be selected by the Governor, by and with the consent of the Senate of the State of North Dakota; no two shall be from the same county. The members of said board shall hold their respective offices for the term of two years, except the chairman of said board, who shall only hold his office for one year; *Provided*, That when not otherwise incompetent in the opinion of the Governor, he shall appoint as the chairman of said board of commissioners the commander or chief officer of that organization known as the "Grand Army of the Republic," and the appointment of such chairman shall be made each year immediately after his election by said organization without the advice or consent of the Senate.

§ 6. OATH—BOND—PLANS AND SPECIFICATIONS.]. Before entering upon the duties of their office, each member of the said board of commissioners shall take and subscribe an oath, as follows: "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of North Dakota and will faithfully discharge the duties of board of commissioners of the Dakota Soldier's Home, according to the best of my ability; that I have not received and will not knowingly and intentionally, directly or indirectly, receive any money or other consideration from any source whatever, for any vote or influence I may give or withhold, or for any other official act I may perform as such commissioner, except as herein provided," and also execute a bond in the penal sum of \$3,000 for the use and benefit of the State of North Dakota, with two or more good and sufficient sureties, to be approved by the Governor, and be filed with the Secretary of the State, conditional upon the faithful performance of his duties, and the honest and faithful disbursement of and accounting for all monies which may come into his hands under the provisions of this act. The said board, having taken the foregoing oath and executed the bond as aforesaid, is hereby empowered and required to cause to be prepared suitable plans and specifications by a competent architect, such plans shall contemplate the erection of a building or buildings, which shall accommodate not less than 100, nor more than 300 inmates, and shall be accompanied by specifications and by a detailed estimate of the amount required and description of all material and labor required for the entire and full completion of the buildings, and no plan shall be adopted that contemplates the expenditure of more money for its completion than the amount reasonably necessary to carry out the objects of said institution.

§ 7. SUPERINTENDENT OF CONSTRUCTION.] That the said board of commissioners shall employ the architect whose plans and specifications are accepted, to act as a superintendent of construction, who shall receive for such plans and specifications and for superintending construction, such pay as the board shall by agreement determine, which pay shall not exceed an amount equal to 5 per cent. of the estimated cost of said buildings.

§ 8. PROPOSALS.] Whenever the said plans and specifications shall have been approved and adopted by a majority of the board, the commissioners shall cause to be inserted in at least two of the daily newspapers published in the State of North Dakota, and having a general circulation therein, an advertisement for sealed bids for the construction of the buildings herein authorized, and they shall furnish a printed copy of this act and of the plans and specifications to all persons applying therefor; *Provided*, Said commissioners may advertise as aforesaid whenever there shall be a sufficient amount of money to the credit of said Soldier's Home with which to construct all or any part thereof, deemed expedient by said commissioners to erect or construct; *Provided, further*, That before the bids aforesaid shall be advertised for, there shall be secured to the State of North Dakota fee simple title to sufficient and suitable grounds on which to establish said Home.

§ 9. BOARD NOT TO BE INTERESTED IN ANY CONTRACTS.] No commissioner or officer of said Soldier's Home shall be in any way interested in any contract for the erection of said buildings, or furnishing any material for said buildings and if any such officer be so interested, he shall be deemed guilty of a misdemeanor, and on conviction be fined in any sum not exceeding \$5,000.

§ 10. SECRETARY—MEETINGS—ANNUAL REPORTS.] It shall be the duty of the board of commissioners to meet annually, the first Tuesday in June of each year, and at such annual meeting they shall elect a secretary, whose compensation shall be determined by the board, and who shall hold his office for one year or until his successor shall be elected and qualified. The board of commissioners shall have four regular meetings in each year and not to exceed two special meetings, and shall have a right to adopt a seal and make rules and regulations not inconsistent with the Constitution of the United States, the Constitution or laws of the State of North Dakota, for the management and government of said Soldiers' Home, including such rules as they shall deem necessary for the preservation of order, enforcing discipline and preserving the health of its inmates. The board of commissioners shall make full and minute reports of the disbursements of the Home and its condition, financial and otherwise, to the Governor of this State, annually, and to each regular session of the General Assembly.

