

# THE SECRET SOURCES OF THE NORTH DAKOTA CONSTITUTION

Nicholas Samuelson







1--W. B. Best, Dem., Leifley, Fourteen County.  
 2--H. B. Buchanan, Rep., Devotion, Parkland County.  
 3--H. K. Johnson, Rep., Nebo, " "  
 4--Joseph P. Cook, Rep., Milton, Cavalier  
 5--John McFadden, Dem., Alton, " "  
 6--A. F. Appleton, Dem., Crystal, Pembina  
 7--C. F. Peterson, Rep., Berlin, Belknap  
 8--F. McHugh, Rep., Langdon, Cavalier  
 9--B. B. Gilch, Dem., " "  
 10--V. B. Noble, Dem., Bostwick, Dickinson  
 11--J. E. Collins, Rep., Burlington, Ward  
 12--Sam. Hans Thorsen, Dem., Burlington, Bottineau  
 13--E. W. English, Republican, Fargo  
 14--Harvey Harris, Rep., Hamerick, Burleigh  
 15--E. A. Williams, Rep., " "  
 16--John E. Carlson, Dem., " "  
 17--A. W. Hoyt, Rep., Bismarck, Morton  
 18--A. S. Peterson, Rep., " "  
 19--Wm. Jay Dem., Dickinson, Stark  
 20--J. E. Graham, Rep., Clayton, Roseau

21--G. B. Fay, Rep., Jolley, McLeod County.  
 22--C. V. Brown, Rep., Shebden, Wells  
 23--Paul. Folley, Sergeant-at-Arms, Walpole  
 24--William H. Evans, Rep., Minnegan, Mountrail County  
 25--A. D. Flinnigan, Rep., Ellendale, " "  
 26--L. D. Bartlett, Dem., " "  
 27--R. E. Story, Rep., Le Moyne, La Motte  
 28--R. S. Stevens, Rep., Lakota, Bowman  
 29--Andrieu Buckner, Rep., Lakota, Bowman  
 30--John Hanson, Rep., Hatland, Stutsman  
 31--J. B. McKinnis, Rep., Milnor, " "  
 32--John Powers, Dem., Hornum, " "  
 33--W. S. Lander, Rep., Walpole, Burkhead  
 34--Andrew Blodden, Rep., " "  
 35--W. H. Perrell, Dem., " "  
 36--C. C. Rowland, Engineering and Railroad Clerk, Ellendale  
 37--G. F. Miller, Rep., Fargo, Cass County  
 38--R. F. Spaulding, Rep., Fargo, Cass County  
 39--Jacob Leland, Dem., " "  
 40--Albion Lamb, Rep., Devilsport, Cass County

