

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 All acts or parts of acts in conflict with this act are hereby repealed.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