

may, at said election, vote by ballot for or against said amendment, and the returns thereof shall be made and certified, and such votes and the result thereof declared in the manner provided by law for returning, certifying and canvassing votes at general elections for the state officers and declaring the result thereof, and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment "yes" or "no" have voted in favor of the same, then within ten days after the result shall have been ascertained, the governor shall make proclamation thereof, and said amendment shall thereupon take effect and be in full force as part of the constitution of the state of Minnesota.

Form of ballot.

SEC. 3. The ballots used at said election on said amendment shall have printed thereon "Amendment to section one of article nine of the constitution providing for a tax on inheritances, devises, bequests, legacies and gifts, Yes—No," and each elector voting on said amendment shall make a cross mark thus: (X) in one of the two spaces left for the purpose upon the margin of the ballot used at said election, as provided in section thirty-four of chapter four of the General Laws of one thousand eight hundred and ninety-one. The elector desiring to vote for said amendment shall make a cross mark thus: (X) in the space so left opposite the word "Yes," and the elector desiring to vote against said amendment shall make a cross mark thus: (X) in the space so left opposite the word "No," and no ballots shall be counted on said amendment except those having said cross mark (X) opposite one only of said words "Yes" or "No."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 17, 1893.

CHAPTER 2.

An Act to provide a New Capitol for the state of Minnesota.

H. F. No. 694.

New capitol.

Be it enacted by the Legislature of the state of Minnesota:

Capitol commissioners to be appointed.

SECTION 1. That the governor be and he is hereby authorized, and it is made his duty forthwith to appoint by and with the advice and consent of the senate, seven suitable persons, one from each congressional district in the state, to act and be known as state capitol commissioners, who shall constitute a board to be known as the "board of state capitol commissioners," whose duty shall be to secure the erection of a new state capitol, according to the provisions of this act; provided, however, that the governor shall be, ex-officio, the presiding officer of said board and shall have the right and opportunity to express his opinions and give his advice upon all measures or

questions that may come before said board for consideration and determination, but shall not be deemed a member of said board, except for the purpose of presiding over their deliberations at their regular and special meetings, which shall be conducted according to the usual parliamentary rules. The persons thus appointed shall be subject to removal by the governor for cause, and should any vacancy occur in said board from death, resignation or otherwise, the governor shall fill the same by appointment, such appointment, however, to be subject to rejection or ratification by the senate at the first session of the legislature following such appointment.

SEC. 2. Each member of said board shall be entitled to receive his actual traveling expenses, and each member of said board, except the governor, shall receive the sum of five dollars per day for the time actually spent in the discharge of his duties under this act.

Compensation to commissioners.

SEC. 3. Each of said commissioners, before entering upon the duties of his office, shall enter into bond in the sum of twenty-five thousand dollars with two or more good sureties to be approved by the governor, conditioned for the faithful performance of his duty under this act, payable to the state of Minnesota, and filed in the office of the secretary of state, and shall also take and subscribe the following oath, to be indorsed on said bond, and be administered by any one authorized to administer oaths, to wit:

Bonds to be filed.

"I, A. B., do solemnly swear that I will not, directly or indirectly, be interested or concerned, in any manner whatever, in the pieces or parcels of land, or any of them, to be used as a site for a new state capitol building according to the provisions of this act, or in the purchase from the state of any lands or buildings to be sold under this act; and I will not, directly or indirectly, be interested or concerned in any manner with any contractor or contractors or person or persons, for the erection and location of the state capitol or any portion thereof, or in the proceeds or profits growing out of the same, or any work or labor done thereon, or material furnished in the erection of the same; so help me God."

Oath thereof with

And should the said commissioner offend against the true intent and meaning of this oath, he shall, upon indictment and conviction, suffer all the pains and penalties of perjury; and in case of a violation of the conditions of the bond provided for, he shall be liable to an action thereon in the district court of Ramsey county, and a judgment in favor of the state for such damages as may be awarded against the obligors thereto, by reason of failure of the principal.

SEC. 4. Within ten days after qualification as commissioners, the said board shall meet at the seat of government for the completion of their organization, and may

First meeting of commissioners.

elect one of their number vice president, whose duty it shall be to preside over the meetings of said board in the absence of the governor.

Appointment of
superintendent
and secretary.

SEC. 5. The said board of commissioners shall appoint some proper person, not of their number, to superintend, under their direction, the erection of the state capitol as provided for in this act, whose duty shall begin after the contract for the building is let, and they shall also appoint a secretary, not of their number, whose duty shall be by them prescribed. Such superintendent and secretary thus appointed shall each receive for his services a reasonable compensation, to be established by the board, and before entering upon the discharge of his duties shall take the oath prescribed by the constitution for state officers, and give bond for the faithful performance of the duties of his office in the penal sum of ten thousand dollars.

