

§ 6. MISDEMEANOR.] Any person selling, secreting or disposing of property covered by said lien without the written consent of the owner of said lien is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not to exceed thirty days or by both such fine and imprisonment.

§ 7. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 8. EFFECT WHEN.] This act shall take effect from and after its passage.

NOTE BY THE SECRETARY OF THE TERRITORY.

The foregoing act having been presented to the Governor for his approval, and not having been returned to the House of Representatives, the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

M. L. MCCORMACK,
Secretary of the Territory.

PUBLIC INSTITUTIONS.

CHAPTER 89

INVESTIGATION YANKTON HOSPITAL.

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

§ 1. JOINT COMMITTEE.] That a joint committee consisting of two members of the Council and three members of the House be appointed by the President of the Council and Speaker of the House respectively, to investigate the condition of the Territorial Hospital for the Insane at Yankton, Dakota. It shall be the duty of said committee to make a thorough investigation of the buildings of said institution and of the character and nature of the work done on the recent extensions of said building and of all defects therein, and of the responsibility for the same. The said joint committee shall also make a thorough investigation of the management and conduct of the affairs of said hospital.

§ 2. POWERS.] Said committee shall have power to employ at a reasonable compensation such expert and professional services including clerical and stenographic services as may be necessary; and shall [have] power to send for persons and papers and take all necessary testimony. The officers of said hospital shall afford the said committee full access to said hospital and all the records thereof, and furnish them all needed facilities in their power for such examination.

§ 3. REPORT.] Said committee shall make a full report of all their proceedings including all testimony taken and expenses incurred to the Legislative Assembly on or before the first day of March, 1889. The expenses of said committee shall be paid by the Territorial Treasurer upon a warrant drawn upon him by the Territorial Auditor who shall issue the same upon a certificate signed by the President of the Council and the Speaker of the House of Representatives certifying to the correctness of the expenses incurred under this act.

§ 4. EFFECT WHEN.] This act shall take effect immediately.

I hereby certify that on the 23th day of January, A. D. 1889, this act was returned to the Council the House in which originated, without the approval of his Excellency, Governor Louis K. Church, and with his objections to this bill in writing. That said objections were entered at length on the Journal of the Council. That the Council considered the bill and the question put by the President. "Shall the bill pass, the objections of the Governor to the contrary notwithstanding," and the bill did pass, more than two-thirds of the Council voting in the affirmative.

Attest: R. E. WALLACE,
Chief Clerk.

SMITH STIMMEL,
President of the Council.

HOUSE OF REPRESENTATIVES,
BISMARCK, January 28, 1889 }

I hereby certify that the within bill was received from the Council together with the message of the Governor vetoing the same on January 28, A. D. 1889, and that the House considered the bill and duly passed the same, the objections of the Governor to the contrary notwithstanding, more than two-thirds of the members of the House voting in the affirmative.

Attest: JNO. G. HAMILTON,
Chief Clerk.

H. H. KEITH,
Speaker of the House.

CHAPTER 90.

INVESTIGATION OF JAMESTOWN INSANE HOSPITAL.

JOINT RESOLUTION For the Investigation of the Management and Condition of the North Dakota Hospital for the Insane at Jamestown.

Be it Resolved by the House of Representatives, the Council Concurring:

§ 1. JOINT COMMITTEE.] That a joint committee of five, consisting of three members of the House and two members of the Council be appointed by the presiding officers of the respective bodies for the purpose of investigating into the condition [of] affairs and management of the North Dakota hospital for the insane at Jamestown, including the method pursued in the treatment of the inmates of said hospital.

§ 2. SESSIONS.] Said committee shall hold its sessions in the

cities of Bismarck and Jamestown at such times and places as it may determine and shall have full power to issue subpoenas, which subpoenas shall be issued in the name of the Territory of Dakota, signed by the chairman of said committee and directed to any sheriff of the Territory of Dakota to compel the attendance of witnesses from any part of said Territory of Dakota upon the sessions of said committee and to compel the production by the witnesses so subpoenaed of any and all papers and documentary evidence in their possession or under their control which said committee may desire to have produced in the examination hereby authorized.

