

# CONSTITUTIONAL CONVENTION.

## CHAPTER 39.

### PROVIDING FOR NORTH DAKOTA.

AN ACT Providing for a Constitutional Convention for North Dakota.

The sovereign people of the United States at the last national election declared by their votes in favor of the division of Dakota, and that both parts being possessed of population sufficient in number and loyal to republican institutions and the principles of the national government, be admitted into the union of states.

The people of that part of Dakota situated south of the 7th standard parallel being possessed of a sufficient population and entitled to admission into the national union as a state, on an equal footing with the other states which compose the union, have adopted a constitution and are demanding to be admitted into the union. The rapid increase in population and the wonderful development of material wealth in that part of Dakota situated north of the 7th standard parallel, require for the promotion of the welfare and varied interest of its people other and more permanent government than that provided by the congress for the government of the several Territories of the United states.

*Wherefore, Be it Enacted by the Legislative Assembly of the Territory of Dakota:*

§ 1. ELECTION OF DELEGATES.] That for the purpose of enabling the people of that part of Dakota north of the 7th standard parallel to organize and form a state government and make application for admission into the union of states an election for the purpose of choosing delegates to a constitutional convention is hereby appointed to be held on the ninth day of April, 1889 at which time shall be chosen delegates, persons eligible to hold county offices, to said constitutional convention from the said counties of that part of the territory situated north of the 7th parallel and according to the apportionment of delegates among the several counties hereinafter named. *Provided,* that said election shall be conducted in all respects as an election under the general laws of this Territory and

the several county clerks and county auditors of the several counties of the Territory north of the 7th standard parallel are hereby required to issue notices of such election at least 15 days prior thereto, stating the object of the election and the number of delegates to be chosen, and shall deliver the same to the sheriff, who is required to post the same as the law now requires, and the several boards of county commissioners and other officers of the several counties are required to each and all perform all things that are now required of them by law in case of general elections, and the canvass and return of the votes shall be as now required by law in the case of county officers, and the county auditor shall issue certificates of election to all persons who shall be declared elected, *Provided*, that the persons to the number apportioned in each county receiving the highest number of votes at such election shall be elected as such delegates. It shall be the further duty of such county clerks within (10) ten days after such election to certify to the secretary of the Territory the names of all persons chosen as delegates from their respective counties, and to send the same to the secretary by mail.

§ 2. DUTY OF SECRETARY.] The secretary of the territory shall receive all certificates so transmitted to him by the said county clerks and shall preserve the same, and it is hereby made his duty to enter the names of all persons so certified to him as chosen delegates in a book which he shall provide for that purpose.

§ 3. MEET IN GRAFTON.] The delegates so elected at such election shall meet in the City of Grafton, in the County of Walsh, in said Territory of Dakota on the second Tuesday in May, 1889, at noon for the purpose of framing a constitution and performing all other things essential to the preparation of the Territory for making application to the general government for the admission of such part of Dakota into the union of states and in such room in said city as the secretary of the territory or the convention have provided, and at the hour heretofore named the secretary of the Territory or some member elect of said convention shall call the convention to order and shall call the roll of the members from the book heretofore provided, if such book can be obtained, and if not from the official returns of said election, and the certificates of election of each member in such manner as the convention shall prescribe, and the several delegates as their names are called shall take their seats in said convention. When the calling of the roll of members shall be completed the several delegates shall be required to take and subscribe an oath to support the constitution of the United States, and to faithfully and impartially discharge their duties as delegates to said convention. Said oath may be administered by said secretary or by any judicial officer of the Territory. The convention shall then proceed to organize by the election of a President, who shall be chosen from among the delegates, and of the other officers herein provided for. Said convention shall adopt such rules and regulations for their government as are provided in case of legislative bodies. It may adjourn from time to

time and shall be the sole judge of the elections and qualifications of its members. The President and all officers of said convention shall take and subscribe an oath to faithfully and impartially discharge the duties of their respective offices.

§ 4. CONSTITUTION—ELECTION.] Said convention, after its organization shall proceed to form and draft a constitution, republican in form, for that part of Dakota north of the seventh standard parallel, in which shall be defined the boundaries of the proposed state. It shall be the further duty of said convention to provide for an election by the people of the proposed state, at which election the said constitution shall be submitted to the people for ratification; and at which election the state officers, member of congress, members of the legislature, and all other elective officers provided for in said constitution shall be elected; and the said convention shall have power to provide all necessary means for holding said election, and for assembling said legislature when elected, and for carrying into effect all the purposes of said constitution; *provided*, that the expenses of all special elections under the provisions of this act of any ordinance of said convention shall be paid by each county in said Territory respectively.

§ 5. COMPENSATION.] The delegates to the said constitutional convention shall each receive a per diem of five dollars (\$5.00) for each day's attendance upon said convention, and five cents a mile for each mile necessarily traveled in going to and returning from said convention; said per diem and mileage to be paid by the Territorial Treasurer upon the warrant of the Territorial Auditor.