Commissioners
not be interest-
ed in con-
tracts.

SEC. 6. It shall be unlawful for either of the said commissioners to be interested, either directly or indirectly, in any manner whatsoever in the location of said new capitol site, or in any contract, or part thereof, for the erection of said capitol building, or for any work connected therewith, or for the furnishing of any supplies or material therefor, so as to receive any benefit therefrom, or the promise of any benefit therefrom, either by way of commission, rebate, bonus, division of profits, or otherwise; and any of said commissioners who shall violate this provision of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed ten thousand dollars, and shall forfeit his right to, and be removed from his place on said board; and be found incapable of holding any office of trust or profit under the state; provided, further, that it shall be unlawful for said board of capital commissioners to employ, or continue in employment, any person in the supervision or superintendence of the building of said capitol, or of any work connected therewith, who is in any manner connected or interested, directly or indirectly, in any contract for the erection of said capitol building, or for the furnishing of any supplies or material therefor; and the said board of commissioners are hereby charged with the rigid enforcement of this provision of this act.

Preliminary ap-
propriation.

SEC. 7. There shall be transferred in each of the years 1893 and 1894 from the general fund to the credit of the board of state capitol commissioners the sum of five thousand dollars, and in each succeeding year after the year of 1894 until the completion of said capitol building, not exceeding ten years, a sum equal to the proceeds of a levy of two-tenths of a mill upon the assessed valuation of the state, for the purchase of a site, or part thereof, and the erection and completion of a new capitol building,

Tax levy of
two-tenths of a
mill.

in accordance with the terms and provisions of this act; provided, that the total amount so transferred shall not exceed the sum of two millions of dollars.

SEC. 8. The board of capitol commissioners, as soon as practicable after the passage of this act, shall proceed to select a plan for a suitable capitol building for the state of Minnesota, said plan to be secured by competitive contest, and the following rules shall govern the board:

Plan to be selected.

First—The building shall be planned so that it can be properly built, with ample light and air, upon a lot surrounded by streets or open ground. The building shall be supplied with proper heating, lighting and ventilating apparatus, and with necessary sanitary arrangements.

Details of plan.

Second—The drawings required in the competition shall be as follows:

As to drawings.

First—One plan of the cellar and of each of the other floors.

Second—Three elevations of building front, one side and rear.

Third—One longitudinal and one transverse section.

Fourth—One perspective view on the scale of one-fourth inch to the foot (with point of site three hundred feet nearest the point to the building) which shall be rendered with cast shadows in brush wash in monotone, black or brown.

Third—All drawings submitted, except the perspective, shall be drawn on a uniform scale of one-eighth inch to the foot; and all shall be executed in india ink on heavy white paper without shading or shadows. Door and window openings may be tinted in india ink to show glass. Walls and partitions may be filled in solid with india ink. No landscape or figures shall be drawn on either elevations, excepting one figure to indicate the scale.

Fourth—All drawings submitted shall be either mounted on stretchers or heavy book boards, with white or tinted paper borders, and no border lines or other framing will be allowed.

Fifth—The designs submitted shall be for a fireproof building and one that can be completed at a cost, including site and all other expenses, not exceeding two million dollars.

Sixth—The drawings shall be sent to the board of capitol commissioners at St. Paul, Minn., and shall come with the real name and address of the architect or firm submitting the same distinctly printed or written on each sheet.

Seventh—There shall also be a typewritten description designating the materials the author proposes using in the construction of building, and such other general information as cannot be shown on the several drawings herein called for, as may be necessary to accurately determine the cost of the building. No drawings or documents other than those herein called for will be received.

Description of materials.

Eighth—Every design shall be excluded from competition as to which it appears that any attempt is made by its author to influence the decision of the members of the board or their advisers; or, if it in any particular violates the conditions herein stated; or if it be found that its probable cost will exceed the limits herein named.

Selection of design. Amended, see chapter 8, section 1.

Ninth—From the designs furnished which conform to these conditions the board may select one to be the design for the new state capitol. This design shall be in the possession of the state, but shall remain the property of the architect or firm who made it, and shall not be used in whole or in part except said architect or firm is employed as architect and superintendent of the building according to the rules of the American Institute of Architects, except as to fees, which will not exceed two and one-half per cent of the amount named in said bill; but said board may reject any and all plans and proceed anew until a satisfactory plan is secured.

Selection of architects as a consulting board. Amended, see chapter 8, section 2.

Tenth—The board shall secure two architects and one expert heating and ventilating engineer of reputation, who shall not be competitors, to assist them, and one of said architects shall be a resident of this state. One of these architects, who shall be a resident of the state, shall be selected by the board, the other by the Minnesota Chapter of the American Institute of Architects, and, with one of the members of the board selected by the board to serve them, shall form a committee to examine and recommend the most desirable plan.

