

INDUSTRIAL SCHOOL.

CHAPTER 89.

[S. B. 144.]

RELATING TO INDUSTRIAL SCHOOL.

AN ACT to Provide for the Erection, Operation and Management of the Industrial School of the State of North Dakota, and to Repeal Sections 974 to 983 Inclusive, of the Revised Codes of North Dakota, Relating to Industrial Schools.

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

§ 1. LOCATION OF SCHOOL.] The industrial school as established and located at the City of Ellendale, Dickey county, North Dakota, shall continue to be an industrial school and a school for manual training.

§ 2. OBJECT OF SCHOOL.] The object of such industrial school to be instruction in the comprehensive way in wood and iron work and the various other branches of manual training; and in cooking, sewing, modeling, art work and the various other branches of domestic economy as a co-ordinate branch of education together with mathematics, drawing and other necessary common school studies.

§ 3. ENDOWMENT.] All proceeds accumulating in the interest and income fund arising from the sale or leasing of all lands granted or hereafter to be granted by the State of North Dakota or by the constitution of the State of North Dakota for the said industrial school, are hereby pledged for the establishment and maintenance of said industrial school.

§ 4. MANAGEMENT.] The management and government of such school shall be vested in a board of trustees, consisting of five members, two of whom shall be residents of Dickey county, to be known as the board of trustees of the industrial school, and to be appointed as provided in the next section.

§ 5. TRUSTEE—HOW APPOINTED.] The members of the 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 in February of each biennial session of the legislative assembly, for a period of four years from said date; *Provided, however*, that the first board of trustees shall be appointed by the Governor at once upon the taking effect of this act, and *Provided, further*, that the term of the first board shall be, three members for a period of four years and two members for a period of two years.

The length of the term of the respective trustees to be designated by the Governor in making the appointments, such appointments shall be made by and with the consent of the senate, when the legislative assembly is 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 which may occur in said board 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 herein.

§ 6. MEETINGS OF BOARD—ORGANIZATION—QUORUM.] The board shall hold its meeting at the City of Ellendale, in Dickey county, and fix the time for holding the same. They shall not hold to exceed six regular meetings each year, *provided*, that the president of the board shall have power to call special meetings, whenever in his judgment it becomes necessary. At their first meeting they shall proceed to elect a president and a secretary, but the secretary need not be a member of the board of trustees, and at said meeting they shall adopt a seal for said state industrial school. A majority of the board shall be a quorum.

§ 7. COMPENSATION.] Each trustee and the secretary shall receive three dollars per day for each day necessarily employed in attendance upon sessions of the board, and five cents per mile for each mile necessarily traveled, to be paid on presentation of proper vouchers containing an itemized statement of the number of days in attendance and miles actually traveled as above provided, duly verified by his oath and approved by the president and secretary of the board, and the State Auditor shall audit such claims and draw his warrants upon the State Treasurer for the amount so allowed.

§ 8. OATH—BOND—PLANS AND SPECIFICATIONS.] Before entering upon the duties of their office each member of said board of trustees 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 trustees of the state industrial school 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 my vote or influence, I may give or withhold or for any other official act I may perform as such trustee, except as herein provided. Also execute a bond in the penal sum of three thousand (\$3,000) dollars, 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 fore-

going 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 will accommodate not less than 100 or more than 500 students, 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 erection and full completion of the building or buildings; and no plans shall be adopted that contemplates the expenditure of more money for its completion than the amount reasonably necessary to carry on the object of said institution.

§ 9. SUPERINTENDENT OF CONSTRUCTION.] That the said board of trustees shall employ the architect whose plans and specifications are accepted, to act as superintendent of construction, who shall receive for such plans and specifications and for superintending construction such pay as the board by agreement shall determine. Which pay shall not exceed an amount equal to five per cent of the estimate cost of said building.

§ 10. PROPOSALS.] Whenever the said plans and specifications shall have been approved and adopted by a majority of the board of trustees and they 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 a copy of the plans and specifications to any person or persons applying therefor, provided said trustees may advertise as aforesaid whenever there shall be a sufficient amount of money to the credit of said industrial school with which to construct all or any part thereof deemed expedient by said trustees to erect or construct; *Provided, further,* that said building or buildings shall be erected on the piece or parcel of land at or near the City of Ellendale, in Dickey county, donated by the citizens of said city, and now held in fee simple by the State of North Dakota.

