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BEGINNER'S CIVICS FOR NORTH DAKOTA

BY

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PREFACE

The aim of this book is to develop civic efficiency. It covers the whole field of civil government, both national and State. It is designed to meet the needs of those who are beginning the study of the subject, especially those in the grades below the high school.

There are two things emphasized in this book, (1) the Framework of Government, and (2) the Government in Operation.

Since the framework of our government is the Constitution, the Federal and State Constitutions are studied together, and compared with each other, in a parallel column arrangement.

The operations of government are vitally interesting and important to us all, and hence much stress is laid on the actual activities of our government. An earnest effort has been made not only to make this feature of the work interesting and stimulating but also to relate it to the pupil's own observations and experiences with government.

The teacher in using this book will find help in the questions on the text, the questions suggested by the text, and the select bibliography at the close of each chapter. The successful teacher will also undoubtedly supplement the book with these two devices:—

1. *Current Events*.—At least once a week a searching review should be made of current events, for which purpose those events which have political and social significance should be selected. The school should receive either a good

daily paper, or a good independent weekly paper. On this point the county superintendent should be consulted.

2. *Scrapbook*.—By all means let the teacher see that a scrapbook on civics is prepared by the class. It should contain things relating to politics and civics, such as clippings from the ordinary newspaper or magazine, pictures of officials, sample ballots, campaign announcements and posters, party platforms, official messages and reports, news items about courts, trials, proceedings of city councils, county commissioners' proceedings, educational statistics, etc. The material should be arranged in the same order as the subjects treated in this book, as shown by the table of contents. A suitable scrapbook can be secured from any local dealer at a very small cost. One large scrapbook may be used by the entire class, or smaller scrapbooks by the individual members of the class. If this collection is annually carefully compiled, each year will see a good up-to-date scrapbook added to the school library. Teacher and pupils should coöperate in making this collection. Back numbers of such a scrapbook would soon acquire real value as records of political history,—local, State, and national.

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PART I
GOVERNMENT
CHAPTER I

FAMILY GOVERNMENT

“It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.” LINCOLN’S “Gettysburg Address,” 1863.

Need of Government.—Man has been called a “political animal.” He is by nature one of the most social of all beings. The lives of most men are spent in daily contact with the lives of other human beings. Indeed those unfortunate persons, such as sheep herders, who are forced by their occupations to live apart in lonely and remote regions, have often become insane through sheer loneliness. Persons who have chosen to live by themselves in out-of-the-way places have always been looked upon as queer, to say the least. Men naturally associate with one another, forming a rela-

tionship which is called *society*. Since men associating with one another do not always know what is the right thing to do, or are not always willing to do the right thing, disputes and conflicts arise. There are, unfortunately, both fools and knaves in the world, and both do a great deal of harm. Therefore, since men are not perfectly wise, or perfectly good, there must be some rules to govern conduct and some power to enforce these rules. The act of making and enforcing rules is called *government*.

Each one of us is familiar with such terms as *family government*, *school government*, and *church government*. The four greatest institutions of all civilized nations are the home, the school, the church, and the state. Each has its own peculiar government. The state includes the other three institutions within itself, and makes some rules for the protection and preservation of them all. It is with the government of the state, chiefly, that this book deals. Yet we must speak briefly of the family before entering upon our study of the state.

The Family.—The family came before the state in history. For instance, Abraham was the head of a great family government long before the Jewish people had established a nation or state for themselves. Later in their history these people increased greatly in number, forming first twelve tribes, and finally one state under a king. The Eskimos to-day have no state government, no kings, no lawmakers, no judges, but they are regulated by their family government. The fathers and

aged men make and enforce the few simple rules needed. Probably if the history of any great nation could be traced back far enough, its beginning would be found to be a single family. Hence the family is very important as a historic institution. But in studying state governments of to-day, we find that the family is very important for many other reasons.

Importance of the Family.—No matter how good the schools are, the education of the children must depend largely on the family. Abraham Lincoln, for instance, had only six months of schooling in his whole life, and this was in a log schoolhouse; yet he was one of the best educated men this country has ever produced. His Gettysburg address is read the world over as one of the noblest classics of the English language. Lincoln's unquenchable thirst for learning he got, so he tells us, from his mother. At one time he walked nine miles a day to attend a log-house school. At night he would lie in front of the fireplace and, having no slate and no paper, would write and cipher with charcoal on the wooden shovel, on boards, and on smooth sides of logs, shaving them clean when he wanted to write again. It was in his humble cabin home, and not in the schoolhouse, that Lincoln educated himself with an education that was genuine and thorough. And, thanks to this home influence, he early acquired a taste for books, not books that were silly and trashy, but books that were worth while. History tells us the names of seven of the principal books which were an early influence for good in the Lincoln home.

They are: an arithmetic, the Bible, "Æsop's Fables," "Robinson Crusoe," Weems's "Life of Washington," "Pilgrim's Progress," and a United States history.

Nowadays the schoolhouse is in reach of every home. But an appreciation of education and a taste for learning must be found in the home, if the school is



Pioneer's Sod House

are, the child depends, for good morals and right habits, almost entirely on the home training. Important and helpful as the



Pioneer's House a Few Years Later

churches are, they can not do this work for the family. The home must always do its part.

No matter how good the doctors are, the health of the community depends more on the family than on anything else. For instance, a large city recently issued the following health bulletin and distributed it among the people:

"We are especially interested in diphtheria and scarlet fever just now. The warm weather causes the children to congregate for play. If the children are well, this is well; but if there is one child in the

to have very much influence in educating the boy or the girl.

No matter how good the churches

group who has a slight sore throat, or a mild scarlet fever, it will not be well. A bad neighbor, one who neglects ordinary precautions to prevent the spread of contagion, is a very dangerous thing—much worse than bad laws. Unless neighbors are good neighbors on the average, the whole structure of society goes to pieces. There are several ways in which a neighbor



Disorderly Back Yard

can be a bad neighbor; but there is no way worse than that of permitting children to spread contagion.”

If the family in the country or the city can provide itself at all times with pure air, pure water, and pure milk, it is likely to remain free from tuberculosis and typhoid fever, and will not communicate these dread diseases to others. The germs of these diseases are often carried from one member of the family to another, or from one family to another family. For the cure of diseases, doctors are usually called in, but for the prevention of

diseases, the family must always remain chiefly responsible. And prevention is better than cure.

No matter how excellent the government of a community may be, it can do little good if the government of the home is a failure. Czolgosz, the anarchist who was put to death for the murder of President McKinley, was surrounded all his life by good schools and good churches, yet his own home influences were bad. If obedience and proper respect for authority are not learned in the home, then the police, the courts, the jails, and the prisons all combined cannot preserve law and order in the community. Indeed, it is not strange that investigators in our prisons have found that the inmates there, mostly young men, come as a rule from homes broken up by divorce or death, or from homes where family government has been a failure.

Coöperation and Government.—Savages build no bridges. No matter how many times the savage must cross the stream, he always swims or crosses in a rude boat. With the white man it is different. He soon gets other white men to help him with their labor or money, and a bridge is built, which is then used by all in common. This method is best and cheapest for all. To build the bridge, men must coöperate, that is, they must work together. Savages cannot coöperate. They lack the necessary intelligence and character. Hence savages build no schoolhouses, no churches, no court-houses, and no capitol buildings. These things all require coöperation. The savage is therefore unfit for self-government. Savages do not even build beautiful

homes, but mere huts, all of the same pattern. If one savage should attempt to build his hut bigger and finer than the rest, it would be quickly torn down by his jealous fellows. The very first step in self-government is coöperation. There can be no coöperation, for any



A Workingman's Home

length of time, among thieves any more than among savages. Coöperation requires honesty as well as faith in one another,—a faith tested by actual experience. And the family of to-day is very important for this additional reason, that there the child learns his first lesson in coöperation. The American home, if it is a real home, is based on coöperation. Father, mother, and children have each and all their part in the work and play and tender ministrations of the home. The

work of the home cannot all be done, and righteously and nobly done, unless there is coöperation. No games can be played unless the players, both losers and winners, coöperate in following the rules of the game. In all government, whether of the home, the school, the church, or the state, coöperation is the fundamental thing. One of the great truths in civil government is that good families make a good state, bad families a bad state.

QUESTIONS ON THE TEXT

1. What does Part I of this book treat of?
2. Define government.
3. Show the need of government.
4. Define society.
5. Name four common kinds of government.
6. Which came first, family government or state government?
7. Give two examples of this truth.
8. Show the importance of the family from the following stand-points:
 - a. Education.
 - b. Morals.
 - c. Health.
 - d. Good government.
 - e. Coöperation.
9. Illustrate the fact that savages cannot coöperate.
10. State an important maxim in civil government.

QUESTIONS SUGGESTED BY THE TEXT

1. Debate: "Which causes more harm in society, the fool or the knave?"
2. Roosevelt has said that the man and woman who establish a good home are performing a noble service. Write an essay on "The Making of an Ideal Home."

3. Read an account of the boyhood of some criminal, and note the weakness of his home training.
4. How many boys are in the State Reform School at Mandan? What can you say concerning the home life of any of these boys?
5. Debate: "Resolved, that a boy's habits are fixed more by his home than by his school life."
6. Name the five families who settled first in your school district. Where did they come from?
7. Show that the best government requires the most coöperation.
8. Show to what extent farmers should be independent and to what extent they should coöperate.
9. Where is more coöperation found, among farmers, or in cities? (Consider water supply, paved streets, etc.)
10. Source study (Scrapbook).

When Benjamin Franklin lived in Philadelphia, each family was supposed to sweep the street in front of its own house. This might be called "competition" in street sweeping, but it did not work well. How coöperation was finally brought about is told by Franklin in his autobiography in these words: "One day I found a poor industrious man who was willing to undertake keeping the pavement clean by sweeping it twice a week, carrying off all the dirt from before the neighbors' doors, for the sum of sixpence per month, to be paid by each house. I then wrote and printed a paper setting forth the advantages to the neighborhood that might be obtained by this small expense. . . . I sent one of these papers to each house, and in a day or two went around to see who would subscribe an agreement to pay these sixpences; it was unanimously signed, and for a time well executed. This raised a general desire to have all the streets paved, and made the people more willing to submit to a tax for that purpose."

In this way street cleaning by the city began.

Write an essay giving an account of some example of co-operation you have seen among farmers, such as digging a well, building a house, harvesting a crop, the work of a "quilt-party," etc.

11. What magazines are read in your district?
 - a. Secure the following pictures and place them in your Civics Scrapbook: A beautiful farmhouse; an ugly farmhouse; a front yard with trees and flowers; a barren front yard.
 - b. Secure a picture of the first home in your school district.

REFERENCES

- “North Dakota Magazine” (Address Department of Agriculture and Labor, Bismarck).
- Annual Report, State Reform School, Mandan.
- Dunn, The “Community and the Citizen,” Chs. 1-6.
- Wright, “Practical Sociology,” Chs. 5, 10, 12.
- Allen, “Civics and Health.”

CHAPTER II

CIVIL GOVERNMENT

“With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation’s wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations.” LINCOLN’S “Second Inaugural,” 1865.

Definitions.—Three things are necessary before we can have a state, namely, land, people, and a political organization. Hence we may define a state as an independent body of people, organized politically, and occupying a definite territory. Persons who are members of a state are called citizens. Those things which a citizen owes to others are known as his duties; what others owe to him, as his rights. It is evident, on second thought, that the citizen owes to others the same rights that they owe to him—in other words, his rights and duties are equal and balance one another. They are reciprocal. For example, a person ought not to injure or molest the property of others; others should not injure his property. Many citizens, however, have a much keener perception of their rights than they have of their duties. This is one reason why government is necessary to-day.

Kinds of State Government.—There are three principal kinds of state governments, — (1) *monarchy*,

government by one person; (2) *aristocracy*, government by the few; (3) *democracy*, government by the many.

Under a *monarchy* the ruler may be a czar as in Russia, an emperor as in Germany, a king as in Norway, or may have one of many other titles.

Aristocracies, common in Italian cities five or six hundred years ago, especially in the time of Dante, no longer exist. Under this form of government a few rich and powerful families (literally the "best" families) ruled the city or small state. Enemies of these governments, not believing them to be conducted by the "best" families, called them *oligarchies* (governments by a few).

Democracy is the form of government familiar to all Americans. It means government by the people. There are two kinds of democracy,—(1) pure democracy, or government by the people direct; and (2) representative democracy, or government by elected representatives. A pure democracy is practicable only in a small community, such as a school district or a township. In North Dakota we find an example of this form of government only in the township. The voters actually meet together in an assembly, the "town meeting," and there proceed to elect the necessary officers, to make their own rules, and to vote their own township taxes. But in all other subdivisions of our government,—school district, village, county, as well as State and nation,—we are taxed, not by ourselves, but by our elected representatives. Hence our form

of government is correctly spoken of as being a *representative democracy*, or, in short, a *republic*.

Some foreign states to-day have a form of government which is a mixture of the monarchic and democratic forms. England is the best example of this. This nation has a king, and is therefore a monarchy *in form*. But this king has no power in the government, much less, in fact, than our own President has. The people of England, through their representatives in the Parliament, rule. Hence the government is a representative government *in practice*.

Three Branches of Government.—The government of our State and nation is based on the principle that there are three branches of government. These branches are: (1) *legislative*, or lawmaking; (2) *executive*, or law enforcing; and (3) *judicial*, or law interpreting. To safeguard the liberties of the people,—liberties won through centuries of struggle and bloodshed,—these three branches are kept separate as far as possible. And they are to be kept equal too, as much as possible, no one branch being above the other in power or dignity. Under Andrew Jackson and Abraham Lincoln we had an executive branch stronger than the legislative branch. Under Pierce and Buchanan we had a legislative branch far stronger than the executive. Some decisions of our Supreme Court, overruling laws of Congress, have caused recent critics to ask whether the judiciary was not getting stronger than the other two branches combined.

Constitution.—The fundamental law or set of prin-

ciples under which a state is governed is termed a *constitution*. That a constitution is a necessity, the long and bloody experience of mankind has shown. A monarch ruling without a constitution, as formerly in Russia and Turkey, is almost sure to oppress the people. In a republican government like our own, a constitution is needed to protect the minority against the bad impulses of the majority. It is also necessary to protect an ignorant and torpid majority against a powerful, unscrupulous minority.

The Federal Principle.—The citizen of North Dakota is a citizen also of the United States. He has therefore two governments over him at the same time,—two chief executives, two legislative bodies, two judicial systems. Our great republic has been described as “an indestructible Union of indestructible States.” How much governing power shall be left to the Federal government and how much to the separate States? The Federal principle is, that each State in the Union is a supreme sovereign in all matters affecting it alone, and that the Federal government is a supreme sovereign in all other matters. To trace the delicate line between Federal powers and State powers is a work which has occupied the minds of great statesmen. The Civil War itself was a test of this great question. One thing, however, is certain,—the people have the power to alter or amend the government to suit themselves, whether it be the Federal government or the government of the State.

Civil Government and Civics.—*Civil government*

means the institution or collection of institutions by which a state makes and enforces rules for its citizens. The science which treats of civil government is commonly known as *civics*.

By analyzing carefully the Constitutions of the United States and North Dakota, we can get a clear understanding of the framework of our government. We are now ready to enter on this task.

QUESTIONS ON THE TEXT

1. What are the three elements of a state?
2. Define a state.
3. Who are citizens?
4. Define rights and duties. Show their relationship.
5. In this connection, show one reason why government is necessary to-day.
6. Name the principal kinds of state governments.
7. Define each kind. Give an example of each.
8. What is a pure democracy? A republic?
9. What kind of government has England?
10. Name the three branches of government. Define each.
11. Why should they be kept separate and equal? Have they always been so kept?
12. What is a constitution?
13. Why is a constitution necessary?
14. What is the Federal principle? Can you explain it?
15. Show that it is a hard matter to draw the line between Federal and State powers.
16. What is civil government? Civics?
17. Where can we discover the framework of our government?

QUESTIONS SUGGESTED BY THE TEXT

1. Is the post office in your community under the control of the State or the Federal government? The national bank? The State bank?

2. When is a railroad under State control, and when under Federal control?
3. Did the Jewish nation in the time of Moses have a constitution?
4. Which is the best form of government and why?
5. Is the best form of government for an intelligent and moral people also the best form of government for an ignorant and immoral people?
6. Debate: "Resolved, that government by a wise and good king is to be preferred to that by ignorant and corrupt representatives."

REFERENCES

Wright, "Practical Sociology," Ch. 6.

Bryce, "American Commonwealth" (1910 edition), Vol. I., Chs. 26-35.

PART II
FRAMEWORK OF OUR GOVERNMENT

CHAPTER III

CONSTITUTIONS OF THE UNITED STATES AND OF NORTH
DAKOTA

“The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.” WASHINGTON’S “Farewell Address,” 1796.

LESSON 1

THE CONSTITUTION (Four Parts)

(Copy and learn the following Outline. See pages 41-97.)

I.—PREAMBLE

UNITED STATES

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

NORTH DAKOTA

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

II.—BILL OF RIGHTS

UNITED STATES

NORTH DAKOTA

Amendments I.—X.

Article I.

III.—CONSTITUTION PROPER

Articles I.—VII.

Articles II.—XX.

IV.—AMENDMENTS

Amendments I.—XV.

Amendments I.—XII.

QUESTIONS

1. How many parts are there in the United States Constitution?
2. Does our State Constitution have the same parts?
3. Name these parts.
4. Which has the longer constitution, the State or the United States? * Why is this?¹
5. Where is the Bill of Rights found in the Federal Constitution?
In the State Constitution?
6. *What is the Bill of Rights?
7. How many amendments are there to the State Constitution? To the Federal Constitution?
8. Quote both preambles.
9. How many articles are there in the Constitution proper of North Dakota? Of the United States?

LESSON 2

II.—BILL OF RIGHTS

UNITED STATES

NORTH DAKOTA

Read Amendments I.—X.

Read Article I.

Copy the following numbers of the Amendments constituting the Federal Bill of Rights.

Copy, in parallel columns, the numbers of the sections corresponding to the same provisions in the Federal Bill of Rights; *e. g.* opposite Am. I. write Secs. 4, 9, 10.

¹ Questions starred are optional only. They are not answered in the Constitution, but can be answered by reference to some good work on the Constitution.

| UNITED STATES | | NORTH DAKOTA |
|---------------|-------|--------------------|
| Amendment | I. | Sections 4, 9, 10. |
| Amendment | II. | — |
| Amendment | III. | Sec.? |
| Amendment | IV. | Sec.? |
| Amendment | V. | Sec.? |
| Amendment | VI. | Sec.? |
| Amendment | VII. | — |
| Amendment | VIII. | Sec.? |
| Amendment | IX. | — |
| Amendment | X. | — |

QUESTIONS

1. What rights are mentioned in both constitutions?
2. *Are any of these rights enumerated in Magna Charta of 1215? Which ones? In the Declaration of Independence?
3. Name some rights in the North Dakota Constitution not found in the Federal Bill of Rights.
4. Can these rights be taken away by the State legislature? (Sec. 24).

LESSON 3

III.—CONSTITUTION PROPER

| UNITED STATES | NORTH DAKOTA |
|---------------------------------|---------------------------------|
| Copy titles of Articles I.—VII. | Copy titles of Articles II.—XX. |

QUESTIONS

1. What is the subject of Art. I of the Federal Constitution?
2. What article in the State Constitution corresponds to this?
3. What is the subject of Art. II of the Federal Constitution?
4. What article in the State Constitution corresponds to this?
5. What is the subject of Art. III of the Federal Constitution?
6. What article of the State Constitution corresponds to this?
7. What is the subject of Art. IV of the Federal Constitution?
8. Is there any article in the State Constitution corresponding to this? Why?
9. What is the subject of Art. V of the Federal Constitution? Of Art. VI?

- 10. Are there corresponding articles in the State Constitution?
- 11. What is the subject of Art. VII of the Federal Constitution?
Is there any corresponding article in the State Constitution?
- 12. *How many people are living under each constitution to-day?
- 13. Name nine subjects in the State Constitution not found in the Federal Constitution.
- 14. Can you account for this?

LESSON 4

III.—CONSTITUTION PROPER (Continued)

LEGISLATIVE BRANCH

UNITED STATES

Read Art. I., Sections I.—IV.

Copy and complete the following outline:

1. *House of Representatives.*

I. How composed?

II. Eligibility { Age?
Citizenship?
Inhabitancy?

III. Number of members? *Number at present time?

IV. How apportioned? (14th Am.)

V. By whom elected? When? Vacancies, how filled?

VI. Qualifications of Electors.

VII. House Powers { Legislative { Concurrent?
Exclusive? (See also
Sec. VII. ¶ 1.)
Impeachment?
Elective { House officers?
President of U. S.?

2. *Senate.*

I. How composed?

II. Eligibility { Age?
Citizenship?
Inhabitancy?

- III. Term? By whom chosen? When chosen?
- IV. Vacancies, how filled?
- V. Presiding Officer {
 - Vice President U. S.
 - President pro tempore?
 - Chief Justice?
- VI. Senate Powers {
 - Legislative?
 - Exclusive {
 - Appointments?
 - Treaties?
 - Elective {
 - Senate officers?
 - Vice President U. S.?
 - Judicial?

LESSON 5

III.—CONSTITUTION PROPER (Continued)

LEGISLATIVE BRANCH

UNITED STATES

Read Art. I., Section V.—VII.

Provisions Common to Both Houses.

- I. Membership and disputed election returns?
- II. Ineligibility to certain Federal offices?
- III. Business quorum?
- IV. Parliamentary rules?
- V. Journal?
- VI. Expulsion of member?
- VII. Prohibition on Adjournment? Time? Place?
- VIII. Salary?
- IX. Privileges: From Arrest? Of Debate?

LESSON 6

III.—CONSTITUTION PROPER (Continued)

LEGISLATIVE BRANCH

NORTH DAKOTA

Read Article II., Secs. 25-40.

QUESTIONS

1. Where is the legislative power of North Dakota vested? Of the United States?
2. Give the following facts about the North Dakota Senate:
 - a.* How composed.
 - b.* Term.
 - c.* Eligibility.
 - d.* How chosen.
 - e.* Senate powers.
 - f.* Impeachment, Art. XIV.
 - g.* Presiding officer.
3. Give the following facts about the North Dakota House of Representatives:
 - a.* How composed.
 - b.* Term.
 - c.* Eligibility.
 - d.* How chosen.
 - e.* House powers.
 - f.* Impeachment, Art. XIV.
 - g.* Presiding officer.
4. State the provisions common to both houses of the legislative assembly of North Dakota.
 - a.* Ineligibility.
 - b.* Bribery.

LESSON 7

III.—CONSTITUTION PROPER (Continued)

LEGISLATIVE BRANCH

NORTH DAKOTA

Read Art. II., Sections 41-59.

State the provisions common to both houses of the legislative assembly of North Dakota.

- a.* Term begins when?
 - b.* Vacancies, how filled.
 - c.* Salary.
 - d.* Quorum.
 - e.* Disputed election returns.
 - f.* Open and secret sessions.
 - g.* Adjournment, time, and place.
 - h.* Session, date, and length.
 - i.* Enacting clause.
 - j.* Rules of proceedings.
 - k.* Appropriation bills.
5. What does it mean to "redistrict" the State? Who has this power?

6. In what district do you live? Draw a map of it, and give names of its representatives in the last legislative assembly. (See Blue Book.)
7. How are Senate committees chosen?

LESSON 8

III.—CONSTITUTION PROPER (Continued)

LEGISLATIVE BRANCH

UNITED STATES

NORTH DAKOTA

Read Art. I., Sections VIII., IX., X.

Read Art. II., Sections 60-70.

QUESTIONS

1. Name ten powers of Congress.
2. Name four prohibitions on Congress.
3. Name four prohibitions on the States.
4. Name five prohibitions on the legislative assembly in the North Dakota Constitution.
5. May Congress levy a tariff on exports? Why not?
6. May States levy a protective tariff?
7. What are the financial powers of Congress?
8. May the North Dakota legislature grant special charters to cities? Give a reason for your answer.
9. Which has the more powers, Congress or the State legislature?
10. On how many subjects are local and special laws of the State legislature forbidden? Name five of these prohibitions.
11. How may a bill become a law?

LESSON 9

III.—CONSTITUTION PROPER (Continued)

EXECUTIVE BRANCH

UNITED STATES

NORTH DAKOTA

Read Art. II. and Am. XII.

Read Art. III.

Copy and complete the following outline, and answer the questions below:

OUTLINE, Executive (United States)

1. In whom vested?
2. Term?
3. Qualifications (age? citizenship? inhabitancy?)
4. How elected? (See Am. 12.)
5. How removable?
6. Salary?
7. Powers: *a.* Military? *b.* treaty making? *c.* pardoning? *d.* appointing? *e.* legislative (message, veto, convene, Congress?)

QUESTIONS

1. What are the military powers of the governor of North Dakota?
2. What are his pardoning powers? (See Am. 3.)
3. *What are his appointing powers?
4. Has the governor any legislative powers?
5. What does the Federal Constitution say about the President's cabinet? *Can you name the cabinet?
6. Has the governor a cabinet?
7. Name the other important executive officers of North Dakota besides the governor. (Sec. 83).
8. Are they appointed or elected? *What effect does this have on the governor's position?
9. Are members of the President's cabinet appointed or elected? *Does this have any effect on the President's position?
10. *Define impeachment. Who has sole power of impeachment? Power to try all cases of impeachment? (See Lesson 4.)
11. For what may the President and Vice President be impeached?

LESSON 10

III.—CONSTITUTION PROPER (Continued)

JUDICIAL BRANCH

UNITED STATES

Read Art. III.

NORTH DAKOTA

Read Art. IV., sections 85-102,
Amendment X.

Copy and complete the following outline of the Federal judiciary:

OUTLINE

1. Where vested.
 - a. Supreme Court.
 - b. Inferior courts.
2. Judges.
 - a. How appointed?
 - b. Tenure of office?
3. Jurisdiction.
 - a. Original. Define and give extent of.
 - b. Appellate. Define and give extent of.

QUESTIONS

1. Where is the judicial power of North Dakota vested?
2. Composition of State Supreme Court. Number of judges; qualifications; term of office; how chosen.
3. Jurisdiction of State Supreme Court.
4. Why is no jury trial allowed in this court?

LESSON 11

III.—CONSTITUTION PROPER (Continued)

JUDICIAL BRANCH

NORTH DAKOTA

Read Art. IV., sections 103-120.

1. Composition of District Court. Number of judges; qualifications; term; how chosen.
2. What is the jurisdiction of this court?
3. County court: Number of judges; term; how chosen; jurisdiction.
4. Justices of Peace: Number of justices; how chosen; jurisdiction.
5. Police magistrate: Where chosen? How? Jurisdiction?

LESSON 12

III.—CONSTITUTION PROPER (Continued)

- a. *THE STATES AND TERRITORIES*
- b. *MISCELLANEOUS PROVISIONS*
- c. *RATIFICATION*

UNITED STATES

Read Arts. IV., VI., VII.

QUESTIONS

1. What credit is given in one State to the judicial proceedings of any other State?
2. *Give one example of this rule.
3. How are new States admitted to the Union?
4. What powers has Congress over the Territories?
5. May the Federal government send troops into a State to quell local disorders? *Has this ever been done?
6. What is the supreme law of the land?
7. May a Mohammedan or a Buddhist hold Federal office in the United States? Give a reason for your answer?
8. What provision is made in the Constitution for its ratification? *When was it ratified by each State? *By what vote?

LESSON 13

III.—CONSTITUTION PROPER (Continued)

FUTURE AMENDMENTS

UNITED STATES

Read Art. V.

NORTH DAKOTA

Read Art. XV.