§ 3. APPEARANCE.] Any person or persons shall have the right to appear before said committee, either in person or by counsel, for the purpose of examining or cross-examining the witnesses produced before said committee and shall also have the right to be heard in person or by counsel upon any matter pertaining to said investigation.

§ 4. REPORT.] The committee to be appointed under and in pursuance of this resolution shall render a full report of their transactions and investigations to the legislative assembly of the Territory of Dakota within fifteen days from the date of their appointment.

§ 5. EXPENSES.] All the expenses attending the work of the committee provided for by this resolution, including the lawful fees of the witnesses and the fees of the officers subpoenaing the same, shall be audited and paid out of the Territorial treasury upon presentation to the Territorial Treasurer by the person or persons entitled to compensation or their authorized attorney of an itemized account of the amount claimed, certified to as correct by a majority of said committee.

NOTE BY THE SECRETARY OF THE TERRITORY.

The foregoing Act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly, in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

M. L. McCORMACK,
Secretary of the Territory.

CHAPTER 91.

EXTENSION OF TIME.

JOINT RESOLUTION Providing for an Extension of Time in which the Joint Committee to Investigate the Affairs of the Jamestown Insane Asylum May Report.

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

That the time in which the Joint Committee to investigate the affairs of the Jamestown Insane Asylum shall report to their respective Houses, be and the same is hereby extended for a period of ten days.

CHAPTER 92.

VOUCHERS OF CERTAIN INSTITUTIONS.

AN ACT to Authorize the Territorial Auditor to Audit Certain Vouchers of the Dakota School of Mines, University of Dakota, and Agricultural College.

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

§ 1. **AUDIT OF VOUCHERS.]** The Territorial Auditor is hereby authorized and it is made his duty to audit vouchers issued by the board of trustees of the Dakota School of Mines and the board of directors of the University of Dakota and Dakota Agricultural college, that are drawn against any unexpended balance now standing to their credit and issue warrants on the Territorial Treasurer therefor, said vouchers to be issued to cover deficiencies in the various funds of the said institutions.

§ 2. **IN EFFECT—WHEN.]** This act shall take effect and be in force from and after its passage and approval.

COUNCIL CHAMBER,

BISMARCK, D. T., February 19, 1889. }

I hereby certify that the within act, together with the objections of his Excellency, Governor Louis K. Church, was returned to the council, the house in which it originated, on the 16th day of February, 1889. That the objections of the Governor were read at length and entered upon the Journal; that thereupon the said act was laid over for consideration until February 18th, 1889, 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 present and voting, voting in the affirmative.

Attest: R. E. WALLACE,
Chief Clerk.

SMITH STIMMEL,
President of the Council.

HOUSE OF REPRESENTATIVES,
BISMARCK, D. T., February 19, 1889. }

I hereby certify that the within act, together with the objections of his Excellency, Governor Louis K. Church, was received by the house on the 18th day of February, 1889; That the objections of the Governor were read at length and entered upon the Journal; That thereupon 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 present and voting, voting in the affirmative.

Attest: JNO. G. HAMILTON,
Chief Clerk.

H. H. KEITH,
Speaker of the House.

CHAPTER 93.

TRUSTEES OF INSTITUTIONS.

AN ACT to Provide for the Appointment of Trustees for the Several Public Institutions of the Territory of Dakota, and to Define Their Terms of Office, Duties and Compensation.

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

§ 1. BOARD OF TRUSTEES.] Each of the following named institutions shall be governed by a board of trustees to consist of five members to-wit:

- The Dakota Hospital for the Insane.
- The North Dakota Hospital for the Insane.
- The Penitentiary of the Territory of Dakota.
- The Penitentiary at Bismarck.
- The Dakota School for Deaf Mutes.
- The School of Mines.
- The Normal School at Madison.
- The Normal School at Spearfish.
- The Agricultural College of Dakota.
- The University of Dakota.
- The University of North Dakota.