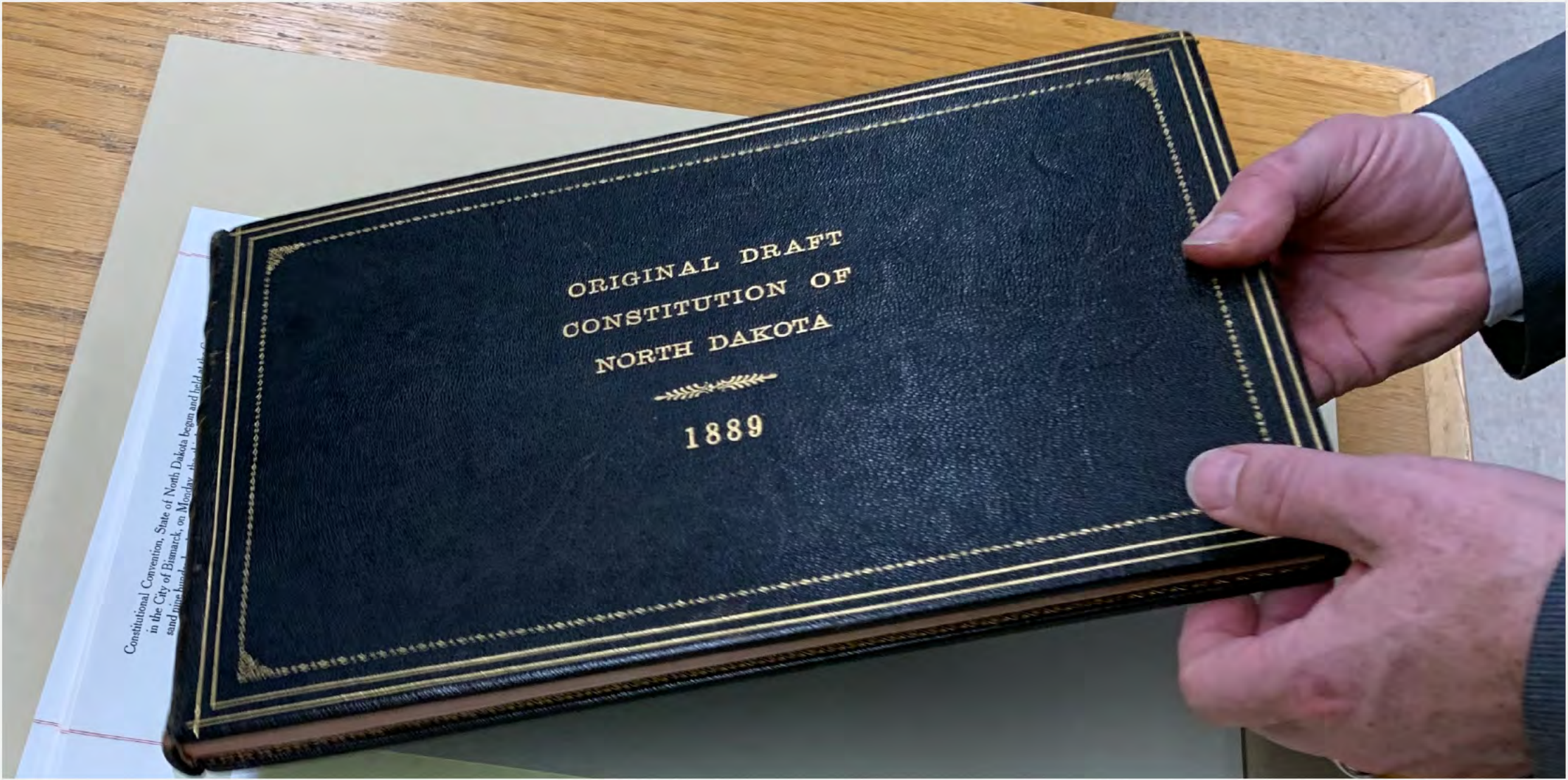
CONSTITUTIONAL CONVENTION  
 OF THE STATE OF  
 NORTH DAKOTA.  
 BISMARCK, JULY 4TH, 1889.

W. H. DESGRAFF, PHOTOGRAPHER.

41--F. B. JANCHE, Fremont, Rep., Jamestown, Stutsman County, G.  
 42--H. M. Peterson, Rep., Horset, Cass County.  
 43--E. W. Carlson, Rep., Assiniboia, " "  
 44--W. J. Chapp, Rep., Towner City, " "  
 45--Eugene Day, Dickinson, " "  
 46--Rev. Geo. Kilan, Chaplain, Hamarick  
 47--Einar Elford, Rep., Malboro, Barnes County.  
 48--John W. Hunt, Rep., Valley City, " "  
 49--Jay Walwood, Rep., Minnie Lake, Burson County.  
 50--E. W. Cannon, Rep., Jamestown, Stutsman  
 51--Andrew Howard, Dem., " "  
 52--H. M. Falkner, Rep., Casselton, Cass  
 53--E. S. Smith, Rep., Minnewaska, Bowman  
 54--H. M. Clark, Rep., New Rockford, Stark  
 55--G. O. Hamilton, Rep., Carleton, Foster  
 56--David Bartlett, Rep., Cooperstown, Otter  
 57--R. D. Walker, Rep., Hope, Steele  
 58--E. M. Paulson, Rep., Mayville, Towner  
 59--Geo. H. Wanda, Bookkeeper, Minot  
 60--J. F. Selby, Rep., Ellendale, Towner County  
 61--M. F. Hagan, Dem., Hatton, " "