Provided, however, that the commission shall not adopt any plan unless it shall first have received the indorsement of a majority of the committee provided for in subdivision ten of section eight and provided any plan shall have received such indorsement.

The architects on the committee provided for by this subdivision shall be subject to the provisions of section six of this act.

Premiums for designs.

Four premiums shall be given to the aggregate amount of two thousand dollars, to be awarded to the designs adjudged to stand in point of merit; second, third, fourth, fifth, the accepted design to receive no premium other than the fee allowed by the board for designing and superintending the said building.

Public exhibition of designs.

Eleventh—No design shall be received after the date fixed for submission of plans. All drawings shall be exhibited in public at least two weeks before the award is made.

Ownership of drawings.

All drawings shall be the property of the architects or firms submitting them and only used in whole or in part by agreement with and compensation to their authors. All rejected drawings shall be called for within thirty days after the decision of the competition, after which time the board shall no longer be responsible for them.

Twelfth—The board shall issue to all architects upon request a printed schedule of the requirements for the building, including a list of the number and approximate area of the rooms, and such other general conditions as are essential to clearly set forth the requirements of the building.

Printed schedule of requirements.

SEC. 9. No plan shall be adopted except upon detailed accurate specifications of the cost of supervision, labor, material and of other expenditures necessary for the erection and completion of said capitol building, including heating and ventilating apparatus, lighting and all other fixtures, nor until it shall be definitely ascertained that the entire cost of the same will in no event exceed the sum of two million dollars, it being understood that it is the object of this act to restrict the aggregate and entire cost of the capitol building and site thereof and all expenditures to be made or authorized by said board to this sum, and the board of commissioners herein appointed shall have this object in view, and all contracts awarded and plans accepted shall be awarded and accepted only after the board shall be satisfied that the cost of the building when completed shall not exceed this amount.

Amended, see chapter 8, section 7.

No plan to be adopted exceeding \$2,000,000 for completed building.

SEC. 10. The said board of state capitol commissioners, as soon as practicable after the passage of this act, shall give due and reasonable notice to all parties interested, by sufficient publication in two daily newspapers of general circulation in this state, designating a time and place when and where the board will receive sealed proposals to sell or grant to the state of Minnesota land or grounds in the lots and blocks next to or immediately adjoining the block of land now constituting the site of the present state capitol, sufficient in area, together with the present capitol site and the intervening street or streets, for the site of the new capitol herein provided for; such sealed proposals to be in every case accompanied by a plat of the lands or grounds proposed as such site; the price at which the same will be conveyed to the state of Minnesota, and the terms and conditions upon which such conveyance will be made, and any other information that said board may deem desirable; and every such proposal to be accompanied by a bond in the sum of ten thousand dollars, properly executed and signed by the party or parties making such proposal, and at least three financially responsible persons as sureties, conditioned for the faithful performance of such proposal in all its details. No proposals shall be received after the date designated in said notice for examining the same, and said published notice shall state that said proposals will be publicly opened and examined at a time and place in said notice named.

Notice of proposals for purchase of grounds adjacent to present site. Amended, see chapter 8, section 8.

And at the time and place in said notice named the said board shall meet and then and there publicly open such sealed proposals and examine the same; and as soon

thereafter as may be practicable shall go upon and view the lands or grounds described in every such proposal that shall conform in all respects to the requirements of said published notice and the provisions of this act, and shall thoroughly investigate the same to the end that they may be fully informed as to the merits of the different proposed sites.

Power of board on acceptance of any proposal.

Amended. See chapter 8, section 6.

May call for condemnation of property if necessary.

Amended. See chapter 8, section 4.

All labor, material, etc., to be furnished upon contract.

General terms of contracts.

SEC. 11. Said board are hereby authorized, after they shall have properly examined all such proposed sites, to select and secure such a site for the capitol building of Minnesota, which shall include the present capitol site, as shall, in their judgment, be most advantageous to the state for the purpose contemplated in this act, and for that purpose said board are hereby authorized and empowered in the name and on behalf of the state to enter upon, purchase, take and acquire any lands and premises, public or private, that may be necessary, convenient or proper for the purpose of such site, or any part thereof, and in case the owner of any such lands or grounds and said board cannot agree as to the value of the premises taken or to be taken for such use, the value thereof shall be determined by the appraisal of three reputable freeholders of the state not directly or indirectly interested in the premises to be taken, and to be appointed on the application of said board by any judge of the district court of any judicial district of this state. And said commissioners in their assessment of damages shall appraise such premises and the respective estates and interests therein at their actual market value, and upon return into court of such appraisement and upon payment into the same of the appraised value of the premises so taken, said premises shall be deemed to be and shall become the property of the state, save as herein otherwise provided. All provisions of title one of chapter thirty-four of the General Statutes of one thousand eight hundred and seventy-eight, so far as reasonably applicable, shall apply to and govern proceedings under this act.