And the Governor shall nominate, and by and with the advice and consent of the Council, shall appoint, at this session of the Legislative Assembly, five trustees for each of said institutions, two of whom shall hold their office for the period of two years and three for the period of four years, and until their successors are appointed and qualified, except to fill vacancies, which appointments shall be made by the Governor and shall extend only to the end of the next session of the Legislative Assembly, during which session the Governor shall nominate and by and with the advice and consent of the Council appoint some person to fill the said vacancy for the remainder of the term then unexpired. And the Governor at each session of the Legislature hereafter shall appoint the trustees for each of said institutions as in this act provided, and each of said trustees shall before entering

upon the duties of his office, take and subscribe the oath of office prescribed by law. *Provided*, that not more than two trustees of the same board shall be appointed from the same county in which the public institution is located.

§ 2. POWERS AND DUTIES.] The trustees appointed under the provisions of this act, shall possess the powers and perform the duties now provided by law for the trustees, directors, members of the board of education or regents, respectively of the several institutions specified in section 1 of this act, except as hereinafter provided.

§ 3. SESSIONS LIMITED.] The said board shall not hold more than twelve sessions in any year and said sessions shall not exceed twenty-four (24) days in the aggregate, except that the Governor may in his discretion, authorize additional sessions.

§ 4. COMPENSATION.] The said trustees shall be entitled to receive the sum of three (\$3) dollars per day for each day employed in attendance upon said sessions, and all travelling expenses necessarily incurred therein. Upon the presentation of the proper vouchers containing an itemized statement of the number [of] days of attendance and money actually expended, as above specified, duly verified by the oath of the trustee and certified by the president or secretary of the board; the Territorial Auditor shall audit said claim and draw his warrant upon the Treasurer for the amount allowed to be paid out of the Territorial Treasury.

§ 5. TERM SAVED.] Nothing in this act shall be so construed as to limit the term of office of any trustee, member of the board of education, directors or regents, who has heretofore been appointed for a definite term.

§ 6. EFFECT WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 7th, 1889.

CHAPTER 94.

RIGHT OF WAY THROUGH GROUNDS.

AN ACT, Giving the Right of Way Through the Penitentiary Grounds of the Sioux Falls Penitentiary, at Sioux Falls, Dakota Territory, for Drainage Purposes.

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

§ 1. RIGHT OF WAY.] That any person or persons, natural or corporate, or the municipality of Sioux Falls, Dakota Territory, who may desire to take advantage of this act is hereby granted the right of way without giving any compensation to the Territory of Dakota therefor, through and along the east and north side of the

lands belonging to the Territory of Dakota upon which the Sioux Falls penitentiary is located, to-wit; upon section nine (9), township one hundred and one (101), range forty-nine (49), for the purpose of constructing a drain or ditch with the intention of draining or sewer-ing any lands adjacent thereto or in the vicinity thereof.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved March 8, 1889.

PUBLIC PRINTING.

CHAPTER 95.

PRINTING OF BILLS, ETC.

JOINT RESOLUTION, Providing for Certain Public Printing and Making Appropriation for the Same.

Be it Resolved by the Council and House of Representatives of the Territory of Dakota.

That the Secretary of the Territory is hereby authorized to procure from the public printer at a rate not exceeding that established by the government and paid by him for similar work, the printing of all bills, resolutions and memorials, one hundred and fifty copies of all bills, joint resolutions and memorials and three hundred and fifty copies daily of the Legislative Journals of the Council and House of Representatives, payment for which has not been otherwise provided for, two hundred and fifty of said Journals to be bound at the end of the session and copies furnished the members of the Legislature, the various Territorial officials and the President of the United States, President of the Senate and to the Speaker of the House of Representatives for the use of Congress as provided by law. Upon presentation to the Territorial Auditor of a properly verified account for printing done under the provisions of this resolution, such account having been approved in writing by the Secretary of the Territory, the auditor shall draw his warrant on the Territorial Treasurer for the amount of said bill or bills and there is