

## BOARDS.

### CHAPTER 32.

[Sub. for S. B. 51.]

#### MILITARY BOARDS.

AN ACT Amending Sections 1392 and 1393, Revised Codes of North Dakota, Relating to State Military Boards.

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

§ 1. AMENDMENT.] Section 1392 and Section 1393, Revised Codes of North Dakota, 1899, are hereby amended to read as follows:

§ 1392. THE GOVERNOR TO CONTROL STATE ENCAMPMENT GROUND AND APPOINT MILITARY BOARD.] The governor as commander-in-chief, shall have full control of the state encampment grounds on Rock Island, Ramsey County, North Dakota, and may from time to time appoint an advisory board of three officers to manage the same under such rules and regulations as he may prescribe. Provided, that all moneys received from the sale of timber, stone or other material taken from the grounds shall be paid into the state treasury and be kept as a separate fund for the improvement of the property for military uses, and shall be paid out upon proper vouchers approved by the governor.

§ 1393. THE COMPENSATION OF THE MEMBERS OF THE BOARD.] The compensation of the members of such military board when in actual attendance at meeting of the board, shall be such as prescribed by law for field duty and their actual traveling expenses in going to and returning from the place of meeting.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that no account of money received from the sale of timber and material sold from the state encampment grounds is now kept by the state treasurer, and it is proper that all state funds shall be properly accounted for. Therefore this act shall be in force from and after its passage and approval.

Approved March 5, 1901.

## CHAPTER 33.

[S. B. 70.]

## CREATING STATE AUDITING BOARD.

AN ACT to Create a State Auditing Board for the State of North Dakota.

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

§ 1. TO CREATE STATE AUDITING BOARD.] The governor, state auditor and attorney general shall constitute a board to be known as the state auditing board. This board shall hold regular monthly meetings on the first day of every month and such other times as shall be deemed necessary, in the executive office at the seat of government. The state auditor shall act as secretary of the board and shall receive and file all claims presented to him for payment in the order in which presented, and bring them before the board at its next meeting.

§ 2. DUTIES.] It shall be the duty of this board to audit all claims which may come before it, and no warrant shall be drawn on the state treasury by the state auditor in payment of any claim except such as have been duly passed upon and approved by the state auditing board.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is now no law on the statute books providing for such a board, this act shall take effect and be in force from and after its passage and approval.

Approved February 8, 1901.

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CHAPTER 34.

[S. B. 68.]

## PROCEEDINGS OF BOARD OF PARDONS.

AN ACT Relating to the Board of Pardons and Prescribing the Powers and Duties Thereof.

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

§ 1. BOARD OF PARDONS.] The governor shall have power in conjunction with the board of pardons of which the governor shall be ex-officio a member, and the other members of which shall consist of the attorney general of the state of North Dakota, the chief justice of the supreme court of the state of North Dakota and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction for all

offenses except treason and cases of impeachment in the manner and under the conditions hereinafter prescribed, but not otherwise.

Upon conviction for treason the governor shall have the power to suspend the execution of sentence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence or grant further reprieve.

The governor shall communicate to the legislative assembly at each regular session each case of remission of fine, reprieve, commutation or pardon granted by the board of pardons, stating the name of the convict, the crime for which he is convicted, the sentence and its date and the date of the remission, commutation, pardon or reprieve, with their reasons for granting the same.

§ 2. PARDONS TO BE IN WRITING, UNLESS.] Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless the same was granted by an unanimous vote by said board convened as such.

A reprieve in a case where capital punishment has been imposed, may be granted by the governor, but for such time only as may be reasonably necessary to secure a meeting of said board of pardons for the consideration of an application for the pardon or commutation of the sentence of the person so reprieved. Said board may grant an absolute or a conditional pardon, and any conditional pardon shall state the terms and conditions on which it was granted.

Such board of pardons may issue its warrant under the seal of said board to any proper officers to carry into effect such pardon, which warrant shall be obeyed and executed instead of the sentence which was first originally pronounced.

§ 3. PARDON, COMMUTATION OR REPRIEVE—OFFICER TO MAKE RETURN OF.] Whenever any convict is pardoned by such board, or his punishment is commuted or a reprieve is granted, the officer to whom the warrant for that purpose is issued, after executing the same, shall make return thereof under his hand with his doings thereon, to the governor, as soon as may be, and he shall also file with the clerk of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract of which the clerk shall subjoin to the record of his conviction.

§ 4. BOARD—MEETINGS TO BE HELD. WHEN.] The board of pardons shall be convened by the governor within twenty days after the passage of this act, and shall hold at least two regular meetings in each calendar year; and may hold such other meetings as it shall deem expedient.

Such regular meetings shall be held on the second day of February and the second day of August of each year at executive office. All other meetings of the said board shall be held in the executive chamber at the state capitol, or in such other place as may be ordered by said board.