SEC. 12. All labor, material, transportation, or construction required by the provisions of this act, as well as all job printing, advertising or other work which can be so done under this act, shall be done or furnished by contract. The board are authorized to contract for the construction of the entire building by a contractor who may undertake the whole work, or the said board may divide the work into appropriate classes and make separate contracts as to either of them as may or may not seem to them to be for the best interests of the state; but in the event of separate contracts the total amount to be paid for the whole work, including the purchase or securing of the site, the plans, supervision and erection of the building and all expenditures of every nature to be made or con-

tracted for by virtue of this act, shall not exceed said sum of two million dollars as aforesaid, nor shall any contract, or contracts, take effect until all of said work of erecting and completing said building shall have been contracted for, and said contracts shall be absolutely void if in the aggregate said contracts and expenditures to be made shall be for a sum so exceeding said sum of two million dollars.

Amended. See chapter 3, section 5.

All lettings of the work exceeding in amount the sum of five hundred dollars shall be advertised in two daily newspapers of general circulation in this state for not less than thirty days, and shall call for sealed bids, accompanied by such security as said board shall prescribe. All bids received by said board may be by them rejected, and whether accepted or rejected, shall within thirty days after decision thereon by said board be deposited in the office of secretary of state. In all contracts the interest of the state shall be protected by proper bonds to be determined by said board; provided, that no such bonds

shall be in a sum less than one-half of the contract price. All contracts for material and labor shall be in writing, and shall be signed by the contractor and by the president or vice president of the board; in any case where there are bidders and materials from other states, the preference shall be given, the quality and terms being equally favorable, to the bidders and materials within this state. All contracts with the builders, architects, engineers, superintendents or material men, shall reserve the right of the board, for good cause shown, to annul the contract, and the board shall make no allowance for damages, but only for expenses incurred and for labor performed. Such per cent, not less than ten, as in the judgment of the board shall seem proper, shall be reserved from payments on the monthly estimates on work contracted, until such contract or the portion thereof to which such payments are by the terms of such contract made applicable, shall have been completed, inspected and accepted. All materials contracted for shall be of the best quality, and so far as the said board are of the opinion that the same can be done consistently with the best interests of the state, preference shall in all cases be given to Minnesota material and labor, and the directions, plans and specifications of the work shall be executed by skilled and reputable architects, contractors, artists, mechanics and laborers.

May annul contract.

Preference to be given Minnesota material and labor.

No contract shall be made which shall bind the state to the payment of any sum until the same shall be by law made applicable thereto.

SEC. 13. For the due prosecution of the work hereby committed to their charge the said board are hereby authorized to and shall employ such architects, mechanics and laborers as may be deemed necessary, and payment of all expenditures made in or in any manner connected with the securing of a site and erection and construction of

May employ architects, mechanics, etc.

said building and for the services of the members of said board, of the governor, superintendent and secretary and consulting architects, and for traveling expenses of the governor and members of the said board in the performance of their duties under this act, shall be made upon full and complete statements or accounts, which shall be made and certified to by a majority of the members of said board and approved by the governor; such statement of account shall then be laid before the state auditor for examination, and if found correct and in compliance with this act, shall be audited and shall be paid by the state treasurer, upon the warrant of the state auditor, out of any money in his hands for such purpose, such warrant to be drawn in favor of and to the order of the person or persons entitled to receive the amount therein named.

Statement of account for all services.

Legal adviser.

SEC. 14. The attorney general shall be the legal adviser of the said board.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 7, 1893.

CHAPTER 3.

S. F. No. 881.

An act to amend "An Act to provide for a New Capitol for the state of Minnesota," approved April seventh, 1893, and known as House File number six hundred and ninety-four.

Be it enacted by the Legislature of the state of Minnesota:

Amending Chapter 2.

SECTION 1. That subdivision nine of section eight of that certain act of the Legislature of the state of Minnesota entitled "An act to provide a new capitol for the state of Minnesota," approved April seventh, 1893, and known as House File number six hundred and ninety-four, be and the same is hereby amended so as to read as follows:

Selecting design.

"Ninth.—From the designs furnished which conform to these conditions, the board may select one to be the design for the new state capitol. This design shall be in the possession of the state, but shall remain the property of the architect or firm who made it, and shall not be used in whole or in part except said architect or firm is employed as architect and superintendent of the building; and the fees of such architect or firm shall not exceed two and one-half per cent of the amount named in said bill exclusive of cost of site; but said board may reject any and all plans and proceed anew until a satisfactory plan is secured."

SEC. 2. That subdivision ten of said section eight be and the same is hereby amended so as to read as follows:

"Tenth.—The board shall secure an architect and an expert heating, ventilating and sanitary engineer of repu-