Copy the following table:

Amendments to U. S. Constitution—Dates of:

| | | | | |
|------------|----------------------|-------|---------|-------|
| Ams. I.-X. | Proposed by Congress | 1789, | Adopted | 1791. |
| Am. XI. | “ “ “ | 1794, | “ | 1798. |
| Am. XII. | “ “ “ | 1803, | “ | 1804. |
| Am. XIII. | “ “ “ | 1865, | “ | 1865. |
| Am. XIV. | “ “ “ | 1866, | “ | 1868. |
| Am. XV. | “ “ “ | 1869, | “ | 1870. |

QUESTIONS

1. How may the Constitution of North Dakota be amended?
2. How many times has it been amended?
3. How long does it take to amend the State Constitution?
4. In what two ways may amendments be proposed to the Federal Constitution?
5. In what way may the Federal Constitution be amended?
6. How have all the amendments thus far been proposed?
7. *What is the object in having the second method of proposing amendments?
8. Give the date of adoption of each of the fifteen amendments to the Federal Constitution?
9. *What led to the first ten amendments? The last three? The 11th? The 12th?

LESSON 14

III.—CONSTITUTION PROPER (Continued)

- a. *ELECTIVE FRANCHISES*
- b. *MUNICIPAL CORPORATIONS*

NORTH DAKOTA

Read Arts. V., VI., and Am. 2.

1. Copy and complete the following outlines, adding the numbers of sections referred to in the State Constitution:
 - A. *Elective Franchise.*
 1. Qualifications for voting.
 - a. Age and sex.
 - (a) School elections.
 - b. Residence.
 - c. Citizenship.
 - (a) Citizen of United States.
 - (b) Certain Indians.
 2. Time and date of general elections.
 - B. *Municipal Corporations*

QUESTIONS

1. Under what conditions can foreigners vote in North Dakota?
2. Who are citizens? (See 14th Am. U. S. Constitution.)
3. At what election can women vote?
4. What control has the State legislature over cities?
5. In what ways may the State legislature restrict the right of suffrage?

LESSON 15

III.—CONSTITUTION PROPER (Continued)

OTHER CORPORATIONS

UNITED STATES

NORTH DAKOTA

Read Art. VII.

Corporations (other than municipal).

1. Corporations—how organized.
2. Foreign corporations—how they do business in North Dakota.
3. Limitation on issue of stock and bonds.
4. Combinations.
 - a. Railroads.
 - b. Combinations to control price.

QUESTIONS

1. What control has the State legislature over North Dakota corporations? Over foreign corporations? Over railroads?
*What is a foreign corporation?
2. *Can North Dakota corporations “water their stock”? (Sec. 138.)
3. What combinations are illegal in North Dakota?

LESSON 16

III.—CONSTITUTION PROPER (Continued)

a. *EDUCATION*b. *SCHOOL AND PUBLIC LANDS*

UNITED STATES

NORTH DAKOTA

Read Arts. VIII., IX., sections
153-158.

QUESTIONS

1. Why should public schools be maintained?
2. May part of the public money be used for sectarian schools?
3. What are the four sources of our Permanent School Fund?
Which of these four is the most important? (The grant of sections 16 and 36 makes a total of 2,250,000 acres.)
4. Will future losses make this fund smaller?
5. What are the sources of the State Tuition Fund? (Sec. 154.)
6. *What did this fund amount to last year? How much did your school receive?
7. May the State sell its coal lands?

LESSON 17

III.—CONSTITUTION PROPER (Continued)

a. *EDUCATION*

b. *SCHOOL AND PUBLIC LANDS*

UNITED STATES

NORTH DAKOTA

Read Art. IX., XIX., sections 159-165, and Ams. V., VI., VIII., IX., XI., XII.

QUESTIONS

1. Who has control of all school lands, and all moneys coming from the sale of these lands? How do they invest this money? (Sec. 162, Am. 8.)
2. What is the minimum price of school lands? *How high has it sold?
3. *How does the minimum price in our State compare with the price in older States?
4. Who appraises the lands in each county?
5. How is this land then sold?
6. Does the State also rent land? On what terms?
7. *Prepare a table showing (a) total land grants to common schools and to each State institution, (b) acres sold and (c) total price received, (c) average price per acre. (See last report of Land Commissioner, Bismarck, N. D.)

8. Draw a map of North Dakota and locate thereon each State institution; also indicate the size of the land grant, if any, of each institution. Which have no land grant? Why?

LESSON 18

III.—CONSTITUTION PROPER (Continued)

COUNTY AND TOWNSHIP ORGANIZATION

NORTH DAKOTA

Read Art. X.

QUESTIONS

1. What is the minimum size of a county in North Dakota?
2. Who may change the boundaries of organized counties?
3. What county officers are provided for in the Constitution? (See also section 150.)
4. What county officers may not serve for more than four years in succession? Why is this? What State officer?

LESSON 19

III.—CONSTITUTION PROPER (Continued)

a. *REVENUE AND TAXATION*

b. *PUBLIC DEBT AND PUBLIC WORKS*

NORTH DAKOTA

Read Arts. XI., XII., and Ams. IV. and VII.

QUESTIONS

1. What is the limit of State taxes (exclusive of interest on State debt)?
2. What is said about uniformity of taxation? What does this mean? Is there any exception to the rule of uniformity? (Am. 7.)
3. On what basis shall property be valued for taxation?
4. How are railroads assessed?

5. What other corporations are assessed in the same way?
6. What is the limit of the public debt of North Dakota?
6. Who assesses property in your school district?
8. *What is the North Dakota debt to-day?
9. What is the debt limit for a county? A township? A city? A school district? What are the exceptions to this rule?
10. May the State engage in any work of "internal improvement"?

LESSON 20

III.—CONSTITUTION PROPER (Continued)

- a. *MILITIA*
- b. *IMPEACHMENT AND REMOVAL*
- c. *MISCELLANEOUS*
- d. *PROHIBITION*

NORTH DAKOTA

Read Arts. XIII., XIV., XVII.,
and XX.

QUESTIONS

1. What is the difference between the militia and the active militia (National Guard)?
2. Who has the sole power of impeachment? Of trial of impeachment?
3. What is said about child labor in the North Dakota Constitution?
4. May corporations use the blacklist in this State? What is a blacklist?
5. May married women own property in this State?
6. May liquors be manufactured, sold, or given away in this State?
7. What other States are prohibition States?

LESSON 21

IV.—AMENDMENTS

UNITED STATES

NORTH DAKOTA

Copy titles of Ams. I.—XV.

Copy titles of Ams. I.—XII.

Read Ams. XIII., XIV., XV.

Read Am. I.

QUESTIONS

1. Where does the word "slavery" occur in the Federal Constitution? What is here said on that subject?
2. Who are citizens of the United States?
3. *Is a Chinaman, born and raised in the United States, a citizen?
4. What are States forbidden to do by the 14th Amendment? Is this an important prohibition? Why?
5. What is there in the 14th Amendment designed to deprive certain southern whites (just after the civil war) of the right to vote? (Sec. 3.)
6. What is there in the 14th Amendment which aimed to stimulate the southern States to allow negroes to vote? (Sec. 2.)
7. Does Congress, or do the States, have the right to regulate the qualifications for voting?
8. Does the 15th Amendment give the negro the right to vote?
9. *In what ways may States "deny or abridge" the right to vote? In what ways have they done so?
10. Can lotteries operate legally in North Dakota? Why? Give a reason for your answer?

CONSTITUTION OF THE UNITED STATES OF AMERICA

[NOTE—The Constitution was adopted September 17, 1787, by the unanimous consent of the States present in the constitutional convention, and was ratified by the conventions of the several States, as follows: By Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; Rhode Island, May 29, 1790.

The first ten of the amendments were proposed by Congress, September 25, 1789, and were finally ratified by the constitutional number of States, December 15, 1791.

The other amendments were proposed by Congress at different times, and, having been adopted by the constitutional number of States, went into effect as follows: the eleventh amendment, January 8, 1798; the twelfth, September 25, 1804; the thirteenth, December 18, 1865; the fourteenth, July 28, 1868; the fifteenth, March 30, 1870.]

WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Preamble

ARTICLE I—Legislative Department

Section I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

CONGRESS

Sec. II. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

REPRESENTATIVES:
when and
by whom
elected

Qualifica-
tions of
members

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Census
each ten
years, to
apportion
representa-
tives

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.¹ The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Vacancies

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Speaker
Impeach-
ment

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SENATE:
composi-
tion and
how chosen

Sec. III. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote.

Not all
chosen at
same time

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Vacancies

Qualifica-
tions of
senator

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be president

¹ Amended by the Fourteenth Amendment.

of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Sec. IV. 1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. V. 1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. VI. 1. The Senator and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of

President
of the
senate

President
pro
tempore

Trial of
impeach-
ments

Punish-
ment of
impeached
officials

BOTH
HOUSES
Election
laws

When
Congress
meets

Election
returns.
Quorum

Rules in
each
house

The
"journal"

Adjourn-
ment

Compensa-
tion

Members
privileged
from arrest

their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

One federal office at a time

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Revenue bills

Sec. VII. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

President's veto power

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Congress may pass bill over president's veto

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

EXPRESS POWERS OF CONGRESS

Taxing

Sec. VIII. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Borrowing

2. To borrow money on the credit of the United States;

Commerce

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

- 4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; Naturalization and bankruptcy
 - 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; Coin money
 - 6. To provide for the punishment of counterfeiting the securities and current coin of the United States; Counterfeiting
 - 7. To establish post offices and post roads; Post offices
 - 8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; Patents and copyrights
 - 9. To constitute tribunals inferior to the Supreme Court; Establish courts
 - 10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; Piracy
 - 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; War
 - 12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; Army
 - 13. To provide and maintain a navy; Navy
 - 14. To make rules for the government and regulation of the land and naval forces;
 - 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; Militia
 - 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
 - 17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and Seat of government
 - 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. IMPLIED POWERS
- Sec. IX. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. PROHIBITIONS ON CONGRESS
2. The privileges of the writ of *habeas corpus* shall not be Importation of slaves until 1808

Habeas corpus suspended, unless when in cases of rebellion or invasion the public safety may require it.

Bill of attainder 3. No bill of attainder or *ex post facto* law shall be passed.

Direct taxes according to population 4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax on exports 5. No tax or duty shall be laid on articles exported from any State.

No preference to state ports 6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

Lawful receipts and expenditures 7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles not granted 8. No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

POWERS DENIED TO THE STATES Sec. X. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

States not to levy tariff 2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Other powers expressly denied the States 3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II—Executive Department

THE PRESIDENT: term of office Sec. I. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

How and
by whom
elected

[The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate, shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]¹

3. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Election
day

4. No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Who may
be presi-
dent: qual-
ifications

5. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case

Impeach-
ment of
president:
who suc-
ceeds

¹ This paragraph superseded by the Twelfth Amendment.

of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

President's salary 6. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Oath of office 7. Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

President is commander in chief Sec. II. 1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Reprieves and pardons Treaty-making power 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Appointing power Vacancies 3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

President's messages to congress Sec. III. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec. IV. The President, Vice President, and all civil officers

of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Removal from office

ARTICLE III—Judiciary Department

Sec. I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

Supreme and inferior courts
Term of office and salary

Sec. II. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;¹—between citizens of different States,—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Jurisdiction of U. S. courts

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Jurisdiction of supreme court

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Jury trial

Sec. III. 1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason defined

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Punishment

¹ See the Eleventh Amendment.

ARTICLE IV—The Nation and the States

Public acts
of the sev-
eral States

Sec. I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

All citizens
equal

Sec. II. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Removal
of crimi-
nals

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

Return of
runaway
slaves

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.¹

Admission
of new
States

Sec. III. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

Govern-
ment of
territories

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Republi-
can form
of gov-
ernment
guaranteed

Sec. IV. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V—Future Amendments

How
amend-
ments to
constitu-
tion are
proposed
and
adopted

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three

¹ See the Thirteenth Amendment.

fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI—Miscellaneous

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

U. S. assumes debts of confederation

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Supreme law of land

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

No religious test required

ARTICLE VII—Ratification

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Ratification

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go: WASHINGTON—

Presidt and Deputy from Virginia

AMENDMENTS

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

BILL OF RIGHTS AMENDMENTS I-X

ARTICLE I

Religious
liberty and
free speech

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

Carrying
arms

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

Quartering
of troops

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

Unreason-
able
searches
forbidden

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

Jury trial
for capital
offenses

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Life, lib-
erty and
property
safe-
guarded

ARTICLE VI

Criminal
prosecu-
tions:
speedy,
public,
jury trial

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be con-

fronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Trial by jury

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Bail and fines

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Unexpressed rights of people

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Powers reserved for the States

ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

Judicial power limited

ARTICLE XII

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government

Mode of election of President and Vice President provided for

of the United States, directed to the president of the Senate;—
 The president of the Senate shall, in the presence of the Senate
 and House of Representatives, open all the certificates and the
 votes shall then be counted;—The person having the greatest
 number of votes for President shall be the President, if such
 number be a majority of the whole number of electors appointed;
 and if no person have such majority, then from the persons
 having the highest numbers not exceeding three on the list of
 those voted for as President, the House of Representatives shall
 choose immediately, by ballot, the President. But in choosing
 the President, the votes shall be taken by States, the representa-
 tion from each State having one vote; a quorum for this purpose
 shall consist of a member or members from two thirds of the
 States, and a majority of all the States shall be necessary to a
 choice. And if the House of Representatives shall not choose
 a President whenever the right of choice shall devolve upon
 them, before the fourth day of March next following, then the
 Vice President shall act as President, as in case of the death or
 other constitutional disability of the President. The person
 having the greatest number of votes as Vice President shall be
 the Vice President, if such number be a majority of the whole
 number of Electors appointed, and if no person have a majority,
 then from the two highest numbers on the list, the Senate shall
 choose the Vice President; a quorum for the purpose shall consist
 of two thirds of the whole number of Senators, and a majority
 of the whole number shall be necessary to a choice. But no
 person constitutionally ineligible to the office of President shall
 be eligible to that of Vice President of the United States.

Majority
 of electoral
 (not popu-
 lar) vote
 necessary

When the
 House of
 Represent-
 atives
 elects
 President

ARTICLE XIII

Slavery
 abolished

Negro a
 free man

Sec. I. Neither slavery nor involuntary servitude, except as
 a punishment for crime whereof the party shall have been duly
 convicted, shall exist within the United States, or any place
 subject to their jurisdiction.

Sec. II. Congress shall have power to enforce this article by
 appropriate legislation.

ARTICLE XIV

Who are
 citizens?

Negro a
 citizen

State
 powers
 restricted

Sec. I. All persons born or naturalized in the United States,
 and subject to the jurisdiction thereof, are citizens of the United
 States and of the State wherein they reside. No State shall
 make or enforce any law which shall abridge the privileges or
 immunities of citizens of the United States; nor shall any State
 deprive any person of life, liberty, or property, without due

process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. II. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Basis of representation in congress: all male citizens

Sec. III. No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each house, remove such disability.

Political disability

Sec. IV. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

What debts are valid

Sec. V. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

Sec I. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Negro a voter

Sec. II. The Congress shall have power to enforce this article by appropriate legislation.

Proposed
Income
Tax
Amend-
ment

NOTE.—The following joint resolution was proposed at the first session of the sixty-first Congress. It was passed by the Senate July 5, 1909, by a unanimous vote, and by the House of Representatives July 12, by a vote of 317 to 14, and it received the approval of the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

“Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment, among the several States, and without regard to any census or enumeration.”

By the latter part of 1911 the legislatures of most of the States had taken action as provided by Article V of the Constitution, but the requisite number of ratifications (three fourths of the whole number of States) had not yet been secured.

CONSTITUTION OF THE STATE OF NORTH DAKOTA

[Adopted Oct. 1, 1889; yeas, 27,441; nays, 8,107.]

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

ARTICLE I—Declaration of Rights Bill 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. Inalienable rights

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. Aim of government

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. Supreme law

Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state. Religious liberty

Sec. 5. The privilege of the writ of *habeas corpus* shall not be suspended unless, when in case of rebellion or invasion, the public safety may require. *Habeas corpus*

Sec. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the

No excessive bail or fines

presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

Trial by jury

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but a jury in civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law.

Further rights of accused

Sec. 8. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

Freedom of speech

Sec. 9. Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

Public meetings

Sec. 10. The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.

Operation of laws

Sec. 11. All laws of a general nature shall have a uniform operation.

No standing army

Sec. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Rights of accused in criminal prosecutions

Sec. 13. In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

Private property cannot be confiscated

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner and no right of way shall be

appropriated to the use of any corporation, other than municipal, until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived.

Sec. 15. No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in case of tort; or where there is strong presumption of fraud.

No imprisonment for debt

Sec. 16. No bill of attainder, *ex post facto* law, or law impairing the obligations of contracts shall ever be passed.

Ex post facto laws forbidden
Slavery forbidden

Sec. 17. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Sec. 18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Rights against searches

Sec. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

Treason defined

Sec. 20. No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

Granting of special privileges

Sec. 21. The provisions of this Constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

Constitution in force

Sec. 22. All courts shall be open and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the State in such manner, in such courts and in such cases as the legislative assembly may, by law, direct.

Justice administered

Sec. 23. Every citizen of this State shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

Freedom of employment

Sec. 24. To guard against transgressions of the high powers

which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II—Legislative Department

- Two legis-
lative
bodies
- Number of
senators
- Term of
office
- Qualifica-
tions of
senator
- Apportion-
ment of
senators
- One half of
senators
elected
biennially
- President
of senate
- Number of
members
in house of
represent-
atives
- Term of
office
- Sec. 25. The legislative power shall be vested in a senate and house of representatives.
- Sec. 26. The senate shall be composed of not less than thirty nor more than fifty members.
- Sec. 27. Senators shall be elected for the term of four years, except as hereinafter provided.
- Sec. 28. No person shall be a senator who is not a qualified elector in the district in which he may be chosen, and who shall not have attained the age of twenty-five years, and have been a resident of the state or territory for two years next preceding his election.
- Sec. 29. The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as there are senators, which districts, as nearly as may be, shall be equal to each other in the number of inhabitants entitled to representation. Each district shall be entitled to one senator and no more, and shall be composed of compact and contiguous territory; and no portion of any county shall be attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law.
- Sec. 30. The senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the senators shall be divided into two classes. Those elected in the districts designated by even numbers shall constitute one class, and those elected in districts designated by odd numbers shall constitute the other class. The senators in one class elected in the year 1890 shall hold their office for two years, those of the other class shall hold their office four years, and the determination of the two classes shall be by lot, so that one half of the senators, as nearly as practicable, may be elected biennially.
- Sec. 31. The senate at the beginning and close of each regular session, and at each other times as may be necessary, shall elect one of its members president pro tempore, who may take the place of the lieutenant governor under rules prescribed by law.
- Sec. 32. The house of representatives shall be composed of not less than sixty nor more than one hundred and forty members.
- Sec. 33. Representatives shall be elected for the term of two years.

Sec. 34. No person shall be a representative who is not a qualified elector in the district from which he may be chosen, and who shall not have attained the age of twenty-one years, and have been a resident of the state or territory for two years next preceding his election.

Qualifications of members

Sec. 35. The members of the house of representatives shall be apportioned to and elected at large from each senatorial district. The legislative assembly shall, in the year 1895, and every tenth year, cause an enumeration to be made of all the inhabitants of this state, and shall at its first regular session after each such enumeration, and also after each federal census, proceed to fix by law the number of senators which shall constitute the senate of North Dakota, and the number of representatives which shall constitute the house of representatives of North Dakota, within the limits prescribed by this constitution, and at the same session shall proceed to reapportion the state into senatorial districts, as prescribed by this constitution, and to fix the number of members of the house of representatives to be elected from the several senatorial districts; provided, that the legislative assembly may, at any regular session, redistrict the state into senatorial districts and apportion the senators and representatives respectively.

Apportionment of representatives

Census required

Sec. 36. The house of representatives shall elect one of its members as speaker.

Election of speaker

Sec. 37. No judge or clerk of any court, secretary of state, attorney general, register of deeds, sheriff or person holding any office of profit under this state, except in the militia, or the office of attorney at law, notary public or justice of the peace, and no person holding any office of profit or honor under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of \$300, shall hold any office in either branch of the legislative assembly or become a member thereof.

Public officials not eligible

Sec. 38. No member of the legislative assembly expelled for corruption, and no person convicted of bribery, perjury or other infamous crime, shall be eligible to the legislative assembly, or to any office in either branch thereof.

Restriction of eligibility

Sec. 39. No member of the legislative assembly shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the governor, or governor and senate, during the term for which he shall have been elected.

Increase of salaries and promotions

Sec. 40. If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence

Bribery

in favor of, or against, any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly shall give his vote or influence for or against any measure or proposition, pending or proposed to be introduced into such legislative assembly, or offer, promise or assent to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other such measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and on the conviction thereof, in the civil courts, shall be liable to such further penalty as may be prescribed by law.

Representatives expelled for bribery

When term begins

Sec. 41. The term of service of the members of the legislative assembly shall begin on the first Tuesday in January, next after their election.

Privileged from arrest

Sec. 42. The members of the legislative assembly shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to or returning from the same. For words used in any speech or debate in either house, they shall not be questioned in any other place.

Restriction on voting in house

Sec. 43. Any member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

Vacancies filled

Sec. 44. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislative assembly.

Compensation of members

Sec. 45. Each member of the legislative assembly shall receive as a compensation for his services for each session, five dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly on the most usual route.

Quorum

Sec. 46. A majority of the members of each house shall

constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such a penalty as may be prescribed by law.

Sec. 47. Each house shall be the judge of the election returns and the qualifications of its own members.

Election returns

Sec. 48. Each house shall have the power to determine the rules of proceeding, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two thirds, to expel a member; and shall have all other powers necessary and usual in the legislative assembly of a free state. But no imprisonment by either house shall continue beyond thirty days. Punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

Rules of the house

Sec. 49. Each house shall keep a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the request of one sixth of those present.

Journal of proceedings

Sec. 50. The sessions of each house and of the committee of the whole shall be open unless the business is such as ought to be kept secret.

Sessions public

Sec. 51. Neither house shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which the two houses shall be sitting, except in case of epidemic, pestilence or other great danger.

Adjournment

Sec. 52. The senate and house of representatives jointly shall be designated as the legislative assembly of the State of North Dakota.

Legislative assembly

Sec. 53. The legislative assembly shall meet at the seat of government at 12 o'clock noon on the first Tuesday after the first Monday in January, in the year next following the election of the members thereof.

First meeting of assembly

Sec. 54. In all elections to be made by the legislative assembly or either house thereof, the members shall vote viva voce, and their votes shall be entered in the journal.

Viva voce vote

Sec. 55. The sessions of the legislative assembly shall be biennial, except as otherwise provided in this Constitution.

Biennial sessions

Sec. 56. No regular session of the legislative assembly shall exceed sixty days, except in case of impeachment, but the first session of the legislative assembly may continue for a period of one hundred and twenty days.

Duration of session

Sec. 57. Any bill may originate in either house of the legislative assembly, and a bill passed by one house may be amended by the other.

Origin and amendment of bills

Sec. 58. No law shall be passed, except by a bill adopted by

- Bill must pass both houses both houses, and no bill shall be altered and amended on its passage through either house as to change its original purpose.
- Enacting clause Sec. 59. The enacting clause of every law shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota."
- Restriction on revenue bills Sec. 60. No bill for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of the session, except by unanimous consent of the house in which it is sought to be introduced.
- Nature of bill Sec. 61. No bill shall embrace more than one subject, which shall be expressed in its title, but a bill which violates this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.
- Nature of revenue bills Sec. 62. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative and judicial departments of the State, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.
- Readings of bill Sec. 63. Every bill shall be read three several times, but the first and second readings, and those only, may be upon the same day; and the second reading may be by title of the bill unless a reading at length be demanded. The first and third readings shall be at length. No legislative day shall be shorter than the natural day.
- Amendments Sec. 64. No bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended or extended or so incorporated shall be re-enacted and published at length.
- Majority vote necessary Sec. 65. No bill shall become a law except by a vote of a majority of all the members-elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the journal.
- Presiding officer signs bills Sec. 66. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislative assembly; immediately before such signing their title shall be publicly read and the fact of signing shall be at once entered on the journal.
- New law effective July 1 Sec. 67. No act of the legislative assembly shall take effect until July 1, after the close of the session, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislative assembly shall, by a vote of two thirds of all the members present in each house, otherwise direct.
- Sec. 68. The legislative assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

Sec. 69. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

1. For granting divorces.
2. Laying out, opening, altering or working roads or highways, vacating roads, town plats, streets, alleys or public grounds.
3. Locating or changing county seats.
4. Regulating county or township affairs.
5. Regulating the practice of courts of justice.
6. Regulating the jurisdiction and duties of justices of the peace, police magistrates or constables.
7. Changing the rules of evidence in any trial or inquiry.
8. Providing for change of venue in civil or criminal cases.
9. Declaring any person of age.
10. For limitation of civil actions, or giving effect to informal or invalid deeds.
11. Summoning or impaneling grand or petit juries.
12. Providing for the management of common schools.
13. Regulating the rate of interest on money.
14. The opening or conducting of any election or designating the place of voting.
15. The sale or mortgage of real estate belonging to minors or others under disability.
16. Chartering or licensing ferries, toll bridges or toll roads.
17. Remitting fines, penalties or forfeitures.
18. Creating, increasing or decreasing fees, percentages or allowances of public officers.
19. Changing the law of descent.
20. Granting to any corporation, association or individual the right to lay down railroads tracks or any special or exclusive privilege, immunity or franchise whatever.
21. For the punishment of crimes.
22. Changing the names of persons or places.
23. For the assessment or collection of taxes.
24. Affecting estates of deceased persons, minors or others under legal disabilities.
25. Extending the time for the collection of taxes.
26. Refunding money into the state treasury.
27. Relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this State or to any municipal corporation therein.
28. Legalizing except as against the State, the unauthorized or invalid act of any officer.
29. Exempting property from taxation.
30. Restoring to citizenship persons convicted of infamous crimes.
31. Authorizing the creation, extension or impairing of liens.

Special
and local
laws
which leg-
islative
assembly
cannot
pass

32. Creating offices, or prescribing the powers or duties of officers in counties, cities, township, election or school districts, or authorizing the adoption or legitimation of children.

33. Incorporation of cities, towns or villages, or changing or amending the charter of any town, city or village.

34. Providing for the election of members of the board of supervisors in townships, incorporated towns or cities.

35. The protection of game or fish.

Repeal of
special acts
Laws must
be general

Sec. 70. In all other cases where a general law can be made applicable, no special law shall be enacted; nor shall the legislative assembly indirectly enact such special or local law by the partial repeal of a general law, but laws repealing local or special acts may be passed.

ARTICLE III—Executive Department

Governor's
term two
years

Sec. 71. The executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of two years and until his successor is elected and duly qualified.

Lieutenant
governor:
term of
office

Sec. 72. A lieutenant governor shall be elected at the same time and for the same term as the governor. In case of the death impeachment, resignation, failure to qualify, absence from the State, removal from office, or the disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted or the disability removed, shall devolve upon the lieutenant governor.

Eligibility
and quali-
fications
for gov-
ernor and
lieutenant
governor

Sec. 73. No person shall be eligible to the office of governor or lieutenant governor unless he be a citizen of the United States, and a qualified elector of the State, who shall have attained the age of thirty years, and who shall have resided five years next preceding the election within the State or territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

Elected
by the
people

Sec. 74. The governor and lieutenant governor shall be elected by the qualified electors of the State at the time and places of choosing members of the legislative assembly. The persons having the highest number of votes for governor and lieutenant governor respectively shall be declared elected, but if two or more shall have an equal and highest number of votes for governor or lieutenant governor, the two houses of the legislative assembly at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law.