62--Karl J. Nornbark, Rep., Cadeville, Towner County.  
 63--Richard Stewart, Rep., Grand Forks, Grand Forks County.  
 64--Alex. Gilgus, Dem., " "  
 65--Wm. Dugas, Rep., " "  
 66--Amos P. Hanson, Rep., Bayside, " "  
 67--J. H. Mathew, Rep., Larimore, " "  
 68--Chas. Carlsson, Rep., Ellendale, " "  
 69--J. H. Hamilton, Chief Clerk, Grand Forks.  
 70--M. N. Johnson, Rep., Lakota, Nelson County.  
 71--M. W. Leland, Rep., Northland, Grand Forks County.  
 72--T. W. Shan, Rep., Michigan City, Nelson  
 73--A. D. Whipple, Rep., Devil's Lake, Hettinger  
 74--Richard Lottum, Rep., " "  
 75--J. F. O'Brien, Dem., " "  
 76--H. D. Hutchinson, Rep., Minota, Walsh County.  
 77--M. C. Morlan, Dem., Grandin, " "  
 78--James Bell, Dem., Minota, " "  
 79--Eugene Allen, Rep., Grandin, " "  
 80--John Adams, Rep., Grandin, " "  
 81--James Douglas, Dem., Park River, Walsh County.





*Constitutional Convention, State of North Dakota began and held in the City of Bismarck, on Monday, the 19th day of June, 1889, and nine hundred and thirty-four delegates were present.*

ORIGINAL DRAFT  
CONSTITUTION OF  
NORTH DAKOTA



1889

# Constitution of North Dakota - 1889

## - Preamble -

We the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this Constitution.

## - Article I -

### Declaration of Rights -

Section 1 - All men are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and reputation; and pursuing and obtaining safety and happiness.

Sec. 2 - All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

Sec. 3 - The State of North Dakota is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.





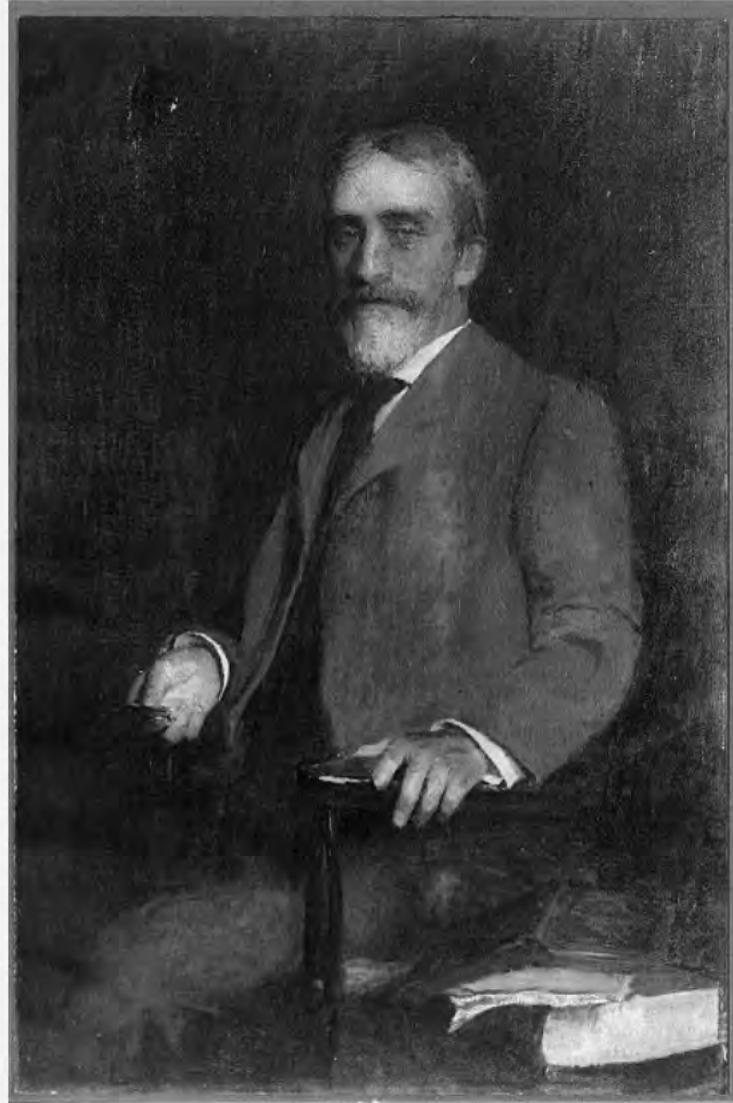
Erastus Appleman Williams

recently introduced in the convention by Mr. Williams, the newspapers generally, speak very highly. The Dickinson News says: "It will, if adopted, be looked upon as one of the very best organic laws ever enacted. It deals justly with all classes and is likely to be endorsed by the convention without many changes. Yet, if the members of the convention see