§ 11. COMMANDANT, QUALIFICATION OF — COMPENSATION OF SUBORDINATE OFFICERS.] The board of commissioners shall have the power and it shall be their duty to appoint a commandant for

said Home who shall serve during the pleasure of said board and who shall be one who was honorably discharged from the military or naval service of the United States, who served in the war of the rebellion of 1861 and 1865, whose salary shall not exceed \$1,200 per annum, and who shall nominate, for the approval of the board, all necessary subordinate officers, who shall all be persons either honorably discharged from the service of the United States or widows of honorably discharged soldiers, who may be removed by said commandant for inefficiency or misconduct, but in case of removal he must make a detailed statement of the cause of such removal to the commissioners, and the board shall have the power to reinstate such persons. The compensation of the subordinate officers shall be fixed by the board; *Provided*, None of the foregoing officers shall be chosen until said Home is in condition to receive inmates.

§ 12. FUNDS, HOW RAISED—RESTRICTIONS.] To provide temporarily for the erection and maintenance of said Soldier's Home, the said board of commissioners may receive such sum or sums of money as can be actually used in the construction of permanent buildings, procuring of ground whereon to build the same, and other needed and necessary improvements to be made and expense incurred in connection therewith, not exceeding the sum of \$10,000, and to each person, association, organization or corporation so subscribing and advancing money as aforesaid, the said board of directors shall issue a certificate stating the date of issue and the amount of such subscription, which said certificate shall bear interest at a rate of interest not exceeding 6 per cent. per annum, and shall be made payable from the funds to accumulate in the interest and income fund arising from interest on permanent fund or from rents received for any land set apart for said Home, or from any appropriation that may hereafter be made for that purpose; *Provided*, That until a sufficient amount of money accumulates in the fund provided for that purpose, with which to pay said certificates, the holders thereof shall each be paid a *pro rata* share of all monies to be paid out on said indebtedness; *Provided, further*, That no part of any appropriation hereinafter to be made from the funds of the State of North Dakota, unless specifically appropriated for that purpose, shall ever be used in payment of said indebtedness or any part thereof.

§ 13. FUNDS, HOW KEPT.] All money that may arise from the interest received on all money derived from the sale of lands hereinbefore or that may hereafter be appropriated for said Home, including all money that may be received from the renting of said land, and all monies that may be hereafter appropriated for said Home by the State of North Dakota, including all money raised in any other manner or donated to said Home, shall be deposited with the State Treasurer, to be by him kept in a separate fund, which shall be known as the Soldier's Home Fund, and be used

exclusively for the benefit of said Home as may be herein or hereafter provided.

§ 14. MAJORITY OF BOARD TO APPROVE CONTRACT, ETC.] Every duty and contract to be performed by said commissioners must receive the approval of the majority of the board in regular session duly called in order to make binding and valid. That all proceedings of said board shall be recorded in a book kept for that purpose, and open to the inspection of anybody on request.

§ 15. ACCOUNTS, HOW AUDITED AND PAID.] All money that may come into the Treasury of the State of North Dakota and credited to the Soldier's Home Fund shall be paid out to the parties entitled thereto and the State Auditor is hereby directed to draw his warrant on the fund in the hands of the State Treasurer belonging to said Home upon the written order of the said board of commissioners, which order shall be accompanied by itemized vouchers for the full amount of such order; *Provided*, No such order shall be issued until there is cash in the treasury with which to pay the same.

§ 16. COMMISSIONERS ENTITLED TO ACTUAL EXPENSES ONLY.] The commissioners provided for in this act shall receive no compensation and shall be entitled only to their actual and necessary expenses while performing duties as such commissioners.

§ 17. EMERGENCY.] There being no law authorizing the building of a Soldier's Home and in order to at once select a proper site for the same and receive donations to pay for the same, therefore this act shall take effect and be in force immediately from and after its passage and approval.

Approved March 14, 1890.

STATE LIBRARY.

CHAPTER 166.

[S. F. 216.]

APPROPRIATION FOR STATE LIBRARY.

AN ACT to Provide for the Purchase of Books for the State Library and for the Care and Custody of the same.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION—SECRETARY TO PURCHASE BOOKS.] That the sum of \$4,500 for the year 1890, and \$1,000 annually thereafter is hereby appropriated out of the State Treasury, to be ex-