§ 11. BOARD NOT TO BE INTERESTED IN ANY CONTRACT.] No trustees or officers of said industrial school shall be in any way interested in any contract for the erection of said building or 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 five thousand (\$5,000) dollars.

§ 12. BONDS—INTEREST ON SAME.] To provide for the erection and maintenance of said state industrial school the said board of trustees may issue bonds for such sum or sums of money as can be actually used in the construction of permanent buildings and other needed and necessary improvements to be made for the maintenance of said state industrial school not exceeding the sum of fifteen thousand (\$15,000) dollars; said bonds shall be in denominations of one thousand dollars each (\$1,000), and be made

payable to the purchaser or bearer, be payable in not less than ten years or more than thirty years from the date of their issue and bear interest at a rate not exceeding five per cent per annum, payable semi-annually on the first of January and July of each year, with coupons attached for each interest payment, and they may be made payable anywhere in the United States. Such bonds shall be executed under the seal of the board of trustees of the state industrial school, shall be attested by the president and secretary of said board, and when executed shall be delivered to the State Treasurer. The treasurer shall receive sealed proposals for the purchase of the same and shall give public notice of the sale for at least thirty days preceding such sale in two or more newspapers in general circulation, one of which shall be published in the city of New York, giving date of such sale, and such bonds shall be sold to the highest bidder for cash. Said bonds and interest shall be paid from the interest and income fund belonging to the state industrial school, to be accumulated from the sale of lands hereinbefore appropriated, or from the rental of such lands; *Provided*, that if at any time there shall not be sufficient money in such fund to pay such interest, there is hereby appropriated out of the state treasury from funds not otherwise appropriated, a sum sufficient to meet the deficiency for the payment of such interest; *Provided further*, that a sufficient amount of the funds accumulating in the interest and income fund of the state industrial school shall be used and applied solely for the payment of the interest on such bonds, and for the creation of a sinking fund with which to pay such bonds at maturity.

§ 13. TREASURER TO KEEP FUNDS.] All monies that may accrue 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 legislative assembly 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 State Industrial School Fund; and such funds shall be used exclusively for the benefit of said school, as may be herein or hereinafter provided.

§ 14. ACCOUNTS—HOW AUDITED.] The board of trustees of the state industrial school 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 state industrial school, and the State Auditor shall issue his warrant upon the State Treasurer for the amount of all accounts which have been so audited and allowed by the board of trustees and attested by the president and secretary of said board.

§ 15. DUTIES OF BOARD AS TO FUNDS.] The board of trustees of the state industrial school shall direct the disposition of all monies appropriated, or that may hereafter be appropriated by the legislative assembly of the State of North Dakota, or may

hereafter accumulate in any manner in the State Industrial School Fund.

§ 16. THE BOARD TO RECEIVE DONATIONS.] The board shall have the power to receive all donations, gifts and bequests that may be offered or tendered to or for the benefit of such school, and dispose of the same. All monies coming into the hands of such board shall be immediately converted into the State treasury to the credit of the State Industrial School Fund.

§ 17. POWERS OF THE BOARD.] The board of trustees shall have power to employ a president and necessary teachers, instructors and assistants to conduct such school, and to prescribe their respective duties and to fix the salaries of such employes. They shall have power to remove the president, instructors and assistants and to fill all vacancies.

§ 18. FACULTY.] 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 school and all such rules and regulations as are necessary for the preservation of morals, decorum and health.

§ 19. FACULTY TO MAKE ANNUAL REPORT TO BOARD.] The faculty shall make an annual report to the board of trustees on or before the first Monday of November of each year showing the condition of the school and containing such recommendations as the welfare of the institution shall demand.

§ 20. BOARD TO MAKE BIENNIAL REPORTS TO THE GOVERNOR.] The board of trustees shall make a report to the Governor on or before the fifteenth day of November next preceding each biennial session of the legislative assembly, containing the several reports of the faculty herein provided for, and showing the condition of the funds appropriated for the school; the money expended and the purpose for which the same was expended in detail, and showing the number of students in attendance, the work accomplished by them, and the condition of the school in general.

§ 21. REPEAL.] Sections 974 to 983 inclusive, of the Revised Codes of North Dakota, are hereby repealed.

Approved March 12th, 1897.