If vote is
tie, assem-
bly elects

Sec. 75. The governor shall be commander in chief of the

military and naval forces of the State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislative assembly on extraordinary occasions. He shall at the commencement of each session communicate to the legislative assembly by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislative assembly and shall take care that the laws be faithfully executed.

Powers of
governor
Head of
militia

Message of
governor

Sec. 76. The governor shall have power to remit fines and forfeitures, to grant reprieve, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislative assembly may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the legislative assembly at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

Pardoning
power

Note.—This section amended by Article 3, Amendments to the Constitution.

Sec. 77. The lieutenant governor shall be president of the senate, but shall have no vote unless they be equally divided. If, during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of State shall act as governor until the vacancy shall be filled or the disability removed.

Powers of
lieutenant
governor:
president
of senate

Sec. 78. When any office shall from any cause become vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill such vacancy by appointment.

Vacancies
filled

Sec. 79. Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the governor. If he approves, he shall sign, but if not, he shall return with his objections, to the house in which it originated, which shall enter the objections at large upon the journal, and proceed

Veto
power of
governor

to reconsider it. If, after such reconsideration, two thirds of the members-elect shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two thirds of the members-elect, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislative assembly, by its adjournment, prevent its return, in which case it shall be a law unless he shall file the same with his objections in the office of the secretary of state within fifteen days after such adjournment.

No pocket
veto

Portions of
act may be
vetoed

Sec. 80. The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void, unless enacted in the following manner: If the legislative assembly be in session he shall transmit to the house in which the bill originated a copy of the item or items, or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Governor
may not
bribe, nor
use unduly
his official
influence
over legis-
lation

Sec. 81. Any governor of this State who asks, receives or agrees to receive, any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislative assembly, or who threatens any member that he, the said governor, will remove any person or persons from office or position, with intent in any manner to influence the action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 82. There shall be chosen by the qualified electors of the State, at the times and places of choosing members of the legislative assembly, a secretary of State, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three commissioners of railroads, an attorney general and one commissioner of agriculture and labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government, for the term of two years and until their successors are elected and fully qualified, but no person shall be eligible to the office of treasurer for more than two consecutive terms.

Other
elective
executive
officers

Sec. 83. The powers and duties of the secretary of State, auditor, treasurer, superintendent of public instruction, commissioner of insurance, commissioners of railroads, attorney general and commissioner of agriculture and labor shall be as prescribed by law.

Powers
and duties
of sec. of
state, etc.

Sec. 84. Until otherwise provided by law, the governor shall receive an annual salary of three thousand dollars; the lieutenant governor shall receive an annual salary of one thousand dollars; the secretary of State, auditor, treasurer, superintendent of public instruction, commissioner of insurance, commissioners of railroads, and attorney general shall each receive an annual salary of two thousand dollars; the salary of the commissioner of agriculture and labor shall be as prescribed by law, but the salaries of any of the said officers shall not be increased or diminished during the period for which they shall have been elected, and all fees and profits arising from any of the said offices shall be covered into the State treasury.

Salary of
governor
and other
executives

ARTICLE IV—Judicial Department

Sec. 85. The judicial power of the State of North Dakota shall be vested in a supreme court, district courts, county courts, justices of the peace, and in such other courts as may be created by law for cities, incorporated towns and villages.

Judicial
powers

Sec. 86. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.

Supreme
court

Sec. 87. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and such other original and remedial writs as may be necessary to the proper exercise of its jurisdiction, and shall have authority to hear and determine the same; provided, however, that no jury trial shall

Jurisdic-
tion of su-
preme
court

be allowed in said supreme court, but in proper cases questions of fact may be sent by said court to a district court for trial.

Where and
when su-
preme
court
meets

Sec. 88. Until otherwise provided by law three terms of the supreme court shall be held each year, one at the seat of government, one at Fargo in the county of Cass, and one at Grand Forks, in the county of Grand Forks.

Note.—Under the provisions of an act of the legislature of 1909, two general terms of the supreme court shall be held at the seat of government, to be known as the April and October terms, and only special terms will be held at cities other than Bismarck upon twenty days previous published notice.

Five judges
of supreme
court

Sec. 89. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain.

Note.—Five judges provided for by amendment adopted 1908.

Judges
elected by
people

Sec. 90. The judges of the supreme court shall be elected by the qualified electors of the State at large, and except as may be otherwise provided herein for the first election for judges under this constitution, said judges shall be elected at general elections.

Term of
office

Sec. 91. The term of office of the judges of the supreme court except as in this article otherwise provided, shall be six years, and they shall hold their offices until their successors are duly qualified.

First elec-
tion and
terms

Sec. 92. The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot so that one shall hold his office for the term of three years, one for the term of five years, and one for the term of seven years from the first Monday in December, A. D. 1889. The lots shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the territory and filed in his office, unless the secretary of State of North Dakota shall have entered upon the duties of his office, in which event said certification shall be filed therein. The judge having the shortest term to serve, not holding his office by election or appointment to fill a vacancy, shall be chief justice and shall preside at all terms of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.

Chief
justice

Minor
court
officers

Sec. 93. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof, and who shall hold their offices during the pleasure of said judge, and whose duties and emoluments shall be prescribed by law and by rules of the supreme court not inconsistent with law. The

legislative assembly shall make provision for the publication and distribution of the decisions of the supreme court and for the sale of the published volumes thereof.

Court decisions published

Sec. 94. No person shall be eligible to the office of judge of the supreme court unless he be learned in law, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this State or the territory of Dakota three years next preceding his election.

Eligibility of judges

Sec. 95. Whenever the population of the State of North Dakota shall equal 600,000 the legislative assembly shall have the power to increase the number of the judges of the supreme court to five, in which event a majority of said court, as thus increased, shall constitute a quorum.

Judges may be increased

Note.—See Amendments, Article X.

Sec. 96. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

Duties

Sec. 97. The style of all process shall be "The State of North Dakota." All prosecutions shall be carried on in the name and by the authority of the State of North Dakota, and conclude "against the peace and dignity of the State of North Dakota."

Sec. 98. Any vacancy happening by death, resignation or otherwise in the office of judge of the supreme court shall be filled by appointment, by the governor, which appointment shall continue until the first general election thereafter, when said vacancy shall be filled by election.

Vacancies

Sec. 99. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected.

Compensation

Sec. 100. In case a judge of the supreme court shall be in any way interested in a cause brought before said court the remaining judges, of said court shall call one of the district judges to sit with them in the hearing of said cause.

Judges disqualified

Sec. 101. When a judgment or decree is reversed or confirmed by the supreme court every point fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely stated in writing, signed by the judges concurring, filed in the office of the clerk of the supreme court, and preserved with a record of the case. Any judge dissenting therefrom may give the reasons for his dissent in writing over his signature.

Decisions in writing

Sec. 102. It shall be the duty of the court to prepare a syllabus of the points adjudicated in each case, which shall be con-

Adjudicated points

curred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.

Jurisdiction of district courts

Sec. 103. The district courts shall have original jurisdiction, except as otherwise provided in this constitution, of all causes both at law and equity, and such appellate jurisdiction as may be conferred by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

Judicial districts

Sec. 104. The State shall be divided into six judicial districts, in each of which there shall be elected at general elections by the electors thereof one judge of the district court therein whose term of office shall be four years from the first Monday in January succeeding his election and until his successor is duly qualified. This section shall not be construed as governing the first election of district judges under this constitution.

[Sec. 105. Names the districts and the territory embraced by each. There are now ten districts (1910).]

Increase in judicial districts

Sec. 106. The legislative assembly may, whenever two thirds of the members of each house shall concur therein, but not oftener than once in four years, increase the number of said judicial districts and the judges thereof; such districts shall be formed from compact territory and bounded by county lines, but such increase or change in the boundaries of the districts shall not work the removal of any judge from his office during the term for which he may have been elected or appointed.

Eligibility of district judge

Sec. 107. No person shall be eligible to the office of district judge, unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided within the State or territory of Dakota at least two years next preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

Clerk

Sec. 108. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected by the qualified electors of the county, and shall hold his office for the same term as other county officers. He shall receive such compensation for his services as may be prescribed by law.

Appeals

Sec. 109. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme court under such regulations as may be prescribed by law.

County Courts

County courts

Sec. 110. There shall be established in each county a county court which shall be a court of record, open at all times and

holden by one judge, elected by the electors of the county, and whose term of office shall be two years.

Sec. 111. The county court shall have exclusive original jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, the sale of lands, by executors, administrators and guardians, and such other probate jurisdiction as may be conferred by law; provided, that whenever the voters of any county having a population of 2,000 or over shall decide by a majority vote that they desire the jurisdiction of said court increased above that limited by this constitution, then said county court shall have concurrent jurisdiction with the district courts in all civil actions where the amount in controversy does not exceed \$1,000, and in all criminal actions below the grade of felony, and in case it is decided by the voters of any county to so increase the jurisdiction of said county court, the jurisdiction in cases of misdemeanors arising under state laws which may have been conferred upon police magistrates shall cease. The qualifications of the judge of the county court in counties where the jurisdiction of said court shall have been increased shall be the same as those of the district judge, except that he shall be a resident of the county at the time of his election, and said county judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction as thus increased shall remain until otherwise provided by law.

Jurisdiction of county courts

Increased jurisdiction

Salary

Justices of the Peace

Sec. 112. The legislative assembly shall provide by law for the election of justices of the peace in each organized county within the State. But the number of said justices to be elected in each organized county shall be limited by law to such a number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions when the amount in controversy, exclusive of costs, does not exceed \$200, and in counties where no county court with criminal jurisdiction exists they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come in question. The legislative assembly shall have power to abolish the office of justice of the peace and confer that jurisdiction upon judges of county courts or elsewhere.

Justices of the peace

Jurisdiction

Police Magistrates

Police
magis-
trates
elected

Sec. 113. The legislative assembly shall provide by law for the election of police magistrates in cities, incorporated towns and villages, who in addition to their jurisdiction of all cases arising under the ordinances of said cities, towns and villages, shall be ex officio justices of the peace of the county in which said cities, towns and villages may be located. And the legislative assembly may confer upon said police magistrates the jurisdiction to hear, try and determine all cases of misdemeanors, and the prosecutions therein shall be by information.

Jurisdic-
tion of

Appeals
from

Sec. 114. Appeals shall lie from the county court, final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.

Miscellaneous Provisions

Sessions
of courts

Sec. 115. The time of holding courts in the several counties of a district shall be as prescribed by law, but at least two terms of the district court shall be held annually in each organized county, and the legislative assembly shall make provision for attaching unorganized counties or territories to organized counties for judicial purposes.

Sec. 116. Judges of the district courts may hold court in other districts than their own under such regulations as shall be prescribed by law.

Sec. 117. No judge of the supreme or district court shall act as attorney or counselor at law.

Sec. 118. Until the legislative assembly shall provide by law for fixing the terms of court, the judges of the supreme and district courts shall fix the terms thereof.

Judges not
eligible to
other
offices

Sec. 119. No judge of the supreme or district courts shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge. All votes or appointments for either of them for any elective or appointive office except that of judge of the supreme court, or district court, given by the legislative assembly or the people, shall be void.

Courts of
conciliation

Sec. 120. Tribunals of conciliation may be established with such powers and duties as shall be prescribed by law or the powers and duties of such may be conferred upon other courts of justice; but such tribunals or other courts when sitting as such, shall have no power to render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunals or courts.

ARTICLE V—Elective Franchise

Sec. 121. Every male person of the age of twenty-one years and upwards belonging to either of the following classes, who shall have resided in the State one year, in the county six months and in the precinct ninety days next preceding any election, shall be deemed a qualified elector at such election:

Who may
vote

First. Citizens of the United States.

Citizens
only

Second. Persons of foreign birth who shall have declared their intention to become citizens one year and not more than six years prior to such election, conformably to the naturalization laws of the United States.

Third. Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election.

Note.—This section amended by Article 2, amendments to the constitution.

Sec. 122. The legislative assembly shall be empowered to make further extensions of suffrage hereafter, at its discretion, to all citizens of mature age and sound mind, not convicted of crime, without regard to sex; but no law extending or restricting the right of suffrage shall be in force until adopted by a majority of the electors of the State voting at a general election.

Extension
of suffrage
to women

Sec. 123. Electors shall in all cases except treason, felony, breach of the peace or illegal voting, be privileged from arrest on the days of election during their attendance at, going to and returning from such election, and no elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

Electors
protected

Sec. 124. The general elections of the State shall be biennial, and shall be held on the first Tuesday after the first Monday in November; provided, that the first general election under this constitution shall be held on the first Tuesday after the first Monday in November, A. D. 1890.

Time of
elections

Sec. 125. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State or in the military or naval service of the United States.

Absentee
electors

Sec. 126. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed therein.

Bona fide
residents

Sec. 127. No person who is under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, unless restored to civil rights.

Disquali-
fied elect-
ors

Note.—This section amended by Article 2, amendments to the constitution.

Women
vote

Sec. 128. Any woman having the qualifications enumerated in section 121 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office.

Secret
ballot

Sec. 129. All elections by the people shall be by secret ballot, subject to such regulations as shall be provided by law.

ARTICLE VI—Municipal Corporations

Organiza-
tion of
municipal
bodies

Sec. 130. The legislative assembly shall provide by general law for the organization of municipal corporations, restricting their powers as to levying taxes and assessments, borrowing money and contracting debts; and money raised by taxation, loan or assessment for any purpose shall not be diverted to any other purpose except by authority of law.

ARTICLE VII—Corporations Other Than Municipal

Private
corpora-
tions

Sec. 131. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such municipal, charitable, educational, penal or reformatory corporations as may be under the control of the State; but the legislative assembly shall provide by general laws for the organization of all corporations hereafter to be created, and any such law, so passed, shall be subject to future repeal or alteration.

Bona fide
organiza-
tions

Sec. 132. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this constitution takes effect, shall thereafter have no validity.

Corpora-
tion
charters

Sec. 133. The legislative assembly shall not remit the forfeiture of the charter to any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

Right of
eminent
domain

Sec. 134. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislative assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of this State shall never be abridged, or so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals or the general well being of the State.

Police
power of
State

Sec. 135. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Election of
corpora-
tion di-
rectors

Sec. 136. No foreign corporation shall do business in this State without having one or more places of business and an authorized agent or agents in the same, upon whom process may be served.

Foreign
corpora-
tions

Sec. 137. No corporation shall engage in any business other than that expressly authorized in its charter.

Business of
corpora-
tion limit-
ed

Sec. 138. No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Stock of
corpora-
tion must
be paid up

Sec. 139. No law shall be passed by the legislative assembly granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied for such purposes.

Corpora-
tions must
get consent
of local
bodies

Sec. 140. Every railroad corporation organized and doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in the State for the transaction of its business, where transfers of its stock shall be made and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in and by whom and the transfers of said stock; the amount of its assets and liabilities and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislative assembly shall pass laws enforcing by suitable penalties the provisions of this section; provided, the provisions of this section shall not be so construed as to apply to foreign corporations.

State in-
spection of
railroads

Railroads
must re-
port an-
nually

Sec. 141. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given at least sixty

Competi-
tion safe-
guarded

days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section by any railroad corporation by lease or otherwise, shall work a forfeiture of its charter.

State may
regulate
railroad
rates

Sec. 142. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and all railroads, sleeping car, telegraph, telephone and transportation companies of passengers, intelligence and freight are declared to be common carriers and subject to legislative control; and the legislative assembly shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers, intelligence and freight, as such common carriers, from one point to another in this State; provided, that appeal may be had to the courts of this State from the rates so fixed; but the rates fixed by the legislative assembly or board of railroad commissioners shall remain in force pending the decision of the courts.

Right to
organize
new rail-
roads

Sec. 143. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the state line with the railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other, and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

"Corpora-
tion" is a
private
business

Sec. 144. The term "corporation" as used in this article shall not be understood as embracing municipalities or political subdivisions of the State unless otherwise expressly stated, but it shall be held and construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

State
banks
must "se-
cure" issue
of money

Sec. 145. If a general banking law be enacted, it shall provide for the registry and countersigning by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the state treasurer for the redemption of such notes or bills.

Illegal for
combina-
tions to
control
prices

Sec. 146. Any combination between individuals, corporations, associations, or either, having for its object or effect the controlling of the price of any product of the soil or any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited and hereby declared unlawful and against public policy; and any and all franchises heretofore granted or extended, or that may hereafter be granted or extended in this State, whenever the owner or owners thereof violate this article, shall be deemed annulled and become void.

ARTICLE VIII—Education

Sec. 147. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the State of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.

Free public education

Non-sectarian control

Sec. 148. The legislative assembly shall provide, at its first session after the adoption of this constitution, for a uniform system for free public schools throughout the State, beginning with the primary and extending through all grades up to and including the normal and collegiate course.

Uniform system in public schools

Sec. 149. In all schools instructions shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

What should be taught

Sec. 150. A superintendent of schools for each county shall be elected every two years, whose qualifications, duties, powers and compensation shall be fixed by law.

Superintendent of schools

Sec. 151. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

Citizens must be taught to read and write

Sec. 152. All colleges, universities, and other educational institutions, for the support of which lands have been granted to this State, or which are supported by a public tax, shall remain under the absolute and exclusive control of the State. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian school.

State control of state schools

ARTICLE IX—School and Public Lands

Sec. 153. All proceeds of the public lands that have heretofore been or may hereafter be granted by the United States for the support of the common schools in this State; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the State by escheat; the proceeds of all gifts and donations to the State for common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, shall be and remain a perpetual fund for the mainte-

Permanent school fund—sources of

Increase but not diminish

nance of the common schools of the State. It shall be deemed a trust fund, the principal of which shall forever remain inviolate and may be increased but never diminished. The State shall make good all losses thereof.

School
funds,
how ap-
plied

Sec. 154. The interest and income of this fund together with the net proceeds of all fines for violation of state laws, and all other sums which may be added thereto by law shall be faithfully used and applied each year for the benefit of the common schools of the State, and shall be for this purpose apportioned among and between all the several common school corporations of the State in proportion to the number of children in each of school age, as may be fixed by law, and no part of the fund shall ever be diverted even temporarily, from this purpose, or used for any other purpose whatever than the maintenance of common schools for the equal benefit of all the people of the State; provided, however, that if any portion of the interest or income aforesaid shall be not expended during any year, said portion shall be added to and become a part of the school fund.

Sale of
public
land for
school
fund pur-
poses

Sec. 155. After one year from the assembling of the first legislative assembly the lands granted to the State from the United States for the support of the common schools may be sold upon the following conditions and no other: No more than one fourth of all such lands shall be sold within the first five years after the same become saleable by virtue of this section. No more than one half of the remainder within ten years after the same become saleable as aforesaid. The residue may be sold at any time after the expiration of said ten years. The legislative assembly shall provide for the sale of all school lands subject to the provisions of this article. The coal lands of the State shall never be sold, but the legislative assembly may by general laws provide for leasing the same. The words "coal lands" shall include lands bearing lignite coal.

Who con-
trols
school
lands

Sec. 156. The superintendent of public instruction, governor, attorney general, secretary of state and state auditor shall constitute a board of commissioners, which shall be denominated the "Board of University and School Lands" and, subject to the provisions of this article, and any law that may be passed by the legislative assembly, said board shall have control of the appraisement, sale, rental and disposal of all school and university lands, and shall direct the investment of the funds arising therefrom in the hands of the state treasurer, under the limitations in section 160 of this article.

How
school
lands are
evaluated

Sec. 157. The county superintendent of common schools, the chairman of the county board and the county auditor shall constitute boards of appraisal, and under the authority of the state board of university and school lands shall appraise all school

lands within their respective counties which they may from time to time recommend for sale at their actual value under the prescribed terms, and shall first select and designate for sale the most valuable lands.

Sec. 158. No land shall be sold for less than the appraised value and in no case for less than \$10 per acre. The purchaser shall pay one fifth of the price in cash and the remaining four fifths as follows: One fifth in five years, one fifth in ten years, one fifth in fifteen years and one fifth in twenty years, with interest at the rate of not less than six per centum, payable annually in advance. All sales shall be held at the county seat of the county in which the land to be sold is situate, and shall be at public auction and to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one-quarter section, and those so subdivided in the smallest subdivisions. All lands designated for sale and not sold within two years after appraisal shall be reappraised before they are sold. No grant or patent for any such lands shall issue until payment is made for the same; provided, that the lands contracted to be sold by the State shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contract of sale for such lands shall become null and void.

How school land is sold, and price

Note.—This section amended by Amendment Article IX.

Sec. 159. All lands, money or other property donated, granted or received from the United States or any other source for a university, school of mines, reform school, agricultural college, deaf and dumb asylum, normal school or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the State, and the State shall make good all losses thereof.

Money from sale of other public lands set aside as permanent funds

Sec. 160. All lands mentioned in the preceding section shall be appraised and sold in the same manner and under the same limitations and subject to all the conditions as to price and sale as provided above for the appraisal and sale of lands for the bene-

How these lands are sold

fit of common schools; but a distinct and separate account shall be kept by the proper officers of each of said funds; provided, that the limitations as to the time in which school land may be sold shall apply only to lands granted for the support of common schools.

Renting
of public
lands

Sec. 161. The legislative assembly shall have authority to provide by law for the leasing of lands granted to the State for educational and charitable purposes; but no such law shall authorize the leasing of said lands for a longer period than five years. Said lands shall only be leased for pasturage and meadow purposes and at a public auction after notice as heretofore provided in case of sale; provided, that all of said school lands now under cultivation may be leased, at the discretion and under the control of the board of university and school lands, for other than pasturage and meadow purposes until sold. All rents shall be paid in advance.

Limitation
on invest-
ment of
education-
al funds

Sec. 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations within the State, bonds of the United States, bonds of the State of North Dakota, or in first mortgages on farm lands in the State, not exceeding in amount one third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisers of school lands.

Note.—This section amended by Article 8, amendments to the constitution, also by Article 9, adopted 1908.

Granting
of public
lands re-
stricted

Sec. 163. No law shall ever be passed by the legislative assembly granting to any person, corporation or association any privileges by reason of the occupation, cultivation or improvement of any public lands by said person, corporation or association subsequent to the survey thereof by the general government. No claim for the occupation, cultivation or improvement of any public lands shall ever be recognized, nor shall such occupation, cultivation or improvement of any public lands ever be used to diminish either directly or indirectly, the purchase price of said lands.

Assembly
disposes of
any other
public
lands

Sec. 164. The legislative assembly shall have authority to provide by law for the sale or disposal of all public lands that have been heretofore, or may hereafter be granted by the United States to the State for purposes other than set forth and named in sections 153 and 159 of this article. And the legislative assembly, in providing for the appraisalment, sale, rental and disposal of the same, shall not be subject to the provisions and limitations of this article.

Sec. 165. The legislative assembly shall pass suitable laws for the safekeeping, transfer and disbursement of the state school funds; and shall require all officers charged with the same or the

safe keeping thereof to give ample bonds for all moneys and funds received by them, and if any of said officers shall convert to his own use in any manner or form, or shall loan with or without interest or shall deposit in his own name, or otherwise than in the name of the State of North Dakota, or shall deposit in any banks or with any person or persons, or exchange for other funds or property any portion of the school funds aforesaid or purposely allow any portion of the same to remain in his own hands uninvested, except in the manner prescribed by law, every such act shall constitute an embezzlement of so much of the aforesaid school funds as shall be thus taken or loaned, or deposited, or exchanged, or withheld, and shall be a felony; and any failure to pay over, produce or account for, the state school funds or any part of the same entrusted to any such officer, as by law required or demanded, shall be held and be taken to be prima facie evidence of such embezzlement.

Guarding
of the
school
fund by
assembly

ARTICLE X—County and Township Organization

Sec. 166. The several counties in the territory of Dakota lying north of the seventh standard parallel as they now exist, are hereby declared to be counties of the State of North Dakota.

Original
counties

Sec. 167. The legislative assembly shall provide by general law for organizing new counties, locating the county seats thereof temporarily, and changing county lines, but no new county shall be organized, nor shall any organized county be so reduced as to include an area of less than twenty-four congressional townships, and containing a population of less than one thousand bona fide inhabitants. And in the organization of new counties and in changing the lines of organized counties and boundaries of congressional townships, the natural boundaries shall be observed as nearly as may be.

New
counties

Boundary
and size of
counties

Sec. 168. All changes in the boundaries of organized counties before taking effect shall be submitted to the electors of the county or counties to be affected thereby at a general election and be adopted by a majority of all the legal votes cast in each county at such election; and in case any portion of an organized county is stricken off and added to another the county to which such portion is added shall assume and be holden for an equitable proportion of the indebtedness of the county so reduced.

Changes in
boundaries
by people

Sec. 169. The legislative assembly shall provide by general law, for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

Locating
county
seats

Sec. 170. The legislative assembly shall provide by general law for township organization, under which any county may organ-

How a
township
is organ-
ized

ize, whenever a majority of all the legal voters of such county, voting at a general election, shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of said county by the board of county commissioners, may be dispensed with by a majority vote of the people voting at any general election; and the affairs of said county may be transacted by the chairmen of the several township boards of said county, and such others as may be provided by law for incorporated cities, towns or villages within such county.

People
may
change
form of
local gov-
ernment

Sec. 171. In any county that shall have adopted a system of government by the chairmen of the several township boards, the question of continuing the same may be submitted to the electors of such county at a general election in such a manner as may be provided by law, and if a majority of all the votes cast upon such question shall be against said system of government, then such system shall cease in said county, and the affairs of said county shall then be transacted by a board of county commissioners as is now provided by the laws of the territory of Dakota.

Fiscal af-
fairs of
county

Sec. 172. Until the system of county government by the chairmen of the several township boards is adopted by any county, the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members, whose terms of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business as shall be provided by law.

County
officials

Sec. 173. At the first general election held after the adoption of this constitution, and every two years thereafter, there shall be elected in each organized county in the state, a county judge, clerk of court, register of deeds, county auditor, treasurer, sheriff and state's attorney, who shall be electors of the county in which they are elected, and who shall hold their office until their successors are elected and qualified. The legislative assembly shall provide by law for such other county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

Compensa-
tion fixed
by assem-
bly

ARTICLE XI—Revenue and Taxation

How the
State
gets its
revenues

Sec. 174. The legislative assembly shall provide for raising revenue sufficient to defray the expenses of the State for each year, not to exceed in any one year four (4) mills on the dollar

of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for state and county purposes, and also a sufficient sum to pay the interest on the state debt.

Sec. 175. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 176. Laws shall be passed taxing by uniform rule all property according to its true value in money, but the property of the United States and the state, county and municipal corporations, both real and personal, shall be exempt from taxation, and the legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, cemetery or charitable purposes and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation; but the legislative assembly may, by law, provide for the payment of a per centum of gross earnings of railroad companies to be paid in lieu of all state, county, township and school taxes on property exclusively used in and about the prosecution of the business of such companies as common carriers, but no real estate of said corporations shall be exempted from taxation, in the same manner, and on the same basis as other real estate is taxed, except road-bed, right of way, shops and buildings used exclusively in their business as common carriers, and whenever and so long as such law providing for the payment of a per centum on earnings shall be in force, that part of section 179 of this article relating to assessment of railroad property shall cease to be in force.

Note.—Addenda to section 176, adopted in 1905. Amendment 4.

Sec. 177. All improvements on land shall be assessed in accordance with section 179, but plowing shall not be considered as an improvement or add to the value of land for the purpose of assessment.

Sec. 178. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State or any county or other municipal corporation shall be a party.