§ 6. AUDITING ACCOUNTS.] The Territorial Auditor is hereby authorized to audit and allow the accounts of the several delegates to said convention, upon certificate of the presiding officer of said convention, countersigned by the secretary thereof.

§ 7. OFFICERS OF CONVENTION.] The convention shall have power to elect all officers necessary to the convenience of said convention in the proper discharge of business, and may elect stenographers, messengers, clerks and janitor, each of whom shall receive such compensation as the convention shall determine, to be audited and paid in the same manner as the accounts of the members of the convention are audited and paid. Provided, that said convention before its adjournment shall ascertain the entire expense of holding the same, including the per diem and mileage of its members, compensation of its officers, and all necessary expenses, and shall certify the same under the hand of the presiding officer of said convention, and attested by the secretary thereof, to the Secretary of the Territory, and which shall be filed by the said Secretary of the Territory in his office, and be kept as a record thereof, and it is hereby made the duty of the several boards of county commissioners of the counties north of the Seventh Standard Parallel to cause to be levied and collected a special tax sufficient to pay all of said expenses, which tax shall be apportioned among the said counties by the Territorial

Board of Equalization in proportion to the assessed valuation, and when said tax is collected in each of the said counties, the same shall be paid by said counties into the Territorial Treasury.

§ 8. ELECTION LAWS—CANVASSERS.] The laws now in force governing elections and the canvass and return of the votes cast therein and the qualifications of voters shall govern in any election that may be held under this act, or under any ordinance of said convention. But said convention shall designate the Board of State Canvassers, and ordain the method by which the result of the state election shall be promulgated. The said convention shall also provide the manner of presenting the said constitution to the Congress of the United States, and do or ordain all things necessary to be done for the purpose of carrying into effect the government of the state, as soon as it shall be admitted into the Union of States.

§ 9. LIMIT OF PER DIEM.] That the members of said convention shall not receive pay for a session of more than thirty days, but said convention may sit for a longer period, and may adjourn from time to time.

§ 10. APPROPRIATION.] That for the purpose of defraying the expenses of the convention there is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, a sum sufficient to defray the expenses of said convention, not to exceed in the aggregate the sum of twenty thousand dollars.

§ 11. COUNTIES OF PIERCE AND BUFORD.] The board of county commissioners of counties to which the unorganized counties of Pierce and Buford are respectively attached for judicial purposes shall at the time named in Section 1, of this act, establish one or more election precincts in said unorganized counties and define the boundaries thereof, establishing polling places, appoint judges of election therefor, and do such other acts as may be necessary to secure a fair election in said counties under the provisions of this act. The judges so appointed shall perform all the duties and shall have all the power and authority of judges of election in said unorganized counties. They shall make returns of the votes cast, to the County Clerks of said counties to which they are severally attached as aforesaid. The board of canvassers of said counties shall canvass the votes cast in the said unorganized counties and certify the same to the Secretary of the Territory in the manner and within the time required in Section 1, of this act. The expenses of said election shall be audited and paid by said counties to which said unorganized counties are attached and the amounts so paid and the items thereof, shall be by the County Clerk of said counties certified to the Territorial Auditor, who shall draw his warrant on the Territorial Treasurer for the amount so paid if found correct.

§ 12. NUMBER OF DELEGATES—APPORTIONMENT.] The convention shall be composed of one hundred and fourteen delegates, who shall be apportioned among the several counties as follows: One from

each organized county, and one additional for 600 votes or major fraction thereof, cast at the last general election, viz:

Barnes	County, four delegates		
Burleigh	“	three	“
Benson	“	two	“
Bottineau	“	two	“
Cass	“	nine	“
Cavalier	“	three	“
Dickey	“	four	“
Eddy	“	two	“
Emmons	“	two	“
Foster	“	two	“
Grand Forks	“	eight	“
Griggs	“	two	“
Kidder	“	two	“
LaMoure	“	two	“
Logan	“	one	“
Morton	“	three	“
McHenry	“	two	“
McLean	“	two	“
McIntosh	“	one	“
Mercer	“	one	“
Nelson	“	three	“
Oliver	“	one	“
Pembina	“	six	“
Richland	“	four	“
Ransom	“	four	“
Ramsey	“	four	“
Rolette	“	two	“
Stark	“	two	“
Stutsman	“	four	“
Steele	“	two	“
Sargent	“	three	“
Trall	“	five	“
Towner	“	two	“
Walsh	“	seven	“
Wells	“	two	“
Ward	“	two	“
Pierce	“	one	“ (Unorganized.)
Billings	“	two	“

§ 13. SESSIONS.] All sessions or meetings of said constitutional convention shall be held at the place designated in Section 3, of this act.

§ 14. EFFECT—WHEN.] This act shall take effect from and after the 5th day of March, 1889, unless the Congress of the United States shall at its present session pass an enabling act for North Dakota, in such case this act to be null and void for any purpose.

Approved Feby. 8th, 1889.