

**THE GOVERNMENT OF  
THE PEOPLE OF THE STATE  
OF NORTH DAKOTA**

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The Government of the People of the State of North Dakota by H. B. Woodworth

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**H. B. WOODWORTH**

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THE  
GOVERNMENT OF THE PEOPLE  
OF THE STATE OF  
NORTH DAKOTA

BY  
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(REVISED EDITION.)



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“How are we governed?” “Will our rulers adopt a more just and liberal policy?” are pertinent questions for subjects under a monarchical government. But citizens of a republic will more consistently ask, “How do we govern ourselves?” “What changes shall we make in our constitutions and laws, the better to promote the common welfare?”

If the laws enacted by our representatives are not satisfactory they must be amended or repealed. The power to do this should be intelligently and conscientiously used. From this point of view the new interest in the study of Civics is a hopeful sign. But the study ought not to be confined to the study of the Constitution of the United States. Home government in the township, in the county, and in the State has more to do than the national government, in matters connected with the home, the family, and the daily life of the citizen; hence the study of local government is as important to the youth of the State as the study of the government of the Nation. If one of the practical ends of education is to fit for the duties of citizenship, this subject must find a place in the public schools. It is with the hope of making some little contribution to so desirable an object that the following chapters have been prepared.

H. B. W.

UNIVERSITY OF NORTH DAKOTA.

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NOTE.

For the purpose of uniformity, the plan, the arrangement and portions of the text of this work are similar to those in other works of the series of which the book is a part.

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JOHN MILLER, FIRST GOVERNOR OF NORTH DAKOTA.

## NORTH DAKOTA.

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### CHAPTER I.

#### THE EARLY HISTORY OF NORTH DAKOTA, AND ITS ORGANIZATION AS A STATE.

1. THE Territory of Dakota was a part of that vast area of land purchased by the United States from France in 1803. That portion of the country lying north of the present southern boundary of Arkansas was called the Indian Territory; in 1812 its name was changed to the Territory of Missouri. This Territory was divided into

## 6 THE CIVIL GOVERNMENT OF NORTH DAKOTA.

smaller Territories, and many new names appeared on the maps of that period. Through these changes we can trace the history of Dakota.

2. During the thirty-seven years following the establishment of the Territory of Missouri, Dakota successively came under the jurisdiction of the Territories of Michigan, Wisconsin, and Iowa, as these Territories were in turn established. In 1849, Minnesota Territory was established, and in it was included that part of Dakota east of the Missouri River. That part of Dakota west of the Missouri and White Earth Rivers was known as Mandan Territory until 1854, when the Nebraska Territory was organized, of which Mandan Territory became a part. Minnesota became a State in May, 1858, and from that time until the establishment of the territorial government in 1861 Dakota was without an organized government.

3. The Territory of Dakota was organized by act of Congress March 2, 1861. It was located between  $96^{\circ} 25'$  and  $104^{\circ} 5'$  longitude west from Greenwich, and between  $42^{\circ} 28'$  and  $49^{\circ}$  north latitude. Its northern boundary was the line dividing the United States from the British possessions of Manitoba and Assiniboia; the States of Minnesota and Iowa lay on the east, the State of Nebraska on the south, and the Territories of Montana and Wyoming on the west. Its average extent from north to south was 430 miles, and from east to west 350 miles. It contained 150,932 square miles, or 96,596,480 acres.

4. The bill to provide a temporary government for the Territory of Dakota and to create the office of surveyor-general was signed by President Buchanan March 2, 1861.

President Lincoln, shortly after his inauguration, appointed the territorial officers.

5. The first governor, William Jaynes of Springfield, Illinois, arrived in Yankton May 27, 1861, and at this point the civil history of Dakota begins. The other territorial governors were—Newton Edmunds, appointed by

President Lincoln in 1863; Andrew J. Faulk of Pennsylvania, appointed by President Johnson in 1866; John A. Burbank of Indiana, appointed by President Grant in 1869; John L. Pennington, appointed by President Grant in 1874; William A. Howard of Vermont, appointed by President Hayes in 1878; Nehemiah G. Ordway of New Hampshire, appointed by President Hayes in 1880; Gilbert A. Pierce of New York, appointed by President Arthur in 1884; Louis K. Church of New York, appointed by President Cleveland in 1887; and Arthur C. Mellette, appointed by President Harrison in 1889.

The secretaries of the Territory were John Hutchinson, S. L. Spink, T. M. Wilkins, G. H. Batchelder, E. S. McCook, Oscar Whitney, George H. Hand, J. M. Teller, M. L. McCormack, and L. B. Richardson.

The chief justices were Philemon Bliss, Ara Bartlett, George W. French, Peter C. Shannon, A. G. Edgerton, and Bartlett Tripp.

6. The capital of Dakota was Yankton until 1883, when the seat of government was removed to Bismarck. The first session of the territorial legislature was held at Yankton, beginning March 17, 1862. The sessions were annual at first, but by an act of Congress in 1869 they were made biennial and were limited to sixty days. The legislature was composed of two houses, called the Council and the House of Representatives. There were twenty-four councilmen and forty-eight representatives.

7. The admission of new States into the Union is provided for by the Constitution of the United States, but the conditions and the mode of admission are left to be prescribed by Congress. The people of a Territory may petition to be admitted as a State, Congress may grant the petition and pass an enabling act, or an enabling act may be passed without a petition. It is not imperative upon Congress to admit a State, nor can Congress compel a Territory to become a State; but a State cannot be admitted