Sec. 179. All property, except as hereinafter in this section provided, shall be assessed in the county, city, township, town, village or district in which it is situated, in the manner prescribed by law. The franchise, roadway, road-bed, rails, and rolling stock of all railroads operated in this State shall be assessed by the state board of equalization at their actual value and such assessed valuation shall be apportioned to the counties, cities, towns, townships and districts in which said roads are located, as a basis for taxation of such property in proportion to the

Tax acts explicit

All property taxed uniformly, but certain exemptions made

Gross earnings of railroads may be taxed

Improvements on land-taxed

Taxing power cannot be surrendered

Property assessed where located

How railroad property is assessed

number of miles of railway laid in such counties, cities, towns, townships and districts.

Note.—This section amended by Article 4, amendments to the constitution.

Poll tax Sec. 180. The legislative assembly may provide for the levy, collection and disposition of an annual poll tax of not more than one dollar and fifty cents on every male inhabitant of this State over twenty-one and under fifty years of age, except paupers, idiots, insane persons and Indians not taxed.

Sec. 181. The legislative assembly shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XII—Public Debt and Public Works

State may borrow money
Debt limit
How state debts are paid

Sec. 182. The State may, to meet casual deficits or failure in the revenue or in case of extraordinary emergencies contract debts, but such debts shall never in the aggregate exceed the sum of \$200,000, exclusive of what may be the debt of North Dakota at the time of the adoption of this constitution. Every such debt shall be authorized by law for certain purposes to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall specially appropriate the proceeds of such tax to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax discontinued until such debt, both principal and interest, shall have been fully paid. No debt in excess of the limit named shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the State in time of war, or to provide for public defense in case of threatened hostilities; but the issuing of new bonds to refund existing indebtedness, shall not be construed to be any part or portion of said \$200,000.

Debt limit exceeded

Local governments may also borrow money
Debt limited

Sec. 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five (5) per centum upon the assessed value of the taxable property therein; provided, that any incorporated city may by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said five per cent limit. In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount of existing indebtedness, whether contracted prior or subsequent to the adoption of this constitution shall be included; provided, further, that any incorporated city may become indebted in any amount not exceeding four per centum on such assessed value without regard to the existing indebtedness of

such city, for the purpose of constructing or purchasing water works for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purpose whatever. All bonds or obligations in excess of the amount of indebtedness permitted by this constitution, given by any city, county, township, town, school district or any other political subdivision, shall be void.

Debt limit
extended
in cities

Sec. 184. Any city, county, township, town, school district or any other political subdivision incurring indebtedness shall at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrevocable until such debt be paid.

Local gov-
ernments
must pay
their debts

Sec. 185. Neither the State, nor any county, city, township, town, school district or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the State engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

State shall
not aid
individuals
financially

Sec. 186. No money shall be paid out of the state treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the State or any county or other political subdivision, shall be audited, allowed or paid until a full, itemized statement in writing shall be filed with the officer or officers whose duty it may be to audit the same.

State
subsidies

"Appro-
priations"
necessary
before pay-
ing out
money

Sec. 187. No bond or evidence of indebtedness of the State shall be valid unless the same shall have endorsed thereon a certificate signed by the auditor and secretary of state, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political subdivision shall be valid unless the same have endorsed thereon a certificate signed by the county auditor, or other officer authorized by law to sign such certificate, stating that said bond, or evidence of debt is issued pursuant to law and is within the debt limit.

Legalizing
state
debts

ARTICLE XIII—Militia

Sec. 188. The militia of this State shall consist of all able bodied male persons residing in the State, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or of this State. Persons whose

State
militia

religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in times of peace, but shall pay an equivalent for a personal service.

Militia
organiza-
tion

Sec. 189. The militia shall be enrolled, organized, uniformed, armed and disciplined in such a manner as shall be provided by law, not incompatible with the constitution or laws of the United States.

Authorized
volunteers

Sec. 190. The legislative assembly shall provide by law for the establishment of volunteer organizations of the several arms of the service which shall be classed as active militia; and no other organized body of armed men shall be permitted to perform military duty in this State except the army of the United States, without the proclamation of the governor of the State.

Militia
officers

Sec. 191. All militia officers shall be appointed or elected in such a manner as the legislative assembly shall provide.

Officers
commis-
sioned by
governor

Sec. 192. The commissioned officers of the militia shall be commissioned by the governor, and no commissioned officer shall be removed from office except by sentence of court martial, pursuant to law.

Militia
free from
arrest

Sec. 193. The militia forces shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters, parades and elections of officers, and in going to and returning from the same.

ARTICLE XIV—Impeachment and Removal from Office

Power of
impeach-
ment

Sec. 194. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

Senate
tries im-
peach-
ments

Sec. 195. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to the law and evidence. No person shall be convicted without the concurrence of two thirds of the members elected. When the governor or lieutenant governor is on trial the presiding judge of the supreme court shall preside.

Two-thirds
vote nec-
essary

Governor
may be
impeached

Sec. 196. The governor and other state and judicial officers except county judges, justices of the peace and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 197. All officers not liable to impeachment, shall be

subject to removal for misconduct, malfeasance, crime or misdemeanor in office, or for habitual drunkenness or gross incompetency in such manner as may be provided by law.

Officials
may be
removed

Sec. 198. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

Sec. 199. On trial of impeachment against the governor, the lieutenant governor shall not act as a member of the court.

Impeach-
ment of
governor

Sec. 200. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

Sec. 201. No person shall be liable to impeachment twice for the same offense.

Only one
impcach-
ment

ARTICLE XV—Future Amendments

Sec. 202. Any amendment or amendments to this constitution may be proposed in either house of the legislative assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on the journal of the house with the yeas and nays taken thereon, and referred to the legislative assembly to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice, and if in the legislative assembly so next chosen as aforesaid such proposed amendment or amendments, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the legislative assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislative assembly voting thereon, such amendment or amendments shall become a part of the constitution of this State. If two or more amendments shall be submitted at the same time they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

How state
constitu-
tion may
be amend-
ed

Amend-
ments
must be
ratified by
the people

ARTICLE XVI—Compact With the United States

[Omitted. Provides for dividing the territorial debt between North and South Dakota, for certain land grants, and for religious liberty.]

ARTICLE XVII—Miscellaneous

Boundaries
of North
Dakota

Sec. 206. The name of this State shall be "North Dakota." The State of North Dakota shall consist of all the territory included within the following boundary, to wit: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence south up the main channel of the same and along the boundary line of the State of Minnesota to a point where the seventh standard parallel intersects the same; thence west along said seventh standard parallel produced due west to a point where it intersects the twenty-seventh meridian of longitude west from Washington; thence north on said meridian to a point where it intersects the forty-ninth degree of north latitude; thence east along said line to place of beginning.

Seal of
North
Dakota

Sec. 207. The following described seal is hereby declared to be and hereby constituted the great seal of the State of North Dakota, to wit: A tree in the open field, the trunk of which is surrounded by three bundles of wheat; on the right a plow, anvil and sledge; on the left, a bow crossed with three arrows, and an Indian on horseback pursuing a buffalo toward the setting sun; the foliage of the tree arched by a half circle of forty-two stars, surrounded by the motto "Liberty and Union Now and Forever, One and Inseparable;" the words "Great Seal" at the top, the words "State of North Dakota" at the bottom; "October 1st" on the left, and "1889" on the right. The seal to be two and one-half inches in diameter.

Debtor's
property
protected

Sec. 208. The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws exempting from forced sale to all heads of families, a homestead the value of which shall be limited and defined by law; and a reasonable amount of personal property; the kind and value shall be fixed by law. This section shall not be construed to prevent liens against the homestead for labor done and materials furnished in the improvement thereof, in such manner as may be prescribed by law.

Child labor
prohibited

Sec. 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this State.

Flowing
streams
belong to
State

Sec. 210. All flowing streams and natural water courses shall forever remain the property of the State for mining, irrigating and manufacturing purposes.

Oath of
office

Sec. 211. Members of the legislative assembly and judicial departments, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respect-

ive offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of..... according to the best of my ability, so help me God" (if an oath), (under pain and penalty of perjury, if an affirmation), and no other oath, declaration or test shall be required as a qualification for any office or public trust.

Sec. 212. The exchange of "black lists" between corporations shall be prohibited.

"Black lists" prohibited
Woman's property rights

Sec. 213. The real and personal property of any woman in this State, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property and shall not be liable for the debts of her husband.

ARTICLE XVIII—Congressional and Legislative Apportionment

[Omitted. This article provides for a temporary division of the State into senatorial districts. Present districts are formed by the legislative assembly.]

ARTICLE XIX—Public Institutions

Sec. 215. The following public institutions of the State are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States, in the act of congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe, subject to the limitations provided in the article on school and public lands contained in this constitution.

Location of public institutions

First. The seat of government at the city of Bismarck in the county of Burleigh.

State capitol

Second. The state university and the school of mines at the city of Grand Forks, in the county of Grand Forks.

State university

Third. The agricultural college at the city of Fargo, in the county of Cass.

Agricultural college

Fourth. A state normal school at the city of Valley City, in the county of Barnes; and the legislative assembly in apportioning the grant of eighty thousand acres of land for normal schools made in the act of congress referred to shall grant to the said

State normal school

normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Deaf and dumb asylum Fifth. The deaf and dumb asylum at the city of Devils Lake, in the county of Ramsey.

Note.—See Amendments, Article 5.

Reform school Sixth. A state reform school at the city of Mandan, in the county of Morton.

State normal school Seventh. A state normal school at the city of Mayville, in the county of Traill, and the legislative assembly in apportioning the grant of lands made by congress in the act aforesaid, for state normal schools, shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Insane asylum Eighth. A state hospital for the insane and institution for the feeble minded in connection therewith, at the city of Jamestown, in the county of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the act of congress aforesaid for "other educational and charitable institutions" to the benefit and for the endowment of said institution.

Note.—See Amendments, Article 6.

Sec. 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions," as is allotted by law, viz:

Soldiers' home First. A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand acres of land.

Blind asylum Second. A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly, with a grant of thirty thousand acres.

Industrial school Third. An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand acres.

Fourth. A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau, or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

School of forestry

Fifth. A scientific school, or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand acres; provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution.

Scientific school

Note.—This section amended by Articles 5 and 6, amendments to the constitution.

ARTICLE XX—Prohibition

Sec. 217. No person, association or corporation shall within this State, manufacture for sale or gift, any intoxicating liquors, and no person, association or corporation shall import any of the same for sale or gift, or keep or sell or offer the same for sale, or gift, barter or trade as a beverage. The legislative assembly shall by law prescribe regulations for the enforcement of the provisions of this article and shall thereby provide suitable penalties for the violation thereof.

“Prohibition”

AMENDMENTS TO CONSTITUTION

ARTICLE I (Adopted 1894)

The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

No lotteries allowed

ARTICLE II (Adopted 1900)

Sec. 121. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State for one year and in the county six months, and in the precinct ninety days next preceding any election, shall be a qualified elector at such election.

Suffrage
Who may vote?

First—Citizens of the United States.

Citizens

Civilized
Indians

Second—Civilized persons of Indian descent, who shall have severed their tribal relations two years next preceding such election.

Sec. 127. No person who is under guardianship, non compos mentis or insane, shall be qualified to vote at any election; nor any person convicted of treason or felony, unless restored to civil rights; and the legislature shall by law establish an educational test as a qualification, and may prescribe penalties for failing, neglecting or refusing to vote at any general election.

ARTICLE III (Adopted 1900)

Board of
pardons

Sec. 76. The governor shall have power in conjunction with the board of pardons, of which the governor shall be ex officio a member and the other members of which shall consist of the attorney general of the State of North Dakota, the chief justice of the supreme court of the State of North Dakota, and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction for all offenses except treason and cases of impeachment; but the legislative assembly may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction of treason the governor shall have the power to suspend the execution of sentence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence or grant further reprieve. The governor shall communicate to the legislative assembly at each regular session each case of remission of fine, reprieve, commutation or pardon granted by the board of pardons, stating the name of the convict, the crime for which he is convicted, the sentence and its date and the date of remission, commutation, pardon or reprieve, with their reasons for granting the same.

May par-
don—when

ARTICLE IV (Adopted 1900)

Assessing
property
for taxa-
tion

Sec. 179. All property, except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails and rolling stock of all railroads, and the franchise and all other property of all express companies, freight line companies, car equipment companies, sleeping car companies, dining car companies, telegraph or telephone companies or corporations operated in this State and used directly or indirectly in the carrying of persons, property or messages, shall be assessed by the state board of equaliza-

tion at their actual value, and such assessed value shall be apportioned to the counties, cities, towns, villages, townships and districts in which such railroad companies, express companies, sleeping car companies, dining car companies, telegraph and telephone companies are located, or through which they are operated, as a basis for the taxation of such property, in proportion to the number of miles of such property, within such counties, cities, towns, villages, townships and districts, or over which any part of such property is used or operated within such counties, towns, villages, townships and districts. But should any railroad allow any portion of its roadway to be used for any purpose other than the operation of a railroad thereon, such portion of its roadway, while so used, shall be assessed in the manner provided for the assessment of other real property.

Assessing
railroads
and other
public
service
corporations

ARTICLE V (Adopted 1904)

Subdivision 5 of section 215.

Fifth. The school for the deaf and dumb of North Dakota, at the City of Devils Lake, in the county of Ramsey.

Deaf and
dumb
school

ARTICLE VI (Adopted 1904)

Subdivision 8 of section 215.

Eighth. A state hospital for the insane at the city of Jamestown, in the county of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the act of congress aforesaid for "other educational and charitable institutions," to the benefit and for the endowment of said institution, and there shall be located at or near the city of Grafton, in the county of Walsh, an institution for the feeble-minded, on the grounds purchased by the secretary of the interior for a penitentiary building.

Insane

Feeble-
minded

ARTICLE VII (Adopted 1904)

Addenda to section 176:

The legislative assembly may further provide that grain grown within the State and held therein in elevators, warehouses, and granaries may be taxed at a fixed rate.

Taxing
grain

ARTICLE VIII (Adopted 1908)

The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the State, bonds issued for the construction of drains under authority of law within the State, bonds of the United States

Permanent
school
fund

How invest

bonds of the State of North Dakota, bonds of other States; provided, such States have never repudiated any of their indebtedness, or on first mortgages on farm lands in this State, not exceeding in amount, one third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands.

ARTICLE IX (Adopted 1908)

Sale of
state
lands

Sec. 158. Minimum Price of State Lands. No lands shall be sold for less than the appraised value and in no case for less than ten dollars per acre. The purchaser shall pay one fifth of the price in cash, and the remaining four fifths as follows: One fifth in five years, one fifth in ten years, one fifth in fifteen years and one fifth in twenty years, with interest at the rate of not less than six per centum, payable annually in advance. All

Terms

sales shall be held at the county seat of the county in which the land to be sold is situate, and shall be at public auction and to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been especially subdivided shall be offered in tracts of one-quarter section, and those so subdivided in the smallest subdivisions. All lands designated for sale and not sold within two years after appraisal, shall be reappraised before they are sold. No grant or patent for any such lands shall issue until payment is made for the same; provided, that the lands contracted to be sold by the State shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contracts of sale of such lands shall, at the election of the board of university and school lands, become null and void; and no such contract heretofore made shall be held void for nonpayment of taxes accruing on the lands described therein; provided, such taxes shall have been paid before this amendment takes effect; provided, further, that any school or institution land that may be required for townsite purposes may be paid for at any time and patent issued therefor.

ARTICLE X (Adopted 1908)

Supreme
court

Consist of
five judges

Sec. 89. The Supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision; but one or more of said judges may adjourn the court from day to day or to a day certain.

ARTICLE XI (Adopted 1910). Subdivision 6 of section 216

Sixth. A state normal school at the city of Minot, in the county of Ward; provided, that no other institution of a character similar to any of those located by this article shall be established or maintained without a revision of this constitution

State
normal
school

ARTICLE XII (Adopted 1910)

Sec. 158. Sale of Public Lands. No land shall be sold for less than the appraised value, and in no case for less than ten dollars an acre. The purchaser shall pay one fifth of the price in cash and the remaining four fifths as follows: One fifth in five years, one fifth on or before the expiration of ten years, one fifth on or before the expiration of fifteen years, and one fifth on or before the expiration of twenty years, with interest at the rate of not less than five per cent per annum payable annually in advance; provided, that when payments are made before due they shall be made at an interest-paying date, and one year's interest in advance shall be paid on all moneys so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and be at public auction and to the highest bidder after sixty days' advertisement of the same in a newspaper in general circulation in the vicinity of the land to be sold, and also published in a newspaper published at the county seat, and also in a newspaper published at the seat of government. Such lands as shall not have been especially subdivided shall be offered in tracts of one quarter section and those subdivided, in the smallest subdivision. All lands designated for sale and not sold within two years after appraisal shall be reappraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided, that the lands contracted to be sold by the state shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contract of sale for such lands, shall, if the board of university and school lands so determine, become null and void. Any lands under the provisions of section 158 of the constitution of the State of North Dakota that have heretofore been sold may be paid for, except as to interest, as provided herein, provided further, that any school or institution lands that may be required for town site purposes, may be paid for at any time and patent issued therefor.

Sale of
state lands

May pay
cash

PART III

WORKINGS OF THE FEDERAL GOVERNMENT

CHAPTER IV

THE EXECUTIVE

“May God bless your country forever! May it have the glorious destiny to share with other nations the blessings of that liberty which constitutes its own happiness and fame! May your great example, noble Americans, be to other nations the source of social virtue; your power be the terror of all tyrants—the protector of the distressed; and your free country ever continue to be the asylum for the oppressed of all nations.”

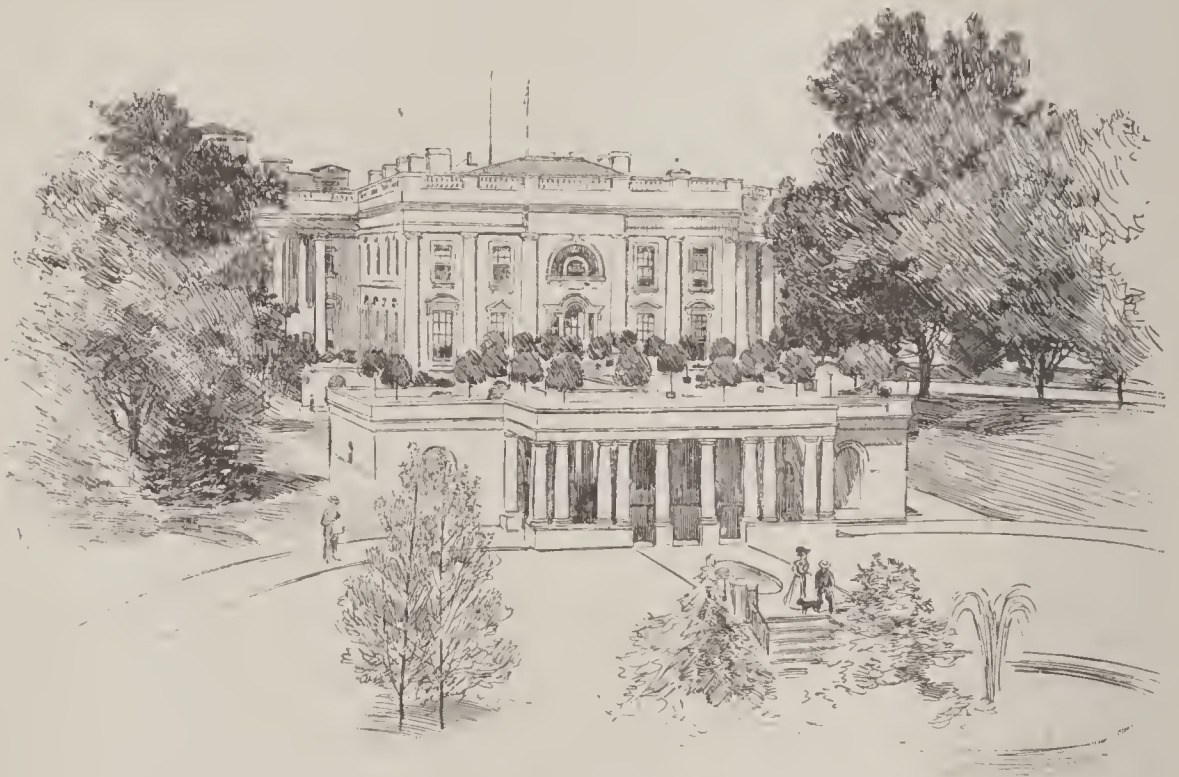
Written by LOUIS KOSSUTH, Governor of Hungary, at the place of his banishment, Broussa, Asia Minor, March 27, 1850.

Introductory.—The branch of the Federal government which comes closest to the ordinary man is the executive branch. The work of the legislative branch is centralized in Congress at Washington. North Dakota is represented there, while Congress is in session, by fewer than half a dozen men, the two Senators and the Representatives. The work of the judicial branch of the Federal government is carried on, of course, in every State, as well as in the one great Supreme Court at Washington. Yet there is but one Federal judge residing in North Dakota, and giving his time to the Federal court work in this State. In contrast with this legislative and judicial work, the executive branch of our Federal government comes

close to the daily lives of all our people. The executive, or, as it is also called, the *administrative* branch, is exemplified in the following familiar activities: the post office, common to all communities, and the rural free delivery of mail; the money in our pocket coined under the treasury department; the "Yearbook of Agriculture," found in many a prosperous farmhouse and furnished by the Department of Agriculture at Washington. Even the army and navy are but parts of the great executive arm of the Federal government. Viewing the executive departments from the standpoint of numbers, we see that there are in all hundreds of thousands of men employed constantly in this one branch of our government. The other two branches together have fewer than a thousand men. So we now take up, first of all, a study of the executive branch.

The Chief Executive, the President.—"The executive power," says the Constitution, "shall be vested in a President of the United States of America." The chief assistants of the President are the nine cabinet officers whom he chooses (with the advice and consent of the Senate), but whom he can remove at pleasure. This provision places in the hands of the President great power coupled with great responsibility. For if a cabinet officer is not directing one of the nine great departments in the interest of the people, the President can and certainly ought to remove him. As expressed in the Constitution, the powers and duties of the President are summed up in these simple words, "He shall take care that the laws be faithfully executed."

Nomination and Election of President.—There is little said in the Constitution about the manner of nominating a President, although the twelfth amendment provides a way of electing him. Evidently, then, the people will nominate a President in any way that happens to suit them best, and this method may change



The White House

from time to time. The method now in use is a very simple one, and may be called nomination by a political party. The two steps are: (1) election, by a political party, of delegates in each State to the great national convention of that party; (2) nomination of the party's candidate for President by this national convention. This convention is held in the summer of the "presidential year," and usually consists of about one thousand delegates. In the summer of 1908, for instance,

Mr. Taft was nominated by the Republican party in a convention in Chicago, and Mr. Bryan was nominated by the Denver convention of the Democratic party. When the candidate has been "named," that is, nominated, by his party, and the summer campaign speeches have all been made, then comes the November "election." How and when is the president elected? Two answers must be given to this question:

(1) The Constitution provides that presidential electors shall be chosen in each State, equal to the whole number of Senators and Representatives which the State is entitled to have in Congress, and that these electors shall both nominate and elect a President. The State legislature may fix the *manner* of choosing this "Electoral College," the name by which these electors are known; and Congress has fixed the *time* for choosing these electors as November, and the time for them to give their votes as January. According to this method, the President is elected in January.

(2) The actual method now in practice is as follows: The voters in November elect certain presidential electors, but do not vote for a President. Yet since the President and the electors have both been nominated beforehand, by the political party, the voters *expect* the electors to vote for the party candidate. In other words, the Republican voter, in voting for a Republican elector in November, is really voting for the Republican nominee for President, for in no case in a hundred years has an elector voted contrary to expectations. Thus the January "election" is a mere

formality, the real election, *by custom*, occurring in November. The "electors" provided for in the Constitution, and now called the "Electoral College," perform about the same service that little messenger boys would perform if sent to Washington with the news of the November election.

Qualifications, Terms, Salary.—The qualifications and term of office of the President have been set by the Constitution, and cannot be changed by Congress (see Chapter III). The salary of the President is set by Congress and has been changed twice; first from \$25,000 to \$50,000 a year; and, in 1909, to \$75,000 a year. This is considered a low payment as compared with salaries, sometimes ten times as large, paid by big business corporations.

Powers and Duties.—We may classify the powers of the President under five heads as follows:

Military Power.—War can be declared by Congress, not by the President; but the President is commander in chief of the army and navy.

Treaty-making Power.—Neither can the President alone make a treaty of peace, or other treaty, for the Senate shares this power with him. The President has power to make all treaties "by and with the advice and consent of the Senate."

Pardoning Power.—"He shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." A reprieve is a temporary postponement of the execution of a sentence.

Appointing Power.—The appointing power, like the treaty-making power, is shared by the Senate. In this manner the President appoints: (a) all Federal judges; (b) all commissioned officers in the army and navy; (c) his cabinet; (d) ambassadors and other foreign ministers; (e) postmasters (that is, of post offices paying over \$1,000 a year); (f) thousands of civil officials. The President has in his own hands complete power of removal of all these officials except judicial and military officials. Judges must be impeached by the legislative branch of government; military officers are court-martialed, that is, tried by other officers.

Senatorial Courtesy.—In appointing an official for a position in some distant State, it is clearly impossible for the President to know much about the candidate for the office. Who shall be collector of customs at El Paso, Texas, or at Portal, North Dakota? Who shall be the postmaster at Burlington, Vermont, or at Provo, Utah? The Senator from that State knows local conditions and local candidates best. Through the “courtesy of the Senate” the candidate for such an appointive office within any State must be satisfactory to the Senators from that State, if they are of the majority party. The Senate will not ratify any other appointment. This means in practice (though not in theory) that very much of the President’s appointing power has gone into the hands of the Senate.

The Spoils System and the Civil Service.—The “spoils system,” introduced nearly a hundred years ago, was a system whereby persons were turned out of office or

appointed to office for purely political reasons, without regard to real merit or fitness. This system proved to be one of the great curses of our government. Little was done to remedy the spoils system till President Garfield had been assassinated by a disappointed office seeker. This was a fearful price to pay for the Civil Service Law of 1883, which established a Civil Service Commission and a classified civil service. Now thousands of positions are open to those who can pass a competitive examination. Once appointed, the successful candidate finds his position permanent, as long as he keeps up his fitness. The classified civil service list is being extended from time to time. Thousands of positions are now open to bright young men and women who are ambitious to cast their lot with the Federal government. Several times each year notices are published in the papers calling attention to the time and place of competitive examinations, as well as to the subjects included. Some can be passed by high school pupils, some only by college and university students.

Legislative Power.—The President can influence legislation by convening Congress in special session or by sending a message to Congress, or, most important of all, by his veto power. This is his power to refuse to sign a bill passed by Congress, and to express his objections to the bill in writing. Congress very rarely passes a bill over the President's veto, although a two-thirds vote in each house can do it. In case the President neither vetoes nor signs a bill within ten days, it becomes a law without his signature, if Congress is

still in session. If Congress meanwhile has adjourned, however, the President may sign the bill within ten days and thus make it a law, or he may lay it aside—"pigeonhole it"—unsigned without giving any reasons, thus defeating it. This method of killing a bill by neglect is called the "pocket veto."

Vice President.—The terms and qualifications of the Vice President are of course the same as those of the President, since the Vice President may be called at any time to the higher office. His salary is \$12,000 a year. His chief duty is to preside over the Senate. He has no vote there, except in the very rare case of a tie vote, in which case he casts the deciding vote himself.

Cabinet.—The President's cabinet consists of nine men in charge of the following departments: (1) Secretary of State; (2) Secretary of the Treasury; (3) Secretary of War; (4) Attorney-General; (5) Postmaster-General; (6) Secretary of the Navy; (7) Secretary of the Interior; (8) Secretary of Agriculture; (9) Secretary of Commerce and Labor. The salary of a cabinet officer is \$12,000 a year. The work of these departments is of great importance to every citizen. For under the general direction of the President and under the special direction of these nine men, our country must defend itself in time of war, must develop its agriculture, commerce, and industries in time of peace, and must at all times conserve its great natural resources. How this vast service is performed can now best be shown by a brief description of the work of each department.