...and dispatch.

The secret of the authorship of the complete constitution introduced in the convention by Judge Williams of this place, is out at last. No less a master mind than that of William M. Evarts of New York, planned this framework for the new state. A number of wealthy non-resident property owners, who hold considerable land near Bismarck, wrote to Senator Evarts before the convention assembled, and asked how much he wanted for drawing up a model constitution.



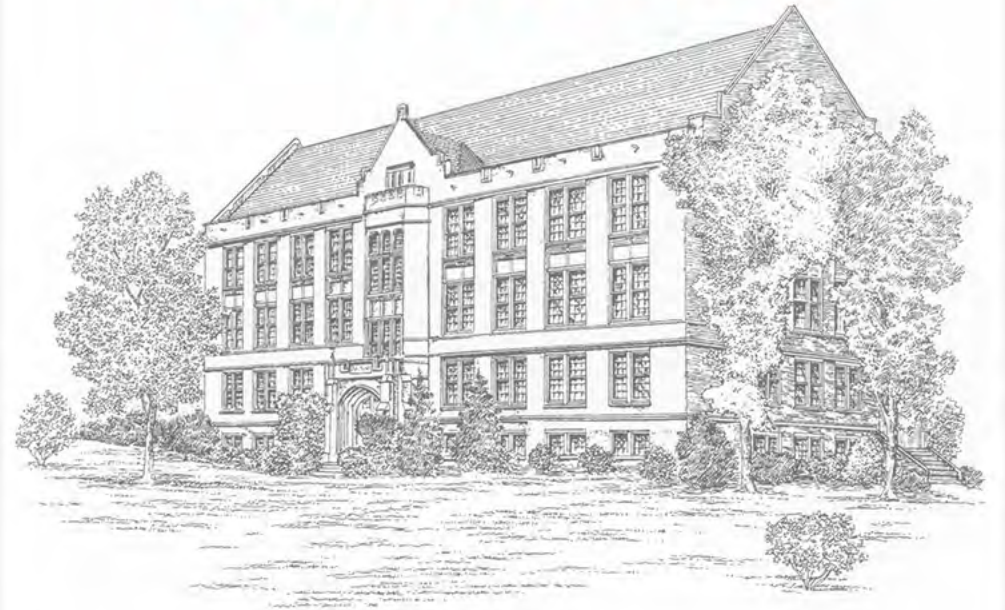
**James B. Thayer**

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# North Dakota Law Review







### ARTICLE I.

- For SEC. 1.-Minn., II, 1, and others.
- " SEC. 2.-Minn., II, 1, and others.
- " SEC. 3.-Montana, VIII, 2 and 3, and others.

### ARTICLE II.

- For SEC. 1.-Cal., I, 3; Va., I, 2; Mo., II, 2; Md. Decl'n. Rights, 2.
- " SEC. 2.-Minn., IV, 6; Nevada, IV, 34.
- " SEC. 3.-Minn., Sched., 9; Dakota.
- " SEC. 5.-Montana Ordinance; Dakota.

### ARTICLE III.

- For SEC. 1.-Constitutions generally.
- " SEC. 2.- " "
- " SEC. 3.- " "
- " SEC. 4.-Penna., I, 25; Ind., I, 36; Kentucky, XIII, 29;  
Oregon, I, 30.
- " SEC. 5.-Mich., XVIII, 13, and eleven other Constitutions.
- " SEC. 6.-Constitutions generally.
- " SEC. 7.- " "
- " SEC. 8.- " "
- " SEC. 9.- " "
- " SEC. 10.- " "