§ 5. APPLICATIONS. HOW MADE.] Every application for a par-

don, reprieve or commutation of sentence shall be in writing, addressed to the board of pardons, and shall be signed by the convict or some person in his behalf. It shall concisely state the grounds upon which the pardon, reprieve or commutation is sought, and in addition shall contain the following facts: 1. The name under which the convict was indicted, and every alias by which he has been known. 2. The date and terms of sentence and the name of the offense for which it was imposed. 3. The name of the trial judge and of the state's attorney who participated at the trial of the convict, together with that of the county in which he was tried. 4. A succinct statement of the evidence adduced at the trial with the endorsement of the judge or county attorney who tried the case, that the same is substantially correct. If such statement and endorsement are not furnished, the reason thereof shall be stated. 5. The age, birth place, parentage, occupation, residence during five years immediately preceding conviction, of convict. 6. A statement of other arrests, indictments and convictions, if any, of the convict. The board of pardons may adopt such other rules and regulations not inconsistent with the provisions of this act, as may appear to them proper and necessary to carry out the provisions thereof.

§ 6. All applications for pardons, reprieves or commutations of sentence shall be filed with the clerk of the board of pardons. The said clerk shall, immediately upon receipt of such application, mail notice thereof, and of the time and place of hearing thereof, to the judge of the court wherein the applicant was tried and sentenced, and to the state's attorney who prosecuted the applicant, or his successor in office, provided that a reprieve in capital cases may be granted as provided in section two (2) without such notice, and provided further the pardons or commutations of sentence of persons committed to a county jail or to a workhouse may be granted by said board without notice.

§ 7. CLERK OF BOARD.] The governor's private secretary, or in his absence the executive clerk, shall be and act as the clerk of the board of pardons and shall perform the duties herein required of such clerk, and such other duties as may be prescribed by said board of pardons without other or further compensation. The board shall be supplied by the secretary of state with such books, blanks and stationary as shall be necessary. Said board shall preserve a record of every petition received for a pardon, reprieve or commutation of sentence, and of every pardon, reprieve or commutation of sentence granted or refused and the reasons assigned therefor. The clerk shall keep such records and perform such duties in relation thereto as shall be prescribed by the board, and all such records and files shall be kept and preserved in the office of the governor at the state capitol, and shall be open to the inspection of the public at all reasonable times.

§ 8. The board of pardons shall supply itself with a seal, with which every pardon, reprieve or commutation of sentence shall be attested. It may issue process requiring the presence of any person be-

lore it, or the presence of any officer before it, with or without books and papers, in the matter pending before said board, and may take whatever reasonable steps in such matter as it may deem necessary to a proper determination thereof. Whenever a person is summoned before the board by its authority he may be allowed such compensation for travel and attendance as the board, in its discretion, may deem reasonable.

§ 9. APPROPRIATION. COMPENSATION OF MEMBERS OF BOARD. The sum of six hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated, for the purpose of carrying out and enforcing the provisions of this act. The two qualified electors to be appointed on the board shall receive as compensation five dollars per diem while necessarily employed in attendance upon the sessions of the board and all traveling expenses necessarily incurred therein to be paid as provided by law for the payment of trustees under section 8521, Revised Codes of 1899.

§ 10. POWER.] The board of pardons is hereby empowered to restore to citizenship any person convicted of any offense committed against the state, upon cause being shown, either after the execution or expiration of sentence or at any other time.

§ 11. REPEAL.] That sections 8431, 8432, 8433, 8434, 8435, 8436, 8437, 8438, 8439, 8440 and 8441 of the Revised Codes of 1899 be and the same are hereby repealed.

§ 12. All acts and parts of acts in conflict with this act are hereby repealed.

§ 13. EMERGENCY.] Whereas an emergency exists in that there is no provision of the law now existing providing for the pardon of any person or persons convicted of crimes in this state, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1901.

## CHAPTER 35.

[H. B. 214.]

### MEETINGS AND COMPENSATION OF NORMAL SCHOOL BOARDS.

AN ACT to Amend Section 911 of the Revised Codes, Relating to the Meetings and Compensation of the Members of the Board of Trustees and the Boards of Management of the Normal Schools.

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

§ 1. AMENDMENT.] That section 911 of the Revised Codes be amended so as to read as follows:

§ 911. MEETINGS. COMPENSATION.] The board of trustees shall meet at Valley City and at Mayville, or at the seat of government, at

such time each year as may be decided upon by the board. The members of the board shall receive the sum of three dollars per day for each day employed in attendance upon sessions of the board of trustees, or the board of management, and their actual and necessary expenses in attending meetings of the respective boards, or in other duties connected therewith, which expenses shall be paid out of the state treasury upon the vouchers of the respective boards in the manner provided by law. The board of trustees shall not be in session for exceeding eight days in any one year nor either board of management to exceed twelve days during each year. The secretary of the board of trustees shall receive such salary as shall be determined by the board, not exceeding one hundred dollars a year and his actual expenses incurred in attending meetings of the board, which shall be paid as herein provided for members of the board of trustees.

Approved March 8, 1901.

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## CHAPTER 36.

[S. B. 186.]

### BOARD OF TRUSTEES FOR INSTITUTION OF FEEBLE MINDED.

AN ACT Creating a Board of Trustees for an Institution for the Feeble Minded, Located at or Near the City of Grafton, Walsh County, North Dakota, by an Act of Congress Entitled "An Act Making Appropriations for Sundry Civil Expenses of the Government in the Fiscal Year Ending June 30, 1895, and for Other Purposes," Approved August 18, 1894, and Defining the Duties of Such Board of Trustees.

Whereas, by "An act appropriating moneys for the erection of a penitentiary in the territory of Dakota," approved March 2, 1881, and by a subsequent enabling act entitled "An act to provide for the division of Dakota into two states and to enable the people of North Dakota and South Dakota and other states to form constitutions, state governments and other things," approved February 22, 1889, provides, among other things, that the lands so set apart for said penitentiary for the territory of Dakota, together with the buildings thereon, and any unexpended balance of money appropriated therefor become the property of the state of South Dakota, and that the state of North Dakota should have like grant for the same purpose and subject to like terms and conditions as provided in the said act of March 2, 1881, for the territory of Dakota; and

Whereas, by an act of congress, passed and approved September 30, 1890, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for

prior years and for other purposes," a grant of thirty thousand dollars was made and appropriated for the construction of a penitentiary building, to be expended under the superintendency of the secretary of the interior, in the state of North Dakota, upon a tract of land at or near the city of Grafton, in the county of Walsh, to be designated by the secretary of the interior, a portion of which sum has been expended in the purchase of a site for said building, consisting of forty acres of land near said city of Grafton; and

Whereas, by a subsequent act of congress entitled, "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, which act, so far as it relates to the subject matter of this act, provides as follows, to-wit: that the secretary of the treasury, be, and he is hereby directed to pay to the treasurer of the state of North Dakota, the unexpended balance of thirty thousand dollars appropriated by "An act of congress making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes," approved September 30, 1890, for the construction under the direction and supervision of the secretary of the interior of a penitentiary building in the state of North Dakota, upon such tract or parcel of land, at or near the city of Grafton, in the county of Walsh, as should be designated by the secretary of the interior, said unexpended balance to be used by said state of North Dakota for the erection of an institution for the feeble minded, upon the tract or parcel of land designated and secured by the secretary of the interior for the site of the penitentiary building provided for in said act, and when said sum, so to be paid to the treasurer of the state of North Dakota, shall have been expended by said state in the erection of an institution for the feeble minded, the secretary of the interior is hereby directed to release and convey to said state of North Dakota the title of the United States in and to the parcel of land upon which said building shall have been erected, including all interest in said building, and the money so paid to the treasurer of the state of North Dakota shall be in full settlement of all claims of said state under section 15 of the act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to said states;"

Whereas, the balance of said sum of thirty thousand dollars so appropriated has been paid to the treasurer of the state of North Dakota, and is now held subject to the use provided for in said act; therefore,

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

§ 1. BOARD OF TRUSTEES.] There is hereby created a board of trustees for an institution for the feeble minded, to be located at or near the city of Grafton on the site heretofore procured, said board

to consist of five members to be appointed by the governor immediately following January 1st, after the taking effect of this act.

§ 2. HOW LONG TO SERVE.] The members of said board of trustees shall hold office respectively until the first day of January, A. D. 1903, or until their successors are appointed, unless sooner removed for cause.

§ 3. BONDS OF TRUSTEES.] Within twenty days after their appointment, the members of said board shall each furnish a bond running to the state of North Dakota in the penal sum of five thousand dollars, with two or more sureties, conditioned for the honest and faithful performance of the duties of trustees, said bond to be approved by the governor and attorney general, and to be filed with the secretary of state. Each trustee shall subscribe and endorse on said bond an oath of office the same as is by law required of civil officers.

§ 4. ORGANIZATION OF BOARD.] Within ten days after their qualification as provided in the preceding section, the members of said board shall meet and organize, by electing from their own number a president, a secretary and a treasurer.

§ 5. MEETINGS. WHERE HELD.] The meetings of said board shall be held in the city of Grafton.

§ 6. BOARD. TREASURER OF TO GIVE BOND.] Before entering upon his duties as treasurer, the treasurer of said board shall give a bond to the state of North Dakota in the penal sum of thirty thousand dollars, with two or more sureties, to be approved by the governor and attorney general, and to be filed with the secretary of state, conditioned for the honest and faithful performance of the duties of treasurer of said board.

§ 7. TREASURER TO DISBURSE MONEYS. HOW. STATEMENT.] The treasurer shall disburse all moneys coming into his hands, on orders authorized by the board, and signed by its president and secretary, and shall semi-annually, or whenever called upon by the governor, render to the governor a detailed statement of the receipts and disbursements, exhibiting vouchers therefor.

§ 8. BUILDING. BOARD TO PROCURE PLANS FOR.] It shall be the duty of said board immediately after its organization to procure suitable plans for the erection of a building to be used as an institution for the feeble minded, not later than April 1, 1902, and when such plans shall have been approved by the board to proceed to erect such building. It shall advertise for bids for the construction of said building for not less than twenty days in three daily papers, two of which shall be published in the state of North Dakota, the contract for the erection of such building to be let to the lowest responsible bidder, the board reserving the right to reject any or all bids.

§ 9. BUILDING. GOVERNOR TO BE NOTIFIED OF COMPLETION OF.] When said building shall have been completed, or when the entire fund shall have been expended in the erection thereof, which shall be not later than October 15, 1902, it shall be the duty of the board to immediately notify the governor thereof.

§ 10. FUNDS APPROPRIATED. STATE TREASURER TO PAY TO TREASURER OF BOARD.] It shall be the duty of the state treasurer, from time to time, to pay to the treasurer of said board, out of the funds in his hands appropriated for said purpose by an act of congress entitled, "An act making appropriations for sundry civil expenses of the government for the year ending June 30, 1895, and for other purposes," approved August 18, 1894, all moneys appropriated by said act for the purpose of the erection of an institution for the feeble minded at or near the city of Grafton, together with the accumulations thereon, upon orders authorized by said board and signed by its president and secretary; provided, that not more than ten thousand dollars shall be drawn from said fund at any one time.

§ 11. GOVERNOR TO REQUEST CONVEYANCE OF LAND FROM UNITED STATES. WHEN.] Upon receipt of notice from the board that the building has been duly completed and accepted, or that the fund has been expended in the erection thereof, the governor shall, without delay, give notice to the secretary of the interior that the money has been so expended; and shall request a conveyance from the United States to the state of North Dakota of the land upon which the same shall have been erected, in compliance with the act of congress mentioned in the preceding section of this act, which said conveyance shall be duly recorded in the proper office.

§ 12. BOARD. COMPENSATION OF.] Each member of said board shall receive as full compensation for his services as such trustee three dollars per day for each day necessarily and actually employed in his duty as such trustee, together with five cents per mile for each mile necessarily traveled in going to and returning from the place of meeting of the board, to be paid out of the fund in this act mentioned.

§ 13. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 11, 1901.

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## CHAPTER 37.

[S. B. 117.]

### BOARD OF TRUSTEES SOLDIERS' HOME.

AN ACT to Amend Section 1015 of the Revised Codes of the State of North Dakota, Relating to the Duties of the Board of Trustees of the Soldiers' Home.

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

§ 1. AMENDMENT.] That section 1015 and article 2 of chapter 10 of the Revised Codes of the State of North Dakota for the year 1899 be amended so as to read as follows:

§ 1015. ANNUAL MEETING.] It shall be the duty of the board to meet annually on the first Tuesday in June, and at such meeting to elect a chairman of the board. The commandant shall act as secretary of said board. The board shall have four regular meetings in each year and may adopt a seal and make rules and regulations not inconsistent with the Constitution of the United States, or of this state, for the management and government of such homes, including such rules as it shall deem necessary for the preservation of order, enforcing discipline and preserving the health of its inmates. The board shall annually make full and detailed reports of the disbursements of the home and its condition financially and otherwise to the governor, and to each regular session of the legislative assembly.

Approved March 8, 1901.

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## BONDS.

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### CHAPTER 38.

[S. B. 136.]

#### STATE UNIVERSITY.

AN ACT Authorizing the Board of Trustees of the State University to Issue Bonds to Provide a Fund for the Necessary Repairs of Building and to Pay the Floating Indebtedness of Said University.

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

§ 1. BONDS. STATE UNIVERSITY TO ISSUE.] To provide for the necessary repairs of buildings of the state university and to pay the outstanding floating indebtedness of said institution, the board of trustees of said state university may, if the majority of said board so decide, issue bonds in the sum not exceeding fifty thousand dollars (\$50,000).

§ 2. BONDS. DENOMINATION OF.] Said bonds shall be issued in denominations of one thousand dollars (\$1,000) each; they shall be signed by the president of the board of trustees and attested by the secretary of said board under the seal of the institution, and shall be payable twenty years from date of issue.

§ 3. BONDS. INTEREST ON.] Said bonds shall bear interest at the rate of four per cent (4 per cent) per annum, which interest shall be payable on the first day of January each year at the office of the state treasurer. The principal and interest of said bonds shall be payable