State.—The Secretary of State must carry on all correspondence with foreign governments under the direction of the President. He should, therefore, be a man of great wisdom, of true diplomacy. If he is a man of tact and common sense, he may save his country from war in a time of crisis. Sometimes he must apologize to foreign nations for wrongdoings of American officials, and sometimes he must demand apologies from foreign powers for their outrages and insults to Americans. Under the Secretary of State, there are two important branches of our foreign service: (1) The Diplomatic Service, which represents our official or diplomatic intercourse with foreign sovereigns, and is carried on through *ambassadors* (to the most important governments only) and *ministers*. (2) The Consular Service, which looks after American business and commercial interests all over the world, discovers new markets, new products, new grains, etc., for the home country, keeps a record of the arrival and departure of American ships and their cargoes, and is the guardian of American interests in all important commercial cities and towns of the world. There are some fifteen hundred persons in this service. Young men enter this service by passing a civil service examination given by the Department of State.

Treasury.—The Secretary of the Treasury has general management of the government money—some hundreds of millions of dollars. This money is locked up for safe-keeping in government buildings known as treasury and subtreasury buildings, and very little

of it is deposited in banks about the country. The Secretary of the Treasury must also submit an annual "budget" to Congress. This budget is a record of the receipts and expenses of the country for the past year, and an estimate of receipts and expenses for the coming year. He also has charge of the coinage of the gold, silver, nickel, and copper coins issued from the mint. He must supervise the seven thousand national banks. He has therefore much influence over the money and the banking of the country, and may exercise this influence, either for good or ill, over the money market of Wall Street itself. Of course a great many men are required in this department to assist the Secretary to carry out his vast duties.

War.—The United States army consists of about 70,000 men, the limit being 100,000 enlisted men. A military academy is provided at West Point (on the Hudson) for the training of officers. Here boys under twenty years of age (one boy for each congressional district) are sent to school at the expense of the Federal government. Most of our great commanders, such as Grant, Sherman, and Lee, were graduates of West Point. The Secretary of War supervises the organization, equipment, and general movements of the army.

Justice.—The Federal government finds it necessary to engage in much litigation, such as suits against railroads, against the great "trusts" so-called, like the oil, sugar, beef, tobacco, and other trusts. The Attorney-General is the government's attorney. He must

collect and present the evidence and bring the suit before the Federal courts. He must also give official advice to the President and to other members of the cabinet, when asked. In law enforcement the President must rely very much on his Attorney-General. For this reason the President should select as Attorney-General a lawyer who is known to be on the side of justice for all and not on the side of any special interests.

Post Office.—There is but one large “business” in this country under government ownership and operation. That is the post office, in charge of the Postmaster-General. In some foreign countries the telegraph, the telephone, and even the railroads are owned by the government. The post office is not conducted as a money-making business, but as a means of serving the most people at the lowest cost. It almost, but not quite, pays expenses. The annual cost of the work under the post-office department is about \$200,000,000 a year. There are about 60,000 post offices, and 120,000 men under this department, a larger force than that of the army and navy combined.

How Postmasters Are Chosen.—The position of postmaster even in a country place has much dignity and importance, while in the city it is looked upon as very desirable. The manner of securing this position depends upon the size of the office. Offices of the *first*, *second*, and *third* class are known as “presidential offices,” since such postmasters are appointed by the President. But as we have seen in our discussion of “senatorial courtesy,” the appointment is usually

made, in practice, by the Senator from the section of the State nearest the post office. Country and village offices where the annual receipts fall below \$1,000 a year are known as *fourth* class post offices. The First Assistant Postmaster-General appoints postmasters in these offices, usually on the recommendation of some Congressman from that section of the State. In 1909, North Dakota had 1,033 post offices, of which 915 were fourth class and the remainder, 118, were presidential offices, divided as follows: 101 third class; 15 second class; 2 first class. The number of presidential offices is rapidly increasing in this State.

Rates of Postage.—Mail matter is divided into four classes, of which letters constitute the first class, paying the highest postage, two cents an ounce. Publishers of newspapers and magazines send their matter out as “second class,” that is, at one cent a pound. Most of the mail carried in this country is of this class. Some great magazines, with a half million or a million subscribers, have several car loads of mail at each month’s issue. The third class of mail comprises books and other printed matter, on which the rate is one cent for two ounces. The fourth class includes merchandise, on which the rate is one cent an ounce.

Navy.—The Secretary of the Navy has only general charge of the navy. Congress decides how many new battleships shall be built and how much money shall be spent each year for the men in the navy. “If you wish for peace, prepare for war” is the policy upon which the country is acting in the matter of building

up an expensive and powerful navy. A modern battleship costs a large sum of money,—a sum large enough to build a great university or to give five thousand young men a four-year course at our State University or Agricultural College.

There is a Naval Academy at Annapolis for the training of officers. Midshipmen, as the cadets are called, spend four years at the Naval Academy and two years at sea. As at West Point, nominations of cadets are mostly made by congressmen, sometimes after a competitive examination.

Interior.—The Interior Department is noted for the number of important subjects coming under its charge. The most important are these: (1) Public lands; (2) Pensions; (3) Indians; (4) Patents; (5) Education. These topics we will examine separately.

Public Lands.—The discussions in recent years of the “conservation of our natural resources” has focused attention on our public lands. It was the question of our public lands that brought on the famous Ballinger-Pinchot controversy of 1909–1910. Only two phases of the public land question can be mentioned here.

The plan of *surveying* public lands now in use was suggested by Thomas Jefferson. The plan consists in surveying lines north and south a mile apart, and crossing these by east and west lines a mile apart. This forms a sort of vast checkerboard, each section of which is one mile square and contains 640 acres. The square six miles on a side is known as a congres-

sional township, since the survey is made by order of Congress. A parallel of latitude was taken as a base line north and south, and a meridian, called the "principal meridian," was taken as a base line east and west. Rows or ranges of townships are numbered west from the standard parallel; townships are numbered north from the base line. For instance, Bismarck is located in range 80 west, and township 139 north. In other words, Bismarck is 480 miles west of the standard parallel, and 834 miles north of the standard base line. The sections in a township are numbered as shown in the diagram:

| | | | | | |
|----|----|----|----|----|----|
| 6 | 5 | 4 | 3 | 2 | 1 |
| 7 | 8 | 9 | 10 | 11 | 12 |
| 18 | 17 | 16 | 15 | 14 | 13 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 30 | 29 | 28 | 27 | 26 | 25 |
| 31 | 32 | 33 | 34 | 35 | 36 |

The *disposing* of public lands is another important question. The United States still has about 500,000,000 acres of public land undisposed of,—an area larger than ten states the size of North Dakota. But this land is mostly in the Rocky Mountains or in dry regions. The three principal ways of disposing of public lands heretofore have been these: grants to education; grants to railroads; grants to actual settlers—the most to actual settlers and the least to education. The actual settler gets his land now by "taking a claim," as it is commonly called. He may take a quarter section as a homestead and obtain it free of charge by actually living on it for five years. Or he may take it as a preëmption, and obtain it by living on it for fourteen months and paying a small price per acre, ranging

from \$1.25 upwards, according to the nature of the claim.

Pensions.—The largest single item of expense to the Federal government is pensions, which amounts to about \$150,000,000 a year. Yet the Civil War occurred fifty years ago and very few of the old soldiers are now alive. The cost of maintaining a regiment of soldiers in our standing army is \$1,000,000 a year, and hence our pension bill is large enough to support an army of one hundred and fifty regiments, or 150,000 men,—an army twice the size of our standing army. All who were ever in the Civil War are entitled to pensions. In addition, Congress annually passes thousands of private pensions bills, usually in the nature of increases of pensions to those coming under the general law. The expense of this practice, though great, is not criticized so much as the loss of valuable time by congressmen who have great public questions to settle.

Indians.—There are about 300,000 Indians left in this country. Most of them have now become citizens and are treated as such. The others are considered as *wards*, the Federal government being their *guardian*. Many millions of dollars are spent to educate these wards, good Indian schools of all grades being provided. At present about one Indian in six is able to read, although a few have become distinguished scholars, and one an author of note.

Patents.—Persons who have invented or discovered any new and useful machine, art, or manufacture, not

already known or patented, may secure a patent for a term of seventeen years. This private monopoly of an invention, as the patent may be called, is to reward the inventor and encourage useful inventions. The Americans are proving to be the most inventive people in the world.

Education.—Education may be said to be left wholly to the States. The United States has no university or system of common schools. There is, however, a United States Commissioner of Education whose duty it is to study educational questions, to investigate the work being done by schools here and abroad, and to report his findings. His recommendations are very helpful to the teachers in every school.

Agriculture.—Farmers in the past have generally been neither businesslike nor scientific. The Department of Agriculture at Washington is trying to make farming both a business and a science. Investigators in great government laboratories—some of the largest in the world—are to be found here, studying plant diseases of all kinds, such as rust, smut, blight, etc., and also animal diseases, soil fertilizers, insects, noxious weeds, and so forth. Under this department are also found the following four important matters: *Weather Bureau*; *Forestry Service*, made famous by Gifford Pinchot; *Good Roads Division*; and *Pure Food* work. Under the Pure Food and Drug Act, June 30, 1906, foods and drugs entering into interstate commerce are inspected by Federal chemists to see whether they are adulterated contrary to law and to make sure that they

are correctly labeled. If the article contains opium or cocaine, for instance, or any other dangerous drug, this fact must be stated plainly on the label.

This department is ready to help any farmer by mailing to him, upon application, information in the form of "bulletins" on subjects of interest to him. Some of the most enterprising farmers secure copies of the large "Yearbook of the Department of Agriculture" by applying through their congressman for it.

Department of Commerce and Labor.—To enable the Federal government to deal successfully with the great corporations and combinations of capital known as trusts, Congress created this department in 1903. It is divided into bureaus. The three most important bureaus into which this department is divided are:

(1) *Bureau of Corporations*, which aids the Department of Justice in securing evidence against corporations that are breaking Federal laws. Very thorough investigations are made, reports are published, and in this way "efficient publicity" is secured.

(2) *Bureau of Labor*, which collects and publishes statistics on wages, cost of living, labor disputes, and, when invited to do so, helps in the settlement of strikes and lockouts.

(3) *The Census Bureau*, which takes a national inventory every ten years, counting the people, recording the facts as to their age, education, property, nationality, and many other things. It takes many huge books to hold all this information. But the ordinary reader and the ordinary school can find all the

most important facts in one small book, known as the "Abstract of the Census," which is sent free upon application to this bureau.

QUESTIONS ON THE TEXT

1. Which branch of the Federal government comes closest to the ordinary citizen? Why?
2. Which branch of government employs the most men?
3. What does the Constitution say about the President's powers and duties? About his nomination?
4. Show how a President is nominated.
5. What is the Electoral College?
6. Is the President elected in January or in November? Give reasons for your answer.
7. Do the people vote for a President in the United States?
8. State the qualifications, term, and salary of the President; of the Vice President.
9. What five classes of powers has the President?
10. Discuss briefly the first three of these powers.
11. Which powers does he share with the Senate?
12. Show fully his powers of appointment and removal.
13. How may bad judges be removed? Army and navy officers?
14. Explain and illustrate "senatorial courtesy."
15. Explain the "spoils system" and the classified service.
16. When and why was the Civil Service Commission created?
17. What are the three phases of the President's legislative power? Describe each.
18. What is a "pocket veto"?
19. What are the duties of the Vice President?
20. Name all the departments in the cabinet.
21. State briefly the nature of the work done by each department.
22. What is a bureau? Name five.
23. Name the two branches of our foreign service. Give the duties of each.
24. What is a budget? By whom is it prepared?
25. State the size of our army. What is West Point, and how can a young man enter there?

26. What and where is the Naval Academy?
27. How are postmasters chosen?
28. How are rates of postage determined? Illustrate.
29. Show how public lands are surveyed. Explain the terms base line; range.
30. In what three ways have the public lands been largely disposed of?
31. How much land is left? Where?
32. Explain two ways of "taking a claim."
33. How much is spent annually for pensions? Compare this with the cost of maintaining a standing army. What criticism, if any, can be made of this pension system.
34. What has the Federal government to do with education?
35. What good work is the Department of Agriculture doing? What four important matters now come under this department? In what way is the farmer helped?
36. What is the youngest department? When and why was it formed?
37. Give examples of its workings. What are its three most important divisions and their work?

QUESTIONS SUGGESTED BY THE TEXT

1. How were the early Presidents (from Washington to Jackson) nominated?
2. What is an ideal method of nominating the President? Of electing him?
3. Explain the fact that in 1888 the majority of the voters cast their vote in favor of one candidate for President, but at the same time another candidate was elected President. Could this ever happen again?
4. Name the President; Vice President; members of the cabinet.
5. What position was held by the Attorney-General before taking a place in the cabinet? Should you call him a corporation attorney?
6. Make a list of the "presidential" post offices in North Dakota (See last "Blue Book").
7. Problem. Find the postage on one edition of some popular monthly magazine, preferably on one having a circulation

- of from 400,000 to 1,000,000 copies. How many car loads of mail would this make?
8. Give the location (quarter, section, range, and township) of your schoolhouse. Of your residence.
 9. Which received the larger share of the public lands, the railroads or the common schools? How many acres did each receive?
 10. Have you ever seen a bulletin issued by the Department of Agriculture? What is the proper method of obtaining copies of these bulletins?

REFERENCES

Bryce, "American Commonwealth" (1910 edition), Vol. I, Chs. 1-9.

Hart, "Actual Government," Chs. 15, 16, 23-25.

The following Federal government publications are to be had free upon application:

Census Bureau.—"Abstract of the Census," "Special Census Bulletins."

Bureau of Statistics, Department of Commerce and Labor.—"Statistical Abstract of the United States."

Bureau of Corporations.—"Annual Report, Commissioner of Corporations."

Bureau of Labor.—"Bimonthly Bulletin," "Annual Report."

Department of Agriculture.—"Primer of Forestry," "Bulletins on Good Roads," bulletins on special farm topics. (Secure list from secretary of the department.)

CHAPTER V

CONGRESS

“All legislative powers herein granted shall be vested in a Congress of the United States.” U. S. Constitution.

Almost every boy and girl knows that in December of each year, on the first Monday, Congress meets in the great capitol at Washington. In this chapter we will speak very briefly of the composition and of the work of Congress.

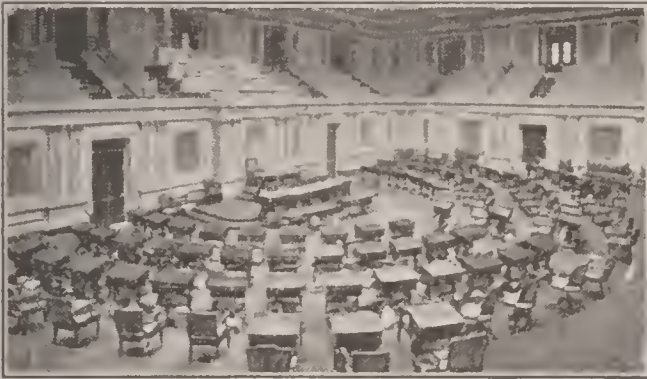
Congress consists of two houses, the upper house or Senate, and the lower house or House of Representatives.

Senate.—The Senate is composed of two Senators from each State, chosen by the legislature of the State. The qualifications, term, powers and duties of Senators we have already seen in Chapter III. The same salary is paid to a Senator as to a Representative, namely, \$7,500 a year, plus a mileage fee of 20 cents a mile both ways, and an allowance of \$125 a year for stationery.

Only one third of the Senators are elected every two years, and since the term of office is six years, the majority of Senators at any time have seen over two years of service. And furthermore, Senators are frequently reëlected, serving twelve, eighteen, twenty-four, and even thirty years sometimes. This gives the Senate

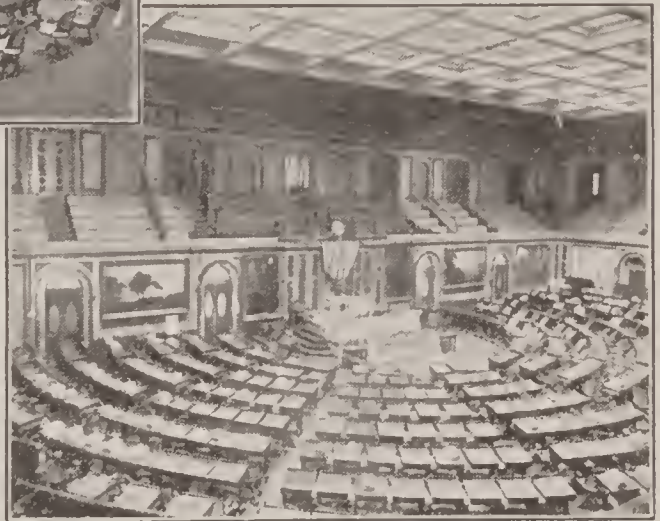
its "dignity and stability," and makes it a check on the House of Representatives. Unlike the House, the Senate has for many years chosen its own standing committees. There are fifty or sixty of these committees, the finance committee being the most important. This was for many years in charge of Senator Aldrich of Rhode Island. The presiding officer of the Senate is the Vice President of the United States.

House of Representatives.—The House



Senate Chamber

now numbers about four hundred and twenty-five men. Their qualifications we have already considered in Chapter III. The short term, two years, makes the House a changeable body. A serious criticism of the House is that the successful candidate for a seat in it must make his campaign and be elected thirteen months before he takes his place. Thus the issues he fought for may become stale before he has a chance to take his seat in Congress. For instance, the members elected in November, 1914, take their



House of Representatives

seats in December 1915, in the first session of the 64th Congress.

The Speaker.—The House elects one of its own members as presiding officer, and he is then known as the Speaker of the House, or simply “Mr. Speaker.” He is a very powerful person for two reasons: he has much to do with appointing committees and referring bills to committees; he is a presiding officer and hence without his recognition no member can speak or make a motion. He sometimes asks an unfriendly member why he rises on the floor. If the member’s purpose does not suit the Speaker, he merely replies, “The member is not recognized for that purpose.” Thus the member finds himself effectually “bottled up.” Yet with all his great power, the Speaker is the servant of the majority of the House. He only bottles up men of the minority side. He is elected by the majority, by whom he can be deposed any hour of any day, a new man being elected in his place. The majority make the rules of the House—good or bad—and no rule or combination of rules can stifle the will of the majority. The work of the House in lawmaking is discussed under the subject of Congress below.

Congress.—The life of a Congress is two years. Each Congress is designated by its number, as the 50th, the 60th, the 70th, etc. Each Congress has two regular sessions, both beginning in December. The *first* session often lasts till late into the following summer, and hence is called the “long session.” The *second* session must end March 4, and hence is called the “short session.”

The powers of Congress were enumerated in Chapter III. We may now classify these powers as follows:

Taxing Power.—Congress spends money, sometimes very freely, and has the power of taxing the people in order to obtain this money. This is the most important power of Congress. How much money is raised, and how, and for what objects it is expended, will be discussed in the chapter on Money and Finance (Chapter VII). The revenue bills, especially protective tariff bills, have been the occasion of some of the famous debates in Congress.

Commercial Powers.—The Constitution gives to Congress alone the power to “regulate” interstate commerce, that is, commerce which crosses State lines. Since nearly all railroads, express companies, telegraph lines, and other agencies for carrying persons, property, or messages cross State lines, the regulation of these things must be by Congress and not by the separate States. The actual workings of this power over business as exercised by Congress are discussed in Chapter VIII.

Territorial Powers.—Congress has power to admit new States into the Union, and no territory can become a State until admitted by Congress. Our various island possessions, known as “dependencies” or “colonies,” are also under the control of Congress.

Miscellaneous Powers.—Congress has, in addition, many miscellaneous powers among which are powers: to borrow money; coin money; establish post offices; grant patents and copyrights; declare war; raise and

support armies and navies; make laws governing the militia.

Express and Implied Powers.—Powers are classified as “express powers” when they are actually *expressed* in the Constitution, and as “implied powers” when they are not expressed but only *implied* in the Constitution. For instance, the Constitution does not contain the word *bank*, yet Congress has power to establish a bank and has twice done so. The implied powers of the Constitution cannot, of course, be enumerated or classified. They all fall under this law: “Congress may make all laws which are *necessary* and *proper* for carrying out the Constitution.”

Process of Lawmaking.—In a recent session of Congress lasting 130 days, there were introduced 29,000 bills. Since Congress consists of about 500 men (about 400 in one house and 100 in the other), it is manifestly impossible that each bill shall be debated; nor can each bill even be read by every member. So great is the number of bills indeed that members sometimes vote on a bill without first reading it. The problem is, to consider how this large assembly of men can give proper consideration to each one of these thousands of bills. In other words, what is the process of lawmaking? Contrast the constitutional *theory* of lawmaking with the present *practice* of lawmaking. The *theory* of the Constitution was that each bill introduced in either House should receive full discussion there, and, if worthy, should be sent on to the other House for a second scrutiny, that any defects might be corrected.

Thus amended and improved by discussion, the successful bill would go before the President for his signature or veto. If vetoed, two thirds of each house could pass it over his veto. The *practice* of lawmaking to-day, however, is entirely different from the process just described. The principal process now is the sifting out of the undesirable measures. This is done by the Committee System of Congress. Before summarizing the separate steps in legislation, we must briefly describe this system.

The Committee System of Congress.—For sifting the many thousands of bills, there are some fifty or sixty standing committees in each house. To some one of these standing committees every bill is referred. The bill is one, of course, of many bills before the committee, for most of which “death in committee” is the sad fate. The committee may hold open meetings and have hearings from lobbyists and from enemies of the bill. Members interested approach the committee and make their arguments for or against the bill, for they know that the House itself will have neither time nor inclination to listen. The committee can amend the bill; can report it back to the House with the recommendation “that it do pass,” or “that it do not pass”; can delay reporting till late in the session, or can let the bill die from mere neglect. In this way the bills are screened and sifted, nine tenths of all bills introduced meeting their death in committee. This death a majority of them, no doubt, deserve. The committee meetings are, as a rule, secret. No record is kept of their pro-

ceedings, and hence the public does not know what goes on there.

Criticism.—The committee system has both good and evil points. The chief evils are: It does away with debate in the houses, except on a few measures. It leads to certain forms of corruption and develops a class of lobbyists. It places power, but not responsibility, in the hands of a small committee. This is a bad thing for the nation, for we do not know what our servants—our representatives—are doing, and we do not know where to place the praise for a good bill or the blame for a bad bill. The chief advantage of the system is that it kills off worthless bills. In this way only can Congress handle a large number of bills. As it is, there are too many bills to be debated in the House, many of them being purely “private” and clearly out of place before Congress.

Summary of the Process of Lawmaking.—The following are the principal steps usually followed by a bill in the process of becoming a law: (1) “Introduced” by being presented to the clerk of the House. At this stage the bill is labeled with its number, its title, and the name of the member introducing it, but it is not before the House for consideration. (2) “Reading” of the bill by the clerk. He reads only the title of the bill. This is known as the “first” reading. (3) “Referred” to the appropriate committee by the presiding officer (the Speaker of the House of Representatives, the President of the Senate). The bill is now said to be “committed.” (4) Before the committee. The bill is con-

sidered (or neglected) by the committee in charge of it, and if not killed, is in time reported back for House action. (5) Before the House. The House has an informal session, called "the committee of the whole." The bill is discussed. It has a "second" and "third" reading, one of which must be in full. (6) Vote, "Shall the bill pass?" (7) The bill when passed and signed by the presiding officer goes to the other house where the process just described is substantially repeated and (8) it is signed by the President, a course taking usually weeks or months. To get a bill "on the calendar," that is, on the House program for the day, is a very difficult undertaking. This is stage (5) as described above. Only a small per cent of the bills reach this stage. The fifty or sixty committees have sifted them out. However, the reader should always remember that this long, slow, tedious program depends on the rules of the House, and that in case of emergency the majority can set aside these rules and act promptly. Thus when war was declared against Spain in 1898, and President McKinley needed \$50,000,000 at once for the army and navy, a bill providing this amount was introduced, and passed both houses of Congress in two hours' time.

QUESTIONS ON THE TEXT

1. What is the composition of Congress? When does Congress meet?
2. What is the composition of the Senate?
3. State the salary of a Senator and a Representative.
4. How are congressmen elected?

5. What gives to the Senate dignity and stability?
6. How are committees chosen in the Senate and in the House?
7. Name one important Senate committee.
8. What is the composition of the House?
9. When do new members take their seat?
10. Discuss fully the powers of the Speaker of the House.
11. Give arguments for the Speakers' great powers.
12. What is the life of a Congress? What is a "long session"?
"a short session"?
13. Name twenty powers of Congress. (See Constitution, Art. 1, sec. 8, Art. 4, secs. 3 and 4, Art. 5.)
14. Name twenty prohibitions on Congress. (See Constitution, Art. 1, sec. 9, also Amendments 1-10.)
15. Classify the powers of Congress (four classes) and discuss each class.
16. Classify the powers of Congress on the basis of how the power is stated in the Constitution. Define and illustrate each class.
17. Describe the process of lawmaking: (1) the difficulties confronting lawmakers; (2) the theory of the Constitution; (3) the practice to-day.
18. Describe fully the committee system.
19. Give a summary of all the steps in lawmaking.
20. Can you cite an exception to the slow process of lawmaking as described above?

QUESTIONS SUGGESTED BY THE TEXT

1. What is the number of the present Congress? Is it in its first or second session?
2. Quote the constitutional provision on the taxing power.
3. "The power to tax is the power to destroy." Give one example of this rule.
4. Name the two Senators from North Dakota.
5. Name the Representatives from North Dakota?
6. Name the present Speaker of the House.
7. Who is now President of the Senate?
8. Who is chairman of the Finance Committee of the Senate?
9. Who is chairman of the Committee of Ways and Means of the House?

10. Describe the making of some great tariff act (such as the McKinley Act of 1890, the Dingley Act of 1897, or the Payne-Aldrich Act of 1909).

REFERENCES

- Bryce, "American Commonwealth" (1910 edition), Vol. I, Chs. 10-21.
- Hart, "Actual Government," Chs. 12-14.

CHAPTER VI

THE JUDICIARY

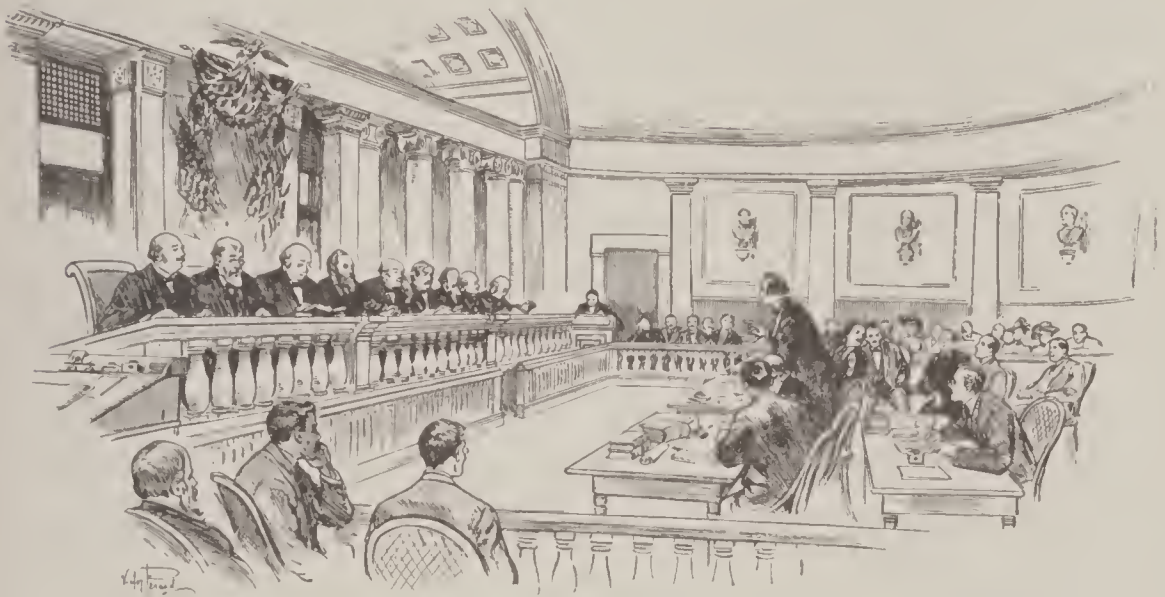
“Marshall was, of course, only one among seven judges, but his majestic intellect and the elevation of his character gave him such an ascendancy that he found himself only once in a minority on any constitutional question. His work of building up and working out the Constitution was accomplished not so much by the decisions he gave as by the judgments in which he expounded the principles of these decisions, judgments which for their philosophical breadth, the luminous exactness of their reasoning, and the fine political sense which pervades them have never been surpassed and rarely equaled by the most famous jurists of modern Europe or of ancient Rome.” BRYCE, “American Commonwealth” (1910 edition), Vol. I, Ch. 33.

Federal Judges.—All Federal judges are appointed for life by the President, with the consent of the Senate. This life term of office is given them in order to make them independent of all political parties and popular waves of opinion, and to give them courage to render fearless and just decisions. They are able to pronounce the opinions they have formed “without fear, favor, or partiality.”

Federal Courts.—The Constitution creates one Federal court, the Supreme Court. It places on Congress the responsibility of creating, as the country develops, such inferior Federal courts as are needed. We now have four kinds of Federal courts, as follows:

Supreme Court.—This court consists of nine members; one is called the Chief Justice, and the other eight are called Associate Justices. Our most famous

Chief Justice was John Marshall, a warm friend of George Washington, who was for thirty-four years at the head of the Supreme Court. The salary of the Chief Justice is \$13,000 per annum; of the other justices, \$12,500. The Supreme Court sits only in Washington, and hence lawyers who are licensed to practice



Supreme Court in Session

before this court must make the trip to Washington to present their cases. The jurisdiction of this court is both original and appellate: *original* in those cases which *begin* in this court; *appellate* in those cases which are *appealed* to it from the lower courts. The original jurisdiction of the Supreme Court extends only to cases in which a State is a party, and to cases involving ambassadors and consuls.

Circuit Courts of Appeals.—A “Circuit Court” was known in ancient times, for we read in the Bible that “Samuel judged Israel all the days of his life. And

he went from year to year in circuit to Bethel and Gilgal and Mizpeh, and judged Israel in all those places." In the United States there are now nine circuits, which is one circuit for each justice of the Supreme Court. But the Supreme Court justice no longer has any time to go "in circuit," and hence circuit judges, at least two judges for each circuit, are appointed. The judges constitute the so-called "Circuit Courts of Appeals." These courts have jurisdiction over certain important cases appealed from lower courts, provided by Congress. The Supreme Court was at one time four years behind with the cases awaiting trial, and was steadily getting farther behind. So Congress created this court to hear and end Federal cases before they get to the Supreme Court. Some cases, however, still are appealed from this court to the Supreme Court.

District Courts.—There are about ninety Federal District Courts in the United States. Each State either constitutes one judicial district (as does North Dakota), or, if the population is large enough, is divided into two, three, or four districts. A District Court is held in each district by the resident judge or by a judge temporarily "trading places" with him from some other district. Some important districts even have two judges, each holding court. These courts have original jurisdiction of most of the common cases coming under Federal laws, such as bankruptcy, offenses on Indian reservations such as selling liquor to Indians, post office robberies, and so on.

Court of Commerce.—The youngest of the Federal courts is the Court of Commerce, created by Congress in 1910 to deal with “common carriers,” engaged in interstate commerce. By “common carriers” are meant railroad companies, express and sleeping car companies, telegraph and telephone companies; in short, all persons or corporations engaged in the transportation of passengers or property or in the transmission of messages. This court is composed of five judges, selected by the Chief Justice of the Supreme Court, from the circuit judges for a period of five years. One judge retires each year from the Court of Commerce and resumes his duties as circuit judge. This court has been created to see that common carriers fulfill their duty to the public in every way, but especially in keeping their charges just and reasonable. This court has power to impose a fine of \$5,000 on the offender, or to sentence him to jail for two years. “The jurisdiction of the Commerce Court over cases of the foregoing classes shall be exclusive.” An appeal may be taken to the Supreme Court.

Jurisdiction of the Federal Courts.—It must be borne in mind that questions affecting the internal affairs of a State only—as do most questions that arise—must begin and end in State courts. According to this rule, we see that the jurisdiction of the Federal courts extends to the following five matters:

(1) Cases affecting ambassadors, other public ministers, and consuls.

(2) Cases of admiralty and maritime jurisdiction.

(3) Controversies in which the United States is involved.

(4) Controversies between States.

(5) "All cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority."

Equity.—Federal courts are courts of law and also courts of *equity*. Law provides a cure after the act has been done; equity provides a means of prevention. Since prevention is better than cure, both in law and in medicine, the equity power of the courts will no doubt continue to be used. The *injunction* is the most common form of an equity case. To illustrate: A band of desperate men, striking against the railroad company, are about to burn a mail train. This would be a damage difficult, if not impossible, to repair. But where "irreparable damage" is threatened, a court of equity will grant an injunction. So the railroad company goes to a Federal judge and secures an injunction, that is, an *order* from the court for the men to stay away from the train. If now the men destroy the train, or even approach it, they are guilty, not of destruction of property, but of "contempt of court." For this offense they can promptly be arrested, brought before the judge, and sentenced to jail by him for violating his order. He makes the order, tries the case, and punishes the men. In short, he is lawmaker, judge, and jury. He may send men to jail for a year for violating his order. In the case just described, it is clearly better to prevent the mischief from being done

than to try to catch and punish the men afterwards for it. If our judges were not an upright set of men, they would doubtless abuse this great power of the injunction.

Workings of the Courts.—The first duty of the courts is to determine what is justice for those who maintain that they have been deprived of some right. The one who is suffering, as he thinks unjustly, brings his case into court. Or if a person or a corporation has committed an offense against the Federal government, that government is the sufferer, and will bring the matter into court. If the government loses the case in the first court, the matter ends there. There is no appeal. If, however, the person or corporation loses in one court he may appeal to the next court above. In this way the person who is suffering or thinks he is suffering has every benefit of the doubt. In order to make it impossible (or almost impossible) to convict an innocent man, we have made it possible for a guilty one to escape.

The second duty of the Federal courts is to judge as to the constitutionality of laws that come before them in concrete cases. The work of the courts on constitutional questions is to pass judgment, not on the wisdom of the law, or the benefits or evils of the law, but on the sole question of the constitutionality of the law. Is the law according to the Constitution? If a law is found to be contrary to the Constitution, no matter how beneficial the law may be, or how much the country may need it, no matter if it has been passed by the

four hundred members of Congress and signed by the President, the Supreme Court must declare it null and void. For instance, here are some of the laws which neither Congress nor the States can pass:

- (1) Laws impairing the obligation of contracts.
- (2) Laws depriving any person of life or liberty without due process of law.
- (3) Laws depriving any person of property without due process of law.

The Dartmouth College Case.—The above principle is illustrated in the famous lawsuit involving Dartmouth College. Just before the Revolutionary War a corporation in New Hampshire secured a charter containing certain privileges. Later the State tried to change the charter slightly. The case came before the Supreme Court, and is known as the Dartmouth College case. The court held that the charter was a *contract*; that the State could never change it, for that would be impairing the obligation of a contract. This was a very important decision. Since that day many States have given charters to corporations containing “franchises” (that is, certain definite, often valuable privileges), and have later tried to modify the charters, or levy a special tax on them, or regulate them in the interest of the public. The Supreme Court has, in such cases, held that a corporation is a person; that its franchise is a contract; that the contract cannot be impaired; that the person cannot be deprived of his property without due process of law. If a gas company, for instance, happens to have a perpetual

franchise in a city, it can never be successfully regulated by the city or State.

Hence many State and Federal laws aiming to regulate corporations fall to the ground when brought before the Supreme Court. The State or city granting the franchise to the corporation must see to it that the franchise contains a provision for future regulation. Then the "obligation" of the contract will not be "impaired" by wholesome regulation.

QUESTIONS ON THE TEXT

1. State the term of office and manner of appointment of all Federal judges.
2. Name some results of this system.
3. Name five Federal courts.
4. Describe the Supreme Court, its composition and jurisdiction.
5. Name one great chief justice.
6. Explain "original" and "appellate" jurisdiction.
7. Discuss Circuit Courts of Appeals: number of courts; composition; why formed.
8. Discuss the District Court: number and composition; jurisdiction.
9. What is the youngest Federal court, and when was it formed? Its purpose? Its composition?
10. Define "common carriers."
11. To what five things does the jurisdiction of Federal courts extend?
12. Can any other matter be brought before these courts?
13. What is equity? Give one example. Show the benefit and the danger of the equity power of the courts.
14. What, in general, are the two chief duties of our Federal courts?
15. When may appeals be taken? Criticize our present practice.
16. What governs the Supreme Court in deciding on the constitutionality of a law?

17. Name three "laws" which would be unconstitutional.
18. Give an account of the Dartmouth College case.
19. What is a franchise? How is it protected? Why is it so hard to regulate?

QUESTIONS SUGGESTED BY THE TEXT

1. Name the present members of the Supreme Court.
2. Name the district judge of North Dakota.
3. In which judicial circuit is North Dakota?
4. What candidate for President of the United States was once cast into jail for violating an injunction?
5. Give an account of the Buck Stove and Range case (or any important injunction case).
6. Discuss the McCulloch versus Maryland case.
7. Give an account of the life of John Marshall.
8. Discuss some case settled by the Commerce Court.
9. Give one example of an attempt to "impair the obligation of a contract."
10. Is property protected by the court, or by the Constitution as construed by the courts?

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- Hart, "Actual Government," Ch. 17.
 Bryce, "American Commonwealth" (1910 edition), Vol. I, Chs. 22-26, 31-35.

CHAPTER VII

FINANCE AND MONEY

“Whatever else it may be, the government is the power which taxes. . . . If we are in any doubt as to what is really the government of some particular country, we cannot do better than to observe what person or persons in that country are clothed with authority to tax the people.” FISKE, “Civil Government in the United States,” p. 7. Quoted in Daniels, “Public Finance,” p. 1.

Finance.—One of the most interesting studies concerning our government is one known as Public Finance. This is a study of the income and the expenditures of our country.

Federal Expenditures.—The Federal government is now spending over \$1,000 a minute, night and day, 365 days in the year. This means about \$1,500,000 a day, and more than \$500,000,000 a year. For what objects is this money spent? From what sources does it come? Let us see.

Objects of Expenditure.—The three largest objects of expenditure, and the average annual outlay for each are as follows:

| | |
|------------------|---------------|
| 1. Pensions..... | \$150,000,000 |
| 2. Army | 140,000,000 |
| 3. Navy | 120,000,000 |

These outlays use up most of the money. Among the

very *important* objects of expenditure, which cost relatively very little, are these four:

| | |
|---|--------------|
| 1. Department of Commerce and Labor | \$15,000,000 |
| 2. Post Office | 15,000,000 |
| 3. Department of Agriculture | 15,000,000 |
| 4. Ambassadors and Consuls | 4,000,000 |

The post office, it will be recalled, is almost self-supporting, most of the expense being met by the sale of stamps. The actual shortage (or deficit, as it is called) is made up each year by an appropriation by Congress.

A careful study of the two preceding tables will show the reader what a vast amount we are spending on account of past wars, and as preparation for future wars, and how small an amount for the peaceful development of commerce and agriculture and the general welfare of the country.

Source of Income.—Who pays the Federal taxes to meet these huge expenses? It is evident that the total expenditures above described amount to \$6 a head per year for every man, woman, and child in the country,—an average of \$30 for a family of five persons. Most of this income is from four simple articles consumed by rich and poor alike. They are sugar, beer, whisky, and tobacco.

THE FEDERAL TAX

| | |
|--------------------------------|------------|
| \$1 worth of sugar | \$0.25 tax |
| \$1 worth of tobacco | 0.20 “ |
| 1 gallon of beer | 0.03 “ |
| 1 gallon of whisky | 1.10 “ |

Therefore those families which consume the most sugar, tobacco, and liquors, whether they are rich or poor, are paying the most Federal tax. Since poor men usually have more children than rich men, it is very likely that the poor man consumes more sugar than the rich man and hence is bearing more of the burden of this tax. Likewise, the poor man who uses much tobacco or liquor is contributing an unequal share of the tax. Each is not paying according to his ability to pay.

A further word must be said about the two classes of Federal taxes. The government levies no direct tax as does the State, city, county, township, and school district. Government taxes are called indirect taxes, and are of two kinds, namely, (1) tariff, and (2) internal revenue. The tariff is on many thousands of things that are imported, such as sugar, clothing, machinery, knives, watches, diamonds, steel, lumber, coal, flour, meat, breakfast foods, etc. Internal revenue is derived from an "excise duty" on liquors and tobacco, principally. In the year 1908, these two sources produced revenue as follows:

| | |
|---------------------------|---------------|
| 1. Tariff..... | \$286,113,130 |
| 2. Internal Revenue | 251,711,126 |

Criticisms.—The main arguments for this Federal system of indirect taxation are these: It is simple and easy to collect, and brings in plenty of revenue; it costs only two or three per cent to collect it. The main arguments against it are these: It makes the poor man pay as much as the rich man, and sometimes much

more, and is therefore unjust; it causes waste and extravagance on the part of the government, no taxpayer realizing keenly enough the drain on his own pocket. As to the tariff, especially the "protective" tariff, on the one hand it is contended that it builds up American industries in the face of foreign rivals, and is therefore a good thing. On the other hand it is maintained that it gives special favors to a few at the expense of the many, thus forming a privileged class who in turn corrupt the government.

Money.—The "money question" is one of the big questions before our people. In 1792 the government began to coin money for the first time. We started with the "double standard" at a ratio of 15 to 1. That is, 15 ounces of silver were considered worth one ounce of gold. The "double standard," or *bimetallism*, as it is also called, means the use of two metals, not only as money, but also as standards of value, and this further implies the *free* and *unlimited* coinage of both metals. At the present time, after over a hundred years of experimentation, we have, in common with the rest of the world, the single gold standard, with free and unlimited coinage of gold at the ratio of 16 to 1; and in addition we have a limited coinage of silver, nickel, and copper. All are considered good "money," and all can be exchanged, if desired, for gold. The coinage of these minor metals is limited to what is considered the actual needs of the country. Hence we have coined, since the starting of the mint, three billion dollars in gold and one billion dollars in

silver. Only half of these amounts has stayed in this country.

During the Civil War the United States issued as a war measure a kind of paper money known as United States notes or "greenbacks." But since the government redeems these on demand in gold, they too circulate everywhere. Yet they are not real money.



United States Mint, Philadelphia

There was started during the Civil War, as another temporary makeshift, our system of national banks. These banks, of which there are now seven thousand in existence, must exchange a certain amount of their money for United States bonds, which are left on deposit with the Treasurer at Washington. In exchange for these bonds the banks are allowed to issue paper money known as national bank notes or "national currency." These notes are not real money, but since both the banks and the governments are

pledged to redeem them in real money, they circulate everywhere like any other money.

All paper money as well as all coins other than gold may be defined as credit money. Credit is defined as a promise to pay money. On this basis our money system is as follows:

Money in the United States, 1908

Real Money:

1. Gold \$1,618,133,492

Credit Money:

2. Silver \$563,277,812

3. Nickel and Copper 147,355,783

4. Greenbacks 346,681,016

5. National Bank Notes 782,976,619

\$1,840,291,230

\$3,458,424,722

For the convenience of those people who do not like to carry heavy silver dollars and valuable gold coin in their pockets, the government places these coins on deposit in the Treasury buildings and issues "silver certificates" and "gold certificates" to exactly the same amount. Most of the silver and gold are thus kept safe on deposit, while the people use the "certificates."

QUESTIONS ON THE TEXT

1. What is meant by public finance?
2. How much is the Federal government expending annually?
3. Name seven objects of expenditure. Classify them in the order of their size. State the amount of each.
4. Compare war expenditures with peace expenditures.
5. What are the chief sources of income?
6. What is the Federal tax on the following: \$1 worth of sugar; \$1 worth of tobacco; 1 gallon each of whisky and beer?

7. Is the Federal tax paid by the rich and the poor according to their respective abilities?
8. Is the Federal tax direct or indirect?
9. What are the two principal kinds of Federal taxes?
10. Which kind applies to the most articles?
11. Give examples of each tax. State the income from each in 1908.
12. What are the main arguments for and against our revenue system?
13. Explain "double standard"; "16 to 1."
14. Give a short history of our money since 1792, naming five kinds of money.
15. Define credit.
16. How much money is there in the country to-day?
17. Explain the nature and purpose of gold and silver certificates.

QUESTIONS SUGGESTED BY THE TEXT

1. Estimate the amount of tax paid to the Federal government by the average family on the farm. How much is paid by your family?
2. What were the total expenditures of the United States last year? (Consult last "Statistical Abstract of the United States," Bureau of Statistics, Washington, D. C.)
3. Debate: "Resolved, that our protective tariff is in the best interests of the farmer."
4. Debate: "Resolved, that the United States should have an income tax."
5. The cost of a battleship is \$10,000,000, and we are building one a year. How many farms would one such ship buy? How many teachers would this hire at \$500 a year each? (There are 5,000 country teachers in North Dakota.) How many schoolhouses would this build, allowing \$10,000 for a schoolhouse?
6. Examine a piece of paper money. Copy all the words on the face of it. Is it a "promise to pay"?

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CHAPTER VIII

RAILROADS

“To my mind this is the most wonderful thing that ever happened, that from time unknown down to eighty years ago or thereabouts, motive power, the means of distribution, had not increased in character or efficiency. . . . The ox and the horse were the established agencies of land distribution. . . . Then, all at once, as it were, into and through this social and industrial structure, so highly organized, so vast in its ramifications, and yet so adjusted and adapted to the fixed limitations of animal power, was thrust this new mode of conveyance by mechanical force, this modern miracle of transportation by steam. That was the greatest and most transforming event in the history of mankind. . . . As time goes, this revolution has been extraordinarily rapid. But yesterday, as it were, the first iron track had not been laid, and even the idea of steam as a valuable motive power had hardly been conceived; yet already, within the limits of a lifetime, long lines of railways which sprang into being as if born of enchantment have stretched out in every direction from one end of the land to the other. They have bridged the rivers, penetrated the forests, tunneled the mountains, and traversed the deserts with their highways of steel. In the passing of a generation the railroad and steamship have transformed the whole realm of commerce, of industry, and of social life; they have enriched every pursuit, given multiplied value to every vocation, added incalculably to the means of human enjoyment, made our vast wealth possible; and they are at once the greatest achievement and the greatest necessity of our modern civilization.” Address of HON. MARTIN A. KNAPP, Chairman of the Interstate Commerce Commission, New York, November 22, 1910.

Necessity of.—To make a great State, four things are necessary,—soil, climate, people, and transportation. It is of transportation that we shall now speak. It is impossible to imagine even a few people living and working together without some common highway or

road. When men take up the government land as "claims," or otherwise get possession of it, the first thing they do is to set apart certain portions of that land as public roads to which all have access. As the country develops, the need for these common avenues of commerce increases. Then comes the transfer of land commerce from dirt roads to tracks of steel, and the substitution of steam power for horse power. The



Railroad

railway is then the principal highway; it is indeed the sole highway for long distance traffic. The local government provides and cares for the dirt roads; private capital provides the railroads, and the Federal and State governments regulate them.

Importance of.—Next to agriculture, railway transportation is our largest industry. It employs 1,500,000 men, and spends annually in wages \$1,500,000,000. The railroads have a mileage of 250,000 miles, enough to reach ten times around the earth, or once from the

earth to the moon. Settlement follows the line of the railroad in a new State like North Dakota. New towns spring up along the railroads. Indeed, railroads make and unmake towns by running through them or passing them by. Railroads sometimes put forth the claim that they make the State. The people, in turn, claim that the State makes the railroads. Both statements are in part correct. And while the people need protection from the railroads, at the same time the railroads need protection from the people. Regulation by the government is for the purpose of showing justice to both. President James J. Hill, one of the greatest railroad builders of the world, has stated the relations of the railroad to the people in this form: "We must prosper together. And in bad crop years we suffer together. Our interests are the same."

Railroad History.—Our railroad system has been called a "prodigy of labor, wealth, and skill." To encourage the building of railroads in sparse and desert areas Congress at first gave very liberal grants of lands. The later roads did not benefit by these land grants. The following table shows how the various Pacific roads fared:

Railroad Land Grants

| | |
|--------------------------|-------------------|
| Union Pacific | 13,000,100 acres |
| Kansas Pacific | 6,000,000 acres |
| Central Pacific | 12,100,100 acres |
| Northern Pacific | 47,000,000 acres |
| Atlantic & Pacific | 42,000,000 acres |
| Southern Pacific | 9,520,000 acres |
| Total | 129,620,200 acres |

This is an area as large as three States the size of North Dakota. It is equal to the combined area of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Delaware, with South Carolina thrown in. In addition to the land grants, a money subsidy of \$60,000,000 was given by Congress.

Railroads were over-encouraged by Congress. They were built where they were not yet needed, and where they could not earn running expenses. They therefore failed and were sold to pay their debts. They began again under new management; so that to-day most of our great systems of railroads belong to men who bought them at less than the original cost and then improved them. Thus the system that is now the Great Northern originated. Men started the road and spent all their savings. Money was borrowed in Holland to make the road a success. In this way the Dutch spent \$20,000,000. In spite of this, the road failed, and in 1873 was in the hands of the courts. The Dutch then offered their holdings at thirty cents on the dollar and lost \$14,000,000 of their money. Then it was that a group of new men, American railroad builders, bought the road and began to improve it and extend it westward and northward. Eventually the road was built to the ocean, largely by borrowed money, and its success was then assured. It has not failed a second time. It has indeed made great fortunes for those who own it and has paid

interest and principal as fast as due to those who lent it money.

The following financial terms used in describing the business of railroad corporations should be understood by every young citizen: (1) bonds; (2) stock; (3) capitalization; (4) watered stock; (5) pooling.

(1) *Bonds* are *mortgages*. If a farmer buys a farm worth \$4,000 and has only \$2,000 in cash, he pays this amount on the farm. He then borrows the other \$2,000 and pays it on the farm, giving a *mortgage* on the whole farm as security for this amount. He then gets a deed to the farm. But someone owns the mortgage, and on this mortgage interest must be paid when due, and likewise the principal, or the farmer will lose his farm; for the sheriff will sell it to satisfy the mortgage. When men want to build a railroad, they proceed in much the same way. They must borrow much of the money required,—sometimes nearly all of it—so enormous is the cost of a railroad. The men who loan the money have *bonds*, just as the man who loans to a farmer has a mortgage. And interest must be paid when due on the bonds otherwise the road will fail and fall into the hands of the courts.

(2) In the case of the farmer mentioned above, his deed contains the “consideration,” that is, the price of \$4,000. If the farm is improved from year to year, or even if the neighborhood develops without improvement of the farm, the selling value of the farm is likely to go up. Hence in time the farmer considers his \$4,000 deed worth possibly \$8,000 or more. The same thing

holds true of railroads. When a group of men decide to buy or build a railroad, they first unite into a company known as a "corporation." This step is necessary not only because it combines the resources of the investors and assures coöperation, but also for many other reasons. The value of the corporation property is represented by "shares" instead of by deeds.

The shares are usually spoken of as the *stock* of the corporation. The stock may cost \$4,000 cash, as did the deed above, and be worth \$8,000; or the stock may cost \$4,000 and be worth \$4,000; or it may cost \$8,000 and be worth \$4,000. Indeed, the stock may sometimes cost \$8,000 and be worth nothing, or may cost almost nothing and be worth \$8,000. In other words, the value of corporation stock, like the value of all other property, does not depend on its cost, but on the use to which it can be put, that is, upon its earning power.

The Central Pacific Railway is a good illustration of this fact. This road was constructed by four men, two of whom were, when they began, small storekeepers in San Francisco. Not one of the four was a capitalist. Their united funds when they began (1860) were \$120,000. They built a small stretch of road, mortgaged it (that is, issued bonds), and went on issuing bonds and building the road, stretch by stretch, from the bond money. They kept all the stock and hence complete control of the company. This company later built the Southern Pacific and its branches,

becoming in this way a great railway power. When one of these four men died in 1878, after only eighteen years of railroad building, his estate was worth \$30,000,000. However, had these men made mistakes in building, they would have lost everything, not only their own money, but that of the bondholders, as well. The stockholders (like the deed holders) own, manage, and control the property. But since every railroad is heavily mortgaged, they must so manage it as to earn *interest* on the *bonds* first, and then, if possible, *dividends* on the *stock*.

(3) Enough has been said to show that there are two ways for men to invest their capital in railroads, in stock and in bonds. Adding together the stock and bonds, at their par value, we have the *capitalization* of the road. Thus if a road has stock outstanding with a par value of \$100,000,000 and bonds for \$100,000,000, it is capitalized at \$200,000,000. A deed for \$4,000 does not mean that a farm is worth \$4,000; neither does a capitalization of \$200,000,000 mean that a railroad is worth that amount. What each one will sell for—and that is the best test of its actual market value—depends on its *earning power*.

(4) What is *watered stock*? This is a very loosely-used term, for different persons give it different meanings. If the men forming a railroad corporation (or any other business corporation) invest \$100,000 in actual money or in actual work, and issue stock in return with a par value of \$200,000, this proceeding is commonly called “watering the stock” to the amount

of \$100,000. In other words, watered stock means stock issued which has no investment back of it. Prosperous corporations often water their stock in this way. When, through good management, growth of the country, or other causes, their earnings increase greatly, they find their rate of dividend also going up, a hundred-dollar share of stock often earning fifteen or twenty dollars a year. They thus begin to pay their stockholders immense profits—sometimes 15 or 20 per cent—and the public begins to complain. To keep the rate of dividend down to a “reasonable” figure, new shares of stock are issued free to the stockholders. Then, of course, a low rate of dividend will divide the big profits of the corporation among the stockholders, and the profits will look “reasonable”; for evidently 6 per cent of \$300 is the same as 18 per cent of \$100. Both the new stock and the old stock pay the same dividends now, say 6 or 7 per cent, and both are sold on the market to innocent purchasers. Of course, when the innocent purchaser pays \$100 for a share of stock that yields him \$6 or \$7 a year, it is not “watered stock” to him, but an actual investment. And so it comes about that there are arguments both for and against watered stock. In favor of it, such corporations as railroads claim that they should be allowed to earn big profits, since they assume big risks, and that they should be treated like the merchant, banker, and farmer, whose profits are not restricted by law. Against it, the claim is made that railroads are monopolistic; that they are public service

corporations, and therefore should not be treated like the merchant and the farmer; and that they should be allowed to make only a reasonable profit on their actual investment.

(5) *Pooling* among railroads means a combine. It is the loosest form of combine known, and was at first often spoken of as a "gentlemen's agreement." It was binding on the different members of the pool only so long as their word of honor bound them. Pools usually pertained to the manner of doing business and to the charges to be made, and had, of course, as their chief purpose, the elimination of competition. Pools were formed, according to the railroads, to keep rates reasonable; but the public thought it was to make rates high. So there has been much quarreling over pooling, and the matter is not yet settled.

Railroad Legislation.—Since most of our railroads cross State lines, their business is *interstate commerce*, and can be regulated only by the Federal government. The State can regulate only the business wholly within its own borders. The Federal government has passed four important laws regulating railroads, as follows:

Interstate Commerce Act of 1887.—In 1887 pooling was much discussed throughout the country, and was usually bitterly condemned. Hence this law was passed, with two purposes in view: (1) to make pooling illegal; (2) to create an Interstate Commerce Commission at Washington to prevent pooling, to study railroad business, and to give publicity to the actual workings of our railroads. The law has not prevented pool-

ing but, by giving publicity to railway management, has led to the enactment of better laws.

Sherman Anti-trust Law of 1890.—This law was aimed at the big combines, “trusts,” especially in manufacturing. It made “all” combines in restraint of interstate trade illegal. But when the Supreme Court construed this law, it held that the law applied to railroads and to labor unions, as well as to manufacturing companies. Such illegal combines as are “in restraint of trade” are to be punished by both fines and imprisonment.

Elkins Act, 1903.—This act declares both the giving and the receiving of railroad rebates to be illegal. For example, one large manufacturing concern was found to be shipping oil at the rate of 35 cents a barrel for freight—the published rate for the public to pay—and to be getting back a “rebate” of 25 cents a barrel. This secret rebate of 25 cents a barrel gave this great concern an unfair advantage over all its competitors—in fact it helped to ruin them. Under the Elkins law all rebating is strictly forbidden. This evil is now very largely abolished.

Commerce Court, 1910.—A new Federal court was created in 1910 to deal exclusively with the difficult railroad problems, as they come before it. In this way, it is hoped, justice can be done both to the roads and to the public. The creation of this court was a very wise and important step.

Aim of Railroad Legislation.—There are three things which the public has a right to expect of the railroads:

(1) *Good Service.*—The service at present is good, but could be better. It could also be made safer.

(2) *Good Treatment of Employees.*—Wages should increase as the cost of living increases. Wages have increased faster than rates.

(3) *Rates Fair and Reasonable.*—Rates should be fair, that is, free from discrimination. Rates should



Great Northern Station

be reasonable, that is, low enough. American railroad rates are now the lowest in the world. What is a reasonable rate? The answer to this question depends on the standard, of which there are too many for discussion here. Railroads usually charge “what the traffic will bear.” Their earnings should be high enough to accomplish three things: (1) pay liberal wages; (2) make needed repairs in their equipment; (3) construct improvements in the way of new equip-

ment, new depots, new lines, etc., as the public need demands. The capitalization of American roads is the lowest in the world. The figures are as follows:

1910

| | |
|-----------------------|--------------------|
| United States..... | \$ 59,259 per mile |
| Argentina | 59,930 per mile |
| New South Wales | 63,999 per mile |
| Canada | 66,752 per mile |
| Switzerland | 109,000 per mile |
| Germany | 109,788 per mile |
| France | 139,290 per mile |
| United Kingdom | 275,040 per mile |
| England | 314,000 per mile |

Success of Regulation.—The Interstate Commerce Commission has power to lower rates and to prevent advances; but it should also have power to raise rates. The Sherman law forbids railroads to enter into reasonable agreements regarding rates; but it would be better to permit such agreements, as is done in other countries. It seems to be an unsuccessful and unwise policy to enforce competition among railroads. “The power to compete is the power to discriminate. It is impossible to have the presence of competition and the absence of discrimination.” Combination under government regulation is recommended by our great authorities.

QUESTIONS ON THE TEXT

1. Compare the means of transportation used in the world the first four thousand years with that used the last eighty years.

2. What has been accomplished in one generation?
3. Show the necessity of transportation in developing a State.
4. Compare the railroad, as to importance, with the dirt road.
5. Show the importance of railroads in these respects: size of industry; number of men employed; amount of wages paid annually; mileage; making of new towns.
6. Do the people need protection from the railroads, or the railroads protection from the people?
7. Why is government regulation justified?
8. What did a great railroad president once say about the relation of the railroads and the people?
9. Discuss the following topics in railroad history: Early aid (land and money); results of congressional aid; beginnings of Great Northern system; beginnings of Southern Pacific system.
10. Define and illustrate each of the following terms: bonds; stock; capitalization; watered stock; pooling.
11. Why is it so important to pay the interest due on bonds?
12. Can you state any reason why railroads are built by corporations rather than by individual men?
13. Show why stock with a face value (par value) of \$4,000 is not necessarily worth that amount. On what does the value of stock depend?
14. Is a railroad managed by its bondholders or its stockholders?
15. Does the capitalization of a road tell us what the road is worth? Does the deed to a farm tell us what the farm is worth? What is the real test of value in each case?
16. State the arguments for and against watered stock.
17. What was the real aim of railway pooling? What would be the probable effect on rates (two views)?
18. Why must railway regulation be chiefly Federal rather than State?
19. Give the dates of four important Federal laws on the regulation of railroads.
20. Discuss the Interstate Commerce Act as follows: conditions leading to this act; two purposes of the act; its success or failure.
21. Discuss the Sherman Anti-Trust law: aim of the law; provi-

sions of the law; present application, as construed by the Supreme Court.

22. Why was the Elkins law passed? Illustrate. What is the chief provision of this law? Its success?
23. What is the function of the Commerce Court?
24. In regulating railroads, what three things has the public a right to expect of the railroads?
25. What can you say about the service of our railroads?
26. What can you say about their treatment of the employees?
27. What can you say about the reasonableness of our railway rates? Give a good test of "reasonableness."
28. What is meant by a "fair rate?"
29. Compare the capitalization of our railroads with that of railroads of other countries.
30. Criticize carefully the success of our "regulation" thus far.
31. Is competition really desirable?

QUESTIONS SUGGESTED BY THE TEXT

1. Draw an outline map of North Dakota, and locate all the railroads of the State on it. Locate also principal towns.
2. Suppose a farmer buys a piece of land for a consideration of \$4,000, but the consideration named in the deed is \$8,000. After making a few improvements he sells the land for \$8,000, giving a deed with this consideration named in it. Is there any "watered stock" in this transaction? If a corporation buys this land for \$4,000 and issues stock thereon for \$8,000, would this constitute "watering the stock" to the extent of \$4,000 even though the land is worth \$8,000?
3. What is your definition of watered stock?
4. Do you think stock watering should be prevented? If so, how?
5. Debate: "Resolved, that railway pooling should be permitted."
6. Would railway competition benefit or injure the public? How?
7. Would railway competition benefit or injure the railways? How?
8. Should the government regulate the profits of railways?
9. Should the government regulate the ownership of railways?
10. If you were going to invest \$100 in a railroad, would you buy stocks or bonds? Why?

11. Problem. A company invests \$100,000,000 in a new railroad. Its net earnings are 14 per cent a year. A dividend of 7 per cent is paid and 7 per cent is reinvested in the road in improvements. This is done for 14 years. What is then a proper capitalization of the road—\$100,000,000 or \$198,000,000 or some other figure?
12. This statement occurs in the 1910 Report of the United States Commissioner of Corporations: "In the case of railway discriminations (rebates) cited above, mere publicity accomplished an abolition of an evil system in its entirety within six months, although criminal prosecution of certain participants therein has, after four years, succeeded only in two cases out of four." To what extent should publicity be applied to railway finances and other railway affairs?
13. What is North Dakota doing to regulate railroads within the State? Give concrete examples. (See last report of State Railroad Commission, Bismarck.)

REFERENCES

- Bryce, "American Commonwealth" (1910 edition), Vol. II. Ch. 106.
- Ripley, "The Railroads and the People," *Atlantic Monthly*, January, 1911.
- Johnson, "American Railway Transportation."
- Reports of the Interstate Commerce Commission.
- Reports of State Railroad Commissions, especially North Dakota, Wisconsin, and Kansas.

PART IV

WORKINGS OF THE STATE GOVERNMENT

CHAPTER IX

HISTORICAL

“And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust, and the association of living beings who have this sense makes a family and a state. . . . But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god: he is no part of a state.” ARISTOTLE, *Politics*, I. 2.

The Native Inhabitants.—The Indians were first in North Dakota. The abundance of buffalo, deer, beaver, antelope, wild ducks and geese, and other species of game made these great prairies, lakes, and coulees a coveted hunting ground. The Indians, like all other races of the globe, are a migratory people. Hence North Dakota has been the fighting place and the temporary home of many contending tribes of Indians. Many traces are left of a now almost extinct race. There are still in this State hundreds of mounds, effigy mounds, an effigy of a man, boulder outlines of serpents and turtles, tepee circles of stone and pictured rocks. Near the village of Inkster is a large group of earth mounds, and another group is found near Devils Lake.

The principal Indians found in North Dakota, when the white man first arrived, were the Sioux, divided into two prominent tribes, the Grosventres and the Mandans. The Sioux are the typical native Americans, "physically strong and active, hunters and warriors by nature and necessity, shifting from place to place, but always free, always dominant, always significant."

Exploration.—The fur traders and the missionaries to the Indians were the first white men to explore the present territory of North Dakota. The first one of whom we have a record is La Verendrye, a French fur trader and explorer who entered what is now North Dakota in 1738. By the year 1800 many French explorers and fur traders had traversed the State.

The Lewis and Clark Expedition.—The Federal government sent out the famous Lewis and Clark expedition on the perilous journey from St. Louis up the Missouri River to its headquarters, and thence westward across the unknown wastes of the "Stony Mountains" to the Pacific Ocean. The winter of 1804 and the spring of 1805 these brave explorers spent in camp at Fort Mandan on the Missouri River. Here they met Sakakawea, the faithful little Indian woman who went with them as guide, and whose native sagacity and wonderful fidelity not only piloted them safely over the obscure passes of the mountains, but also past unfriendly tribes of Indians. Because she had her papoose with her, the Indians knew it was a "peace party" and not a "war party." In memory of this "Bird Woman," as the Indians lovingly called her,

a statue has been erected on the grounds of the State capitol. The Lewis and Clark expedition gave to the world a published report of the country along the river, its climate, its game, and its Indian inhabitants.

Settlement.—The first permanent settlement in North Dakota was at Pembina. Here in 1780 a Frenchman in the employ of the Hudson Bay Company estab-



Railroad

lished a trading post to which other hardy French fur traders came later. These intermarried with the Indian women, and then the settlement came to be one of mixed bloods. Other settlements in Dakota were made very slowly, for these two reasons: Indians owned all the land and there were no railroads west of St. Paul. After treaties had been made with the Indians, and after railroads had been built to this new region, settlement went on rapidly.

The first Indian treaty for this region, made with
Civics N. Dak.—11

the Sioux in 1851, gave the white man a legal claim to a small strip of land. Other treaties soon followed. The first railroad, the Northern Pacific, reached the State at Fargo in 1872.

Dakota Territory.—Congress passed the “Organic Act,” that is, the act organizing Dakota Territory, in 1861. Dakota Territory, as thus organized, comprised what is now North and South Dakota. Yet the entire population of this big Territory was only 4,837. Dakota Territory had the form of government usually found in Territories, namely a legislative branch chosen by the people, a governor chosen by the President, and a judicial branch also chosen by the President. The first governor was Dr. William Jayne of Springfield, Illinois, chosen by President Lincoln from his own home town. The capital of the Territory was Yankton till 1883, when it was changed to Bismarck. When Dakota had been a Territory twenty-eight years, it was ready, in the judgment of Congress, to join the family of full-grown States. Accordingly, in 1889 the necessary Enabling Act was passed. This Enabling Act provided for two great advantages,—a Constitutional Convention to be held at Bismarck, and a magnificent land grant.

In accordance with the provisions of the Enabling Act, the Constitutional Convention met at Bismarck, July 4, 1889. The session lasted six long, hot weeks, and ended on August 17. The convention was composed of seventy-five men. When they had finished their work, they had compiled a State Constitution

some twenty-eight thousand words in length, or six times the length of the United States Constitution. We have already read this Constitution in Chapter III. It was promptly submitted to the people and was adopted by a vote of three to one.

State of North Dakota.—President Harrison, being satisfied that the new State Constitution met the requirements of the Enabling Act, issued his proclama-



Russel Miller Milling Co., Grand Forks, N. D.

tion of admission on November 2, 1889. This date is, therefore, the birthday of North Dakota.

Growth of the State.—North Dakota is fortunate in its climate and natural resources, and the growth of the State in population and industry has been very rapid. No other State in the Union has such a mixture of sturdy races. The ancient and mighty Teutonic stock is represented by the Anglo-Saxons, the

Scandinavians, the Germans, and the German Russians. The Irish, French, Poles, and Bohemians are also very numerous, with their poetic imaginations, their love of music and fine art, and their great industry, perseverance, and courage as pioneers. This mixture of races produces the highest type of American citizenship, combining intelligence, honesty, and patriotism. For a great many years North Dakota has had the highest per cent of foreign-born citizens of any State in the Union; indeed her legisla-



tive assembly usually has half its membership foreign born.

Ploughing and Thrashing in North Dakota

Resources

and Climate.—North Dakota lies in the same latitude as Paris and Vienna, but a little farther south than Berlin and London. The cities of Christiania and St. Petersburg are over six hundred miles north of North Dakota. This State is a prairie State, containing but few lakes and forests, and the air is therefore wonderfully dry, even in the river valleys. This phenomenon of dry air largely explains the interesting

fact that the wide ranges of temperature (from 30 degrees below zero in the winter to 100 degrees above in the summer) cause no inconvenience or discomfort to the inhabitants. The resources of the State are chiefly her wheat lands, her coal fields, and her clay deposits. Several hundred thousand tons of lignite coal are mined annually. The rich clays of the State are now used to produce brick, tile, pottery, and dishes.

With less than half its land under cultivation, North Dakota already ranks among the great agricultural States of the Union.

QUESTIONS ON THE TEXT

1. Who were the native inhabitants of North Dakota? What remains did they leave? What was the character of these people?
2. Who first explored North Dakota?
3. Who was Sakakawea? What was her work?
4. Give an account of the Lewis and Clark expedition.
5. Where was the first settlement in North Dakota? By whom? When?
6. State two reasons for the slow settlement of this region.
7. How were these obstacles overcome?
8. When was Dakota Territory organized? What was its first form of government?
9. Who was the first governor?
10. Where was the first capital? When was it removed, and to what place?
11. When was the Enabling Act passed? State two provisions of this act.
12. Give a full account of the Constitutional Convention.
13. When was North Dakota admitted to the Union?
14. Describe the population of North Dakota.
15. Describe the climate and resources.

QUESTIONS SUGGESTED BY THE TEXT

1. How much wheat was raised in North Dakota last year? Flax? Oats? Hay? How much in the last five years? (See "Statistical Abstract of the United States," issued by Bureau of Statistics, Department of Commerce and Labor, Washington, D. C. Sent free on application.)
2. Draw a map of your school district (or your county) and locate thereon the different nationalities. Can you draw a race map of North Dakota, locating the principal foreign-born settlements?
3. Prepare a table showing the different nationalities represented in the last legislative assembly. (See copy of last "Blue Book," to be had free on application, from Secretary of State, Bismarck.)

REFERENCES

- Bryce, "American Commonwealth" (1910 edition), Vol. I, Ch. 36.
"Blue Book of North Dakota."
Publications of State Historical Society of North Dakota.

CHAPTER X

THE EXECUTIVE

“The people are coming to look upon the head of their commonwealth as the person responsible for giving them a firm and honest administration. When they are convinced of his rectitude, they regard him as the representative of their own best will and purpose, and have in some instances shown that they are prepared to support him against the legislature, and to require the latter to take the path he has pointed out.” BRYCE, “American Commonwealth,” Vol. I, Ch. 41.

The Chief Executive.—The executive work of the State is yearly becoming of more importance to every citizen. The Constitution makes the governor chief executive, fixes his term and qualifications, and sums up his duties in these simple words, “He shall take care that the laws be faithfully executed.” The governor’s salary is \$5,000 a year, and the State provides an executive mansion for his use.

Powers and Duties.—The governor has certain *military* powers. He is commander in chief of the militia of the State. In case of a tumult or lawless outbreak he has power to call out the military force of the State. He has also certain *appointing powers*, although they are small compared with those of the President of the United States. He appoints the trustees of all State institutions, some of the State boards and commissions, and the adjutant-general in charge

of the militia,—a total of from one hundred and fifty to two hundred men. He is held responsible also for *law enforcement*. The governor's oath imposes on him the duty of enforcing the law. But how can he enforce the laws? How can lawbreakers be brought before the courts, for this is what law enforcement means? It is very rarely necessary to call out the militia to quell disturbances. Most lawbreaking is on a smaller scale. To illustrate, the prohibition law is sometimes violated. The State has an officer in each county to enforce State laws, namely, the State's attorney. If this officer is informed by any person of the violation of the prohibition law, or if he knows himself of such a violation, it is his sworn duty to have the sheriff arrest the lawbreaker and have him brought to trial before the proper court. If he is unable to do this, or if he neglects or refuses to enforce this law, the attorney-general must proceed with the matter, and may also have the State's attorney tried before a court, and removed from office. The governor must act through this machinery,—the various State's attorneys and the attorney-general. In this way must he secure law enforcement. If the attorney-general refuses to do his duty, there are two things the governor may do. He may get an order (a *mandamus*) from the supreme court, which is a command for the officer to do his duty. If the officer refuses to obey, he is guilty of contempt of court, and will be fined or imprisoned. Or the governor may proceed in the proper court to have the attorney-general ousted from office for nonperform-

ance of duty. It may be asked here, what can be done if the governor himself refuses to do his duty? If the governor himself refuses to obey the law, he, too, can be removed from office upon being impeached by the house of representatives and convicted by the senate. Hence the machinery of law enforcement is complete, although somewhat slow and clumsy.

Lieutenant Governor.—The lieutenant governor has the same qualifications as the governor. His salary is \$1,000 a year. In case of the death of the governor, he succeeds to this high office. He is president of the senate, but he has no vote in that body, except in case of a tie. The senate has vested in him the important duty of choosing all standing committees of the senate,—a very responsible power.

Executive Departments.—It will be recalled that in the case of the Federal government, the President chooses the heads of the executive departments and these men are known as his cabinet. In the State, however, the heads of the various executive departments are all elected by the people. There are eight of these departments, as follows:

State.—The secretary of state has charge of the official State documents and papers, and he must see that these records are accurate and that they are preserved forever.

Auditor.—The auditor is the bookkeeper of the State, and is a check on the treasurer, for no money is spent except by the treasurer on the written order of the auditor.

Treasurer.—The treasurer receives all money of the State, and deposits it in banks for safe keeping. He is under a \$500,000 bond.

Education.—The superintendent of public instruction supervises the public school system of the State. He prepares examination questions, and issues State certificates.

Insurance.—It is the duty of the commissioner of insurance to see that the State's insurance laws are strictly enforced, and that no bogus and fraudulent insurance companies enter the State from the outside or spring up within.

Railroads.—The State railroad commission consists of three members. It is their duty to see that the State laws regulating railroads are faithfully carried out. They are to protect the interest of the people in dealing with the railroad corporations of the State.

Law.—The attorney-general is the State's lawyer. He represents the State before the Supreme Court. He defends the State in actions in which it is a party. He gives legal advice to other State officials, when asked. As noted before, the governor's success in law enforcement depends largely on the attorney-general.

Agriculture and Labor.—The commissioner of agriculture and labor is the official booster of the State. He encourages immigration of a good class to come to North Dakota, and promotes the erection of new homes within its borders.

Boards and Commissions.—There are many other important laws of the State entrusted to special boards,

commissioners, inspectors, examiners, and experts for their enforcement. For example: Low grade and dangerous gasoline must not be shipped into the State. The state oil inspector must see that this law is rigidly enforced, and he has a sufficient force of deputies to do this work. Adulterated canned goods, impure drugs, and impure foods prepared with dangerous preservatives are not to be sold in North Dakota. The pure



Agricultural College, Fargo

food commissioner in connection with the Agricultural College at Fargo, by means of expert chemists, examines foods, paints, drugs, liquor, etc., to see that our excellent pure food laws are enforced. To prevent the scourge of typhoid fever, the spread of tuberculosis, scarlet fever, and other contagious and dangerous diseases, among human beings, the doctors of the State have the service free of charge of the State Public Health Laboratory in connection with the State University at Grand Forks.

The number of boards, commissioners, etc., is growing. There are over 60 at the present time. In this way more and more the State is securing the service of experts for the public welfare.

State Institutions.—The following are the State Institutions and their location:

| | |
|--|-------------|
| University and School of Mines | Grand Forks |
| Agricultural College | Fargo |
| Penitentiary | Bismarck |
| Insane Asylum | Jamestown |
| Deaf and Dumb School | Devils Lake |
| Reform School | Mandan |
| Normal | Valley City |
| Normal | Mayville |
| Normal | Minot |
| Feeble-minded Institute | Grafton |
| Soldiers' Home | Lisbon |
| Blind Asylum | Bathgate |
| State Normal and Industrial School | Ellendale |
| School of Forestry | Bottineau |
| Science School | Wahpeton |

QUESTIONS ON THE TEXT

1. What is the chief executive of the State called? Give his qualifications, term, and salary.
2. State his three classes of powers, and illustrate each.
3. Show in detail how he can enforce the law.
4. What is a writ of mandamus?
5. How and when may a governor be impeached?
6. Name eight executive departments. Are these chosen by the governor or elected by the people?
7. Describe briefly the work of these eight departments.
8. How many boards, commissioners, inspectors, etc., are now engaged in the administrative work of this State?

9. Name and illustrate the work of three of these.
10. Name and locate the State institutions.

QUESTIONS SUGGESTED BY THE TEXT

1. Who is responsible for a loose or a strict enforcement of State law in your county?
2. How can a governor get rid of an official in the executive department who refuses to enforce the law?
3. Name twenty State boards and give in detail the work of any one of them. (See Blue Book for list. See published report of Board for its workings.)

REFERENCES

- Bryce, "American Commonwealth" (1910 edition), Vol. I., Ch. 41.
Hart, "Actual Government", Ch. 6.
State Reports of the various State institutions, departments, boards, commissions, etc. Apply to Secretary of State, Bismarck.

CHAPTER XI

THE LEGISLATURE

“An American State legislature always consists of two houses, the smaller called the Senate, the larger usually called the House of Representatives. . . . The Americans restrain their legislatures by dividing them, just as the Romans restrained their executive by substituting two consuls for one king. The only States that ever tried to do with a single house were Pennsylvania, Georgia, and Vermont, all of whom gave it up: the first after four years' experience, the second after twelve years, the last after fifty years.” BRYCE, “American Commonwealth,” Vol. I, Ch. 40.

The Legislative Assembly.—The legislative branch of the State government is called in official language the legislative assembly. It is composed of a senate and a house of representatives. A session is held at Bismarck, the State capital, in each odd-numbered year. The regular session cannot exceed sixty days in length.

Members.—The qualifications and terms of members we have seen in Chapter III. Each member is elected from a “district.” For this purpose the legislative assembly has divided the State into a number of districts, one for each State senator. Each district is numbered—first district, second district, and so on—and one senator is elected from each district. Since there are two or three times as many representatives as senators, there are, of course, two or three representatives from each district in the State

The salary of State senators and representatives is

the same, namely, \$5 a day, and ten cents a mile for mileage in traveling to and from the capital. Since a representative is elected for but one term, and a senator for two terms,—one half the senators being elected at one time,—it follows that the “house” is a new house every two years, while the senate is half new and half “holdover.” In this way the legislature is sure to have a body of seasoned men at every session.



The State Capitol at Bismarck

Organization of the Two Houses.—The house of representatives elects its own speaker. The senate has for its presiding officer the lieutenant governor (elected, of course, by the people). In each house the presiding officer appoints all the standing committees. There are some forty or fifty of these committees in each house. There are many committees because each of the hundreds of bills introduced is referred to

an appropriate committee for examination. These committees sift out the bills that they consider good and recommend that they "do pass." Since there is an average of ten new bills introduced every day, there is not time enough to debate even one fourth of them. Hence the bill must depend on the committee for the examination of its merits and defects. The committee may amend the bill, or may kill it by neglect, or may report it back with the recommendation that it "do not pass."

Process of Lawmaking.—Each house adopts its own rules. This is a necessary step, for even a common debating club or literary society cannot get along without its "parliamentary law." These rules of the two houses provide an "order of business" for the day. This includes, among a dozen other things, (1) the time for reports of standing committees; (2) the time for the introduction of new bills; (3) the time for the first and second readings of bills; (4) the time for the consideration and debate of bills. Any member may at the proper time introduce any kind of bill. The exception to this rule is that no bills for appropriating money can be introduced after the fortieth day of the session, except by unanimous consent. Each bill must have three readings before it can become a law. But most bills do not get advanced so far as the "third reading" stage.

Not all bills, of course, go through exactly the same process, but the usual steps in the process of law-making are as follows:

(1) *First Reading in Full.*—This is for information and not to stir up debate. The bill must then pass to its second reading, which may take place the same day. The second reading is by title, that is, reading of only the title of the bill, which is merely a formal step.

(2) *Referred to a committee* by the presiding officer.

(3) *Action by the committee.*—This process we have just described. If the committee reports the bill back it passes on to the fourth stage, namely:

(4) *Action by the house.*—The bill goes on the “calendar” or list of bills to be considered, and awaits its turn in the order of business. The bill is then debated, and goes to its third reading, and to a vote. It is passed, we will assume, and this requires a majority vote of the members-elect.

(5) All bills passed by one house go on to the *next house*, where the same process is repeated. If amended, the bill must be returned to the first house for a consideration of the amendment. When the bill has been finally agreed to by both houses, it is signed by the presiding officers and then sent to the governor.

(6) *Action by the governor.*—The bill is either: (a) signed and becomes a law; or is (b) not signed, but sent back with the governor’s veto within three days, and passes each house again, this time with a two-thirds majority, and becomes a law; or is (c) not signed and is not returned to the legislature within three days, and becomes a law without the governor’s signature. If the legislature has meantime adjourned,

the governor has fifteen days in which he must either sign or veto all bills left with him.

Legislative Powers.—The State legislature has the taxing power, that is, it votes the State taxes on the people. It also has all other powers that are not expressly prohibited in the Federal and State Constitutions.

Legislative Reference Library.—The State has many complex problems for its lawmakers to grapple with. For instance, How shall railroads be regulated? How shall corporations be taxed? How may education be improved? What is the best method of securing good roads? How can public health be better protected? Does the State need the initiative and referendum? These are a few of the many problems, which cannot be solved without much study. To help the lawmaker do his work scientifically, get at all the facts, profit by the experience of other States and avoid their mistakes, the State has provided at the capitol a Legislative Reference Library, in charge of a specially trained expert. Laws of other States, court decisions, statistics, etc., are there kept on hand. The legislator is thereby helped to do his work more intelligently and successfully than would be possible without this service.

QUESTIONS ON THE TEXT

1. What is the official name of our State legislature?
2. How is it composed? State the place, time, and length of session.
3. Give the date of meeting and the qualifications of members (see Constitution).

4. What is meant by a senatorial district?
5. What is a "holdover" senator?
6. Describe the organization of the two houses; presiding officers; committee system.
7. Discuss the rules of each house; need of regular order of business.
8. Trace a bill through six steps in the process of lawmaking.
9. Describe two ways in which a bill can become a law without the governor's signature.
10. Explain the State Legislative Reference Library, and show the importance of the work.
11. State the general legislative powers of the legislature.

QUESTIONS SUGGESTED BY THE TEXT

1. In what senatorial district do you live? Draw a map of this district. Who were the senator and representatives from this district in the last legislative assembly?
2. Describe the work of the Wisconsin Legislative Reference Library. Of that of our own State.
3. Examine a copy of the last session laws of North Dakota. Note the bills vetoed by the governor and the reasons for his vetoes. (A copy of the session laws can be borrowed from any lawyer, from a justice of the peace, or from one of the county officials.)
4. Write an essay discussing the work of the last legislative assembly; the number of bills introduced in each house; the number of bills passed; the principal subjects on which bills were passed; the principal bills which failed of passage. Criticize the output of this legislature. (Secure a copy of "House Journal" and "Senate Journal" for last session, containing above information.)

REFERENCES

- Bryce, "American Commonwealth" (1910 edition), Vol. I, Chs. 40, 44.
- Hart, "Actual Government," Ch. 5.
- Dunn, "The Community and the Citizen," Chs. 19, 23.

CHAPTER XII

THE JUDICIARY

“In all civilized governments the courts play the important part of applying to specific cases the principles of tradition, written constitutions, and statutes.” HART, “Actual Government,” Ch. 9.

In our State we have three grades of courts as follows: (1) supreme court; (2) district courts; (3) local courts.

Organization of the Courts.—The supreme court is made up of five judges, men “learned in the law.” A judge in this court must be at least thirty years of age, must be a citizen of the United States, and must have resided in the State three years next preceding his election. The term of a judge is six years. The salary is \$5,000 a year. The judges in this court, and in all the other State courts, are elected by the people.

The district courts are also provided for in the Constitution. The legislature divides the State into a convenient number of districts. Each judicial district has its own district judge. Since a district contains more than one county, the district judge must go from one county seat to another to hold court. The district judge must be educated in the law, must be at least twenty-five years old, a citizen of the United States, a

resident of the State for two years, and a resident of the district for which he is elected. His term of office is four years and his salary is \$4,000 a year.

The reader will recall, at this point, that in the case of the Federal judiciary, all judges are appointed (not elected); their term is for life (not for four or six



Justice of the Peace

years); and their salary, while low, is much above that of the State judges.

The local courts are of three kinds, namely, county courts, justice courts, and municipal courts. County judges and the justices of the peace are elected by the people for a term of two years. The salary of the county judge depends on the size of his county. The justice of the peace receives fees for his salary. There is one county judge for each county. The number of

justices of the peace is as follows: two for each civil township; four for each county; one for each village; and one for each city. In each city the people elect a municipal judge, known also as the "police magistrate" or "police judge." His court is usually called the "police court."

The Work of the Courts.—The jurisdiction and work of these various courts will now be considered, beginning at the lowest. But first a word about law enforcement.

As we have seen on a preceding page, the executive of the State and the courts of the State must really work together in law enforcement. In other words, the executive may seize a law breaker, but the courts must be used for the determination of what is just and for the administration of justice. Complex as the work of the courts may at first appear, there are but three simple principles involved: (1) The *property* of each individual must be respected. Lincoln expressed this great truth in these plain words,—“Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.” (2) The *life* of each person must be protected. (3) The *peace* and *dignity* of the State must be preserved.

The two kinds of cases that come before the courts are known as (1) civil actions, and (2) criminal actions. Civil actions are those involving the keeping of contracts, the payment of wages, and other private matters.

In other words, the “peace and dignity of the State” is not involved in any way.

Criminal actions are those brought against a person for committing some crime. A crime is defined as a public offense or act committed or omitted in violation of law and punishable by death, imprisonment, fine, or other penal discipline. The two classes of crimes are *felonies* (punished with death or imprisonment in the penitentiary) and *misdemeanors* (all other crimes).

Local Courts.—The *county court* may be called a probate court, since wills are there “probated.” This court



Courthouse, Billings Co.

has jurisdiction over the probating of wills, the settlement of estates of deceased persons,



Courthouse, McHenry Co.

the appointment of guardians, and the granting of marriage licenses and performing of marriage ceremonies. In some counties of over two thousand population, this court now has, through a vote of the electors, “increased jurisdiction.” The *police courts* have exclusive jurisdiction of offenses against the city. Justices of the peace courts have jurisdiction within their county of petty civil and criminal actions. They may also perform marriage ceremonies. They have no jurisdiction

over cases involving the title to real estate. A justice of the peace has power to impose a fine up to a hundred dollars, and to sentence to jail for not over thirty days. If the case seems to require severer punishment, he must take the proper steps to have the case brought before the district court, in the manner described below.

Bail.—Justice courts and police courts settle petty cases; but they cannot settle important cases. They give a “preliminary hearing” where a serious offense is charged. Thus if a person is caught running away with another’s horse, he may be taken before the justice and have a preliminary hearing. If the evidence is strong that the man was stealing the horse, he will be “bound over” by the justice, as a usual thing to the district court. That is, the accused person is put under a bond, signed by responsible parties guaranteeing his appearance at the stated time before the higher court. If he forfeits his bond, or “bail,” as it is also called, by running away or otherwise refusing to appear, the money named in the bond—usually a large sum—must be paid over. If the person accused of the crime cannot give financial security or bail, he must go to jail and wait for the regular time for trial—sometimes weeks, sometimes months.

Of course if the accused person could show that he had bought the horse or had borrowed it or could give any other legal excuse for having it in his possession, the justice of the peace would dismiss him at the preliminary hearing. The justice would receive a small fee for his work, and there the matter would end.

Civil actions for small amounts may begin in the justice courts, and be settled there, or may be appealed to the district courts. If the sued person fails to appear before the higher court, he loses his suit, of course, and the sheriff collects the money from him, if possible.

The District Courts.—The district courts have jurisdiction over all civil actions and over all crimes and misdemeanors where a State law is involved. Robbing the post office, for example, would be a question involving the Federal law. However, all our ordinary cases are tried in our district courts, such as the following: trial of horse thieves, burglars, murderers, divorce actions, “blind pig” cases, and cases involving land or other property. Over these the district court has original jurisdiction; it has appellate jurisdiction over all cases appealed from the local courts. It is in the district court that we first meet the jury,—that body of “twelve good men and true” dear to the Anglo-Saxon heart.

The Supreme Court.—The supreme court has no jury, because it does not try questions of *fact*. Questions of fact must be settled in the courts below, and be agreed upon by the parties before the supreme court, which decides only questions of *law*. For instance, has the trial of a certain person accused of murder been conducted at every step in the court below according to law? If not, then the supreme court may overrule the lower court’s decision, or may send the case back to be tried again. In other words, the supreme court does not ask, “Is the man guilty

of murder?"—a question of *fact*; but, "Has he been tried according to law?"—a question of *law*. Examples of cases decided by the supreme court are these: Is a certain bond issue of a city legal? Does the law give the county board of equalization power to assess a bank? Has a certain new county been formed legally? Has a certain man, sentenced to be hanged for murder, been given a legal trial?

The Jury.—A jury is "drawn" (that is, selected) in this way: Names of qualified taxpayers are selected, placed in a box at the courthouse, and shaken up. Names are then drawn out. The list thus drawn represents the jury. When a case has been tried before a jury, the twelve men retire to the jury room and come to a discussion in strict privacy. Their verdict must be *unanimous*. If one man holds out against the eleven, the whole jury is discharged and the case is tried again before a new jury. Or the case may be dropped, and a person accused of murder may thus be set free, with no legal proof of his guilt or innocence.

Critics have said much for and against our jury system. On the one hand it is full of delays; it is expensive, since the county must in criminal cases pay the jurors; and it is difficult to get a unanimous verdict when the penalty is going to be very severe, especially if it is to be the death penalty. On the other hand, the jury is made up of poor men of the "common people," and hence has a strong place in a democratic country; rich and poor have the same standing before

it; great corporations cannot corrupt it; it is a safeguard of the liberty and rights of the people.

Judicial Procedure.—Without tracing in detail the course of an action before the courts, let us now examine the main features of our judicial procedure.

A Criminal Action.—First as to a criminal action: The person suspected of committing a crime is arrested and taken before a magistrate, usually a justice of the peace. If this magistrate does not have jurisdiction to try the case, the prisoner is committed to jail or let out on bail, to await the session of the district court. The prisoner then enters a plea of “guilty” or “not guilty.” If he pleads not guilty, he is entitled to a trial by jury. If the accused is poor and friendless and has no lawyer to defend him, the judge appoints one at the expense of the county. The accused has a “right of counsel” which is thus respected. Witnesses (if there are any) are compelled to come before the court and testify. At the conclusion of the trial, the judge makes a “charge” to the jury, that is, he states clearly to them the laws that apply and how they apply to the case. For example, the prisoner may be on trial for manslaughter. But a jurymen cannot tell whether he is guilty of manslaughter or not, till the jurymen himself first knows exactly what manslaughter is, and how it differs from murder of some other degree. The jury then brings back a verdict of “guilty” or “not guilty.” If not guilty, the prisoner is set at liberty at once. If guilty, the judge sentences him within a day or two to the punishment which the law

prescribes. If there are circumstances that make for mercy, the judge will pronounce the minimum penalty; if there are circumstances that make the crime all the more serious, the judge will usually pronounce the maximum penalty. When the death sentence is pronounced by the judge, he must sign a warrant stating the sentence, and setting the date of execution, which day must not be less than six months nor more than nine months off. Executions in North Dakota are by hanging, the punishment being inflicted within the walls of the penitentiary at Bismarck.

A prisoner is presumed to be innocent till proved guilty. The innocent man has every chance to prove his innocence. So many safeguards, indeed, have been thrown around him that even the guilty man may sometimes escape justice by taking advantage of them.

A Civil Action.—A civil action differs greatly from a criminal action. For the party against whom the suit is brought, the *defendant*, cannot be punished with death, imprisonment, or fine. He cannot be arrested and brought before the court. A notice is served on him, called a *summons*. The action against him is brought by a *plaintiff* whose grievance is usually a financial one, such as the breaking of a contract, an unpaid debt, damages sustained, claims to property, and the like. If the defendant does not answer the summons within twenty days, he loses the suit and the court awards the judgment to the plaintiff. If an answer is filed, it creates an issue for the jury to settle. The jury

determines the rights of each party, and, in case money is due, the amount to be paid.

New Trial and Appeal.—The party aggrieved is entitled to have a new trial—that is, a reëxamination by the same court—if there has been any irregularity in the proceedings, any misconduct of the jury, any newly discovered evidence, if, owing to passion or prejudice, the damages awarded have been excessive, if there has been any error made by the judge in his rulings, or if the judge himself orders a new trial. If the judge refuses to grant a new trial, an appeal may be taken to the supreme court. It is very easy to obtain a new trial, and this fact no doubt sometimes gives a rich litigant an advantage over a poor man. The chief objection is that a new trial can be had on account of a mere technical error,—one that has nothing to do with the real justice of the case,—and that during a long trial many technical errors are sure to be made by the judge. For it must be remembered that some trials last many days; that the judge presiding must repeatedly make rulings as to points of law—admitting or rejecting pieces of evidence, giving or refusing permission to lawyers to require witnesses to answer certain questions. Indeed, like the presiding officer of any deliberative body, the judge himself may be said to be on trial, and the more errors he can be made to commit, the better it is for the lawyer of the accused. In some trials a judge has been charged by the lawyer with making over two hundred errors. It is the duty of the supreme court to read the record

of the case (taken down in shorthand by court reporters and then typewritten), and to determine whether any error, however slight, has been made by the judge. If it finds an error it may reverse the decision or send the case back for another trial.

Our courts have been criticized for too much regard for technicalities. Here again, however, they are zealous to protect the innocent even although the process sometimes aids in the escape of the guilty.

QUESTIONS ON THE TEXT

1. What are the three grades of courts in our State?
2. Explain in detail the organization of each court.
3. Prepare a table of our judges, showing their term and salary.
4. How are State and Federal judges chosen?
5. What three simple principles govern the workings of our courts?
6. Distinguish between civil and criminal action; between two kinds of crime.
7. What are the duties of the county court?
8. What are the duties of the police court? the justice court?
9. Define bail and illustrate your meaning.
10. What punishment can the police and justice courts inflict?
11. State the jurisdiction of the district court. Distinguish between original and appellate jurisdiction.
12. State the jurisdiction of the supreme court. Explain "questions of law." Give examples.
13. In what court is the jury found?
14. Explain the "drawing of a jury"; unanimous verdict.
15. Give arguments for and against the jury system.
16. Explain procedure in a criminal action.
17. Explain procedure in a civil action.
18. How are new trials secured? Appeals?
19. Explain how a judge sometimes makes an error.
20. Explain these legal terms: bail; bond; plea; right of counsel; verdict; maximum penalty; defendant; plaintiff; summons; preliminary hearing; charging the jury; death warrant.

QUESTIONS SUGGESTED BY THE TEXT

1. Name the judges of our State supreme court.
2. Name the district judge of your district. Name your county judge; your justice of the peace.
3. Give an account of some criminal case appealed to the supreme court, and its final outcome.
4. Can you suggest any way of improving our court system?

REFERENCES

- Wright, "Practical Sociology," Chs. 21, 22.
Dunn, "Community and The Citizen," Ch. 10.
Bryce, "American Commonwealth" (1910 edition), Vol. I, Ch. 42.
Hart, "Actual Government," Ch. 7.

CHAPTER XIII

LOCAL GOVERNMENT

“It will be observed that of the general functions of local government above described, three, namely, police, sanitation, and poor relief, are simpler and less costly than in England, and indeed in most parts of western and central Europe. It has therefore proved easier to vest the management of all in the same local authority, and to get on with a smaller number of special executive officers. Education is indeed almost the only matter which has been deemed to demand a special body to handle it.” BRYCE, “American Commonwealth,” Vol. I, Ch. 49.

We now come to the study of our local government. Thus far we have been studying the State as a whole, but the State has many subdivisions, made for the purpose of carrying on local government. There are five of these subdivisions, namely, the county, township, school district, city, and village. With all of these we are familiar. In making a closer study of our local government we find that we may look at it from two view points, exactly as we do when we study the various parts of the human body. For example, we may study the heart as a small piece of machinery composed of a very tough muscle; or we may study the heart as it works in pumping the blood and making it circulate throughout the body. This work of the heart is its *function*. So we may ask the two questions in regard to each of our local government subdivisions: (1) What work is it doing for us? This is

a study of its *functions*. (2) What form of organization is doing this work for us? What is the machinery used? This is a study of the *organs* of local government.

There are six functions of local government, and they concern these subjects: (1) Good Roads; (2) Pub-



Trees Sacrificed for Telegraph Poles

lic Health; (3) Charity and Poor Relief; (4) Justice and Police; (5) Finance and Taxation; (6) Education. After making a careful study of these functions we will determine what are the present organs of local government for performing these functions.

QUESTIONS ON THE TEXT

1. Name the subdivisions of our State.
2. Show the difference between a function and an organ of local government.
3. What are the six functions of local government?

4. What does Bryce say concerning police, public health, and poor relief? About education?

QUESTIONS SUGGESTED BY THE TEXT

1. Draw a large outline map of North Dakota. On it locate five local government subdivisions.
2. Which subdivision has only one function?
3. Which one has six functions?
4. In studying the human body, we usually learn of its anatomy and physiology. Is there an anatomy and physiology of local government?

REFERENCES

- Fairlie, "Local Government in Counties, Townships, and Villages," Chs. 1-3.
- Dunn, "The Community and the Citizen," Ch. 21.
- Hart, "Actual Government," Ch. 10.
- Bryce, "American Commonwealth" (1910 edition), Vol. I, Chs. 48, 49.

CHAPTER XIV

GOOD ROADS

“That the roads of America are proverbially ill-built and ill-kept is due partly to the climate. . . . partly to the hasty habits of the people, who are too busy with other things, and too eager to use their capital in private enterprises to be willing to spend freely on highways; partly also to the thinness of population.” BRYCE, “American Commonwealth,” Vol. I, Ch. 49.



A Heavy Load Easily pulled on a Good Road

Need of Good Roads.—The life and growth of a community depend upon its having good roads, especially if it is a farming community. Good roads improve the looks of a country, increase the comfort of the people, lower the cost of living, save wear and tear on horses, harness, and vehicles, and raise the value of land.

Our Present System.—Roadmaking in this State is turned over to the counties and townships. Compare our system with that in other States. Many States now have a State Highway Commission to help both with money and with expert engineering supervision in the work of building up a good road system. Some States have a county officer who supervises the road construction of the county; while others leave the matter entirely to the local townships. North Dakota now combines the county and township system.



Dangerous Wooden Bridge

Each county may appoint a county superintendent of highways, if the county commissioners care to appoint such an officer. The county has a tax of at least one mill (that is, one mill on every dollar, or one tenth of one per cent of the value of all the property assessed in the county) for a "Road and Bridge Fund." But since all bridges costing \$100 or over are county bridges, this fund is usually all spent on bridges, and is not applied to road making. So the small bridges

and culverts and the real road making are left to the township.

The three township supervisors have the supervision and care of the roads in their township, the custody of the road machinery (if any is bought), and the making of plans and specifications for good roads. The usual method is to turn the work over to "highway overseers," one for each of the four or five road districts into which the township is divided. These "highway



Steel Bridge

overseers" are allowed but \$ 2 a day for their road work, and so cannot afford to give much serious time to it. In some cases the township supervisors have got rid of the local road overseers, not wanting to bother with them. The township road taxes, unlike the school tax, the poor tax, and all other taxes, may be paid in labor or in money. The other taxes must be paid in money. The township road tax consists of (a) a road poll tax of \$1.50, and (b) a road tax, levied by the town meet-

ing, which may be as high as 10 mills on the property in the township, or may be as low as the voters please. In these two ways much money could be raised; but, as a matter of fact, very little is raised, often none at all. For these taxes, which may be paid in money or labor, are generally paid in labor. But the labor that is put forth when the tax is "worked out" is not usually very valuable or beneficial to the roads. A United States road expert says:

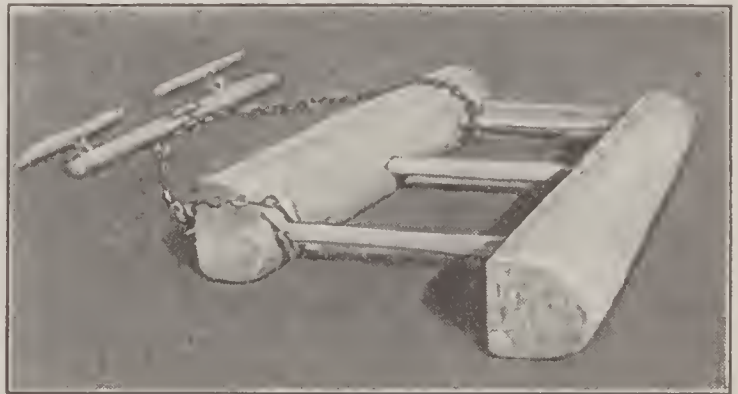


Beautiful Roadside used as Dumping Ground

"You know that the men who work the road, as a rule, know nothing about it, shirk responsibilities, and are not amenable to discipline, and generally leave the road worse than it was before they touched it. In this criticism I am not blaming the men but the system; it has grown up a venerable institution handed down from generation to generation, a custom made mellow with traditions of the old time frolics when our fathers 'worked the roads'."

Changes Proposed.—Civil engineers, farmers, and writers have all suggested improvements in our road system. A few of the more important suggestions are the following:—

(1) *Central supervision* should be exercised over all road work, as is done in railroads and in our school system. Railroads have their roadbed kept in good condition by having the road divided into sections, a foreman or boss over each section of five or six miles, and a superintendent over all the foremen. In this way the work is done according to a uniform plan, and one section is kept in as good condition as the next.



The Split Log Drag (Home Made)

Under our separate township system a road crossing several townships may be kept in good condition in one township but in very poor condition in the next, because there is no one superintendent over the whole road as there is on the railroad. Each township may make or spoil the road as it sees fit.

(2) All road taxes, like other taxes, should be *paid in money*. Then these taxes should be expended like other taxes in hiring only persons qualified to do the work desired. Compare for instance the school tax and the poor tax with the road tax. No man is allowed to enter the schoolroom and teach for a few days to

“work out” his school tax, or to take some pauper into his home and feed and clothe him for a while to work out his poor tax, neither should a man be permitted to work out his road tax.

(3) Another suggestion in case farmers do not pay their road tax in money is that they should be provided with the King split log drag, one for each farmer,



Road Made with the Drag shown on page 199

and that a farmer should then work out his taxes. He should work out his road tax, however, not by working the road once during the entire year, but by dragging it for an hour or two after every rain, when the road needs working. In this way the road would be kept worked all the time, would always be in good condition, and would gradually get better from year to year as the arched crown formed on it. This drag and its workings are shown in the illustrations on pp. 201 and 202.



Drag with Platform Removed



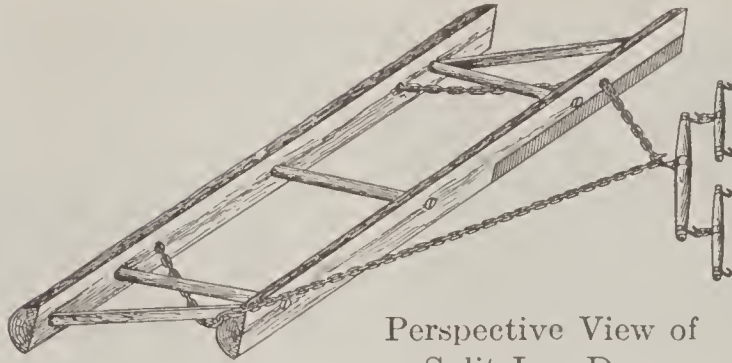
Drag in Use



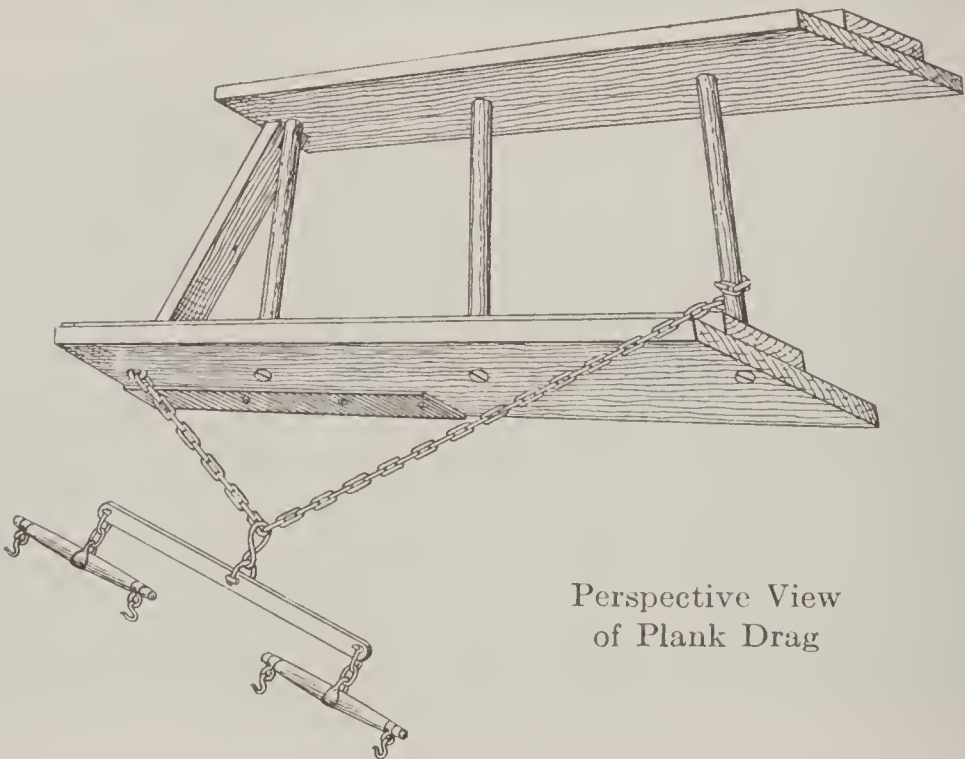
Road before Dragging



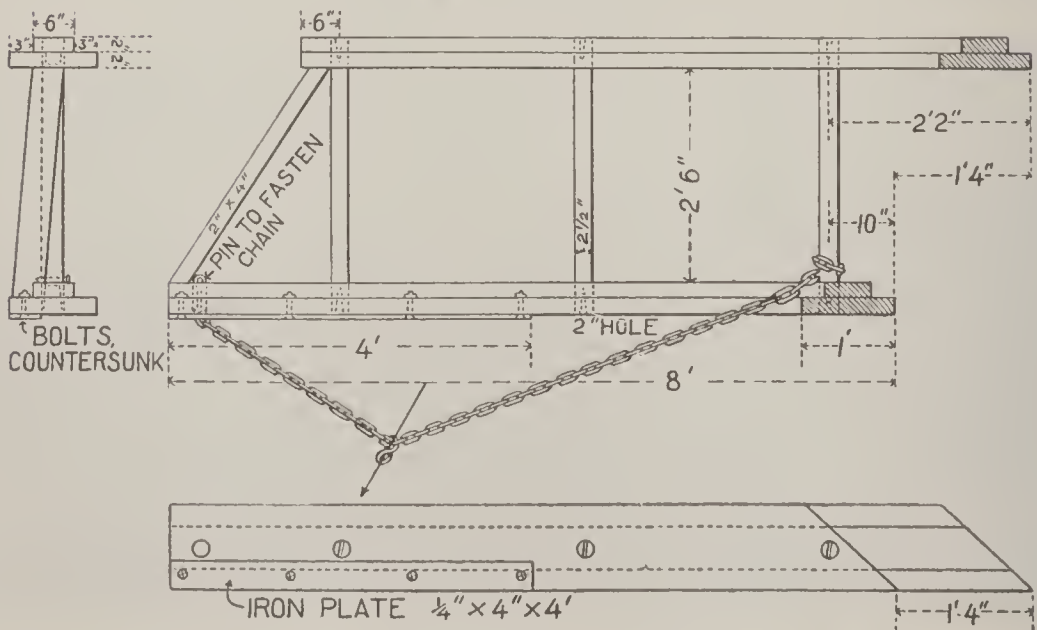
Road after Dragging



Perspective View of Split Log Drag



Perspective View of Plank Drag



Plan, Front and Side View of Plank Drag

(4) Another suggestion is to permit the farmers to work out the road taxes somewhat in the manner employed in Norway, a country famous for its good roads. Work is done on the road by the farmer, but only where and when needed and under competent engineering direction.

(5) A method in use in our neighboring State of Minnesota and in other States is known as the State aid system. Many thoughtful persons commend this system to our own State. Under this system the State itself spends many thousands, sometimes millions, of dollars, aiding the counties and the townships in making good roads. The State sees that the work is done according to plans made by good road engineers.

Progress Made.—Many experiments have been made in good road construction in our State. Road engineers from the Division of Good Roads at Washington have built stretches of gravel roads as models; boards of township supervisors have likewise built some stretches of excellent gravel roads; commercial clubs, automobile clubs, and other organizations have taken up the matter for discussion and action. And finally our State has a State Engineer at Bismarck, a part of whose duties it is to experiment on road construction at the capital city and to determine what materials are best and cheapest for good roads in our own State.

QUESTIONS ON THE TEXT

1. Show the need and value of good roads.
2. Can our road system be considered as a State, county, or township system?

3. Show exactly the relation of the county and the township to good roads.
4. Explain cash and labor systems of paying road taxes.
5. What has a government expert said about the custom of "working the road"?
6. Name four proposed changes in our road system.
7. Give a short discussion of each plan.
8. What progress has been made in our State towards good roads?
9. How does Bryce account for our bad roads?

QUESTIONS SUGGESTED BY THE TEXT

1. What do you consider the best plan for getting good roads?
2. Problem. A has a good farm of 160 acres, with a half mile of poor road in front. A model road in his community can be built for \$1,000 a mile. If this expense is borne equally by farmers on both sides of the road for a distance of one half mile back from the highway, what will be A's share of the cost? How much will this be per acre of his farm? Will it make his farm increase in value per acre more than this amount?
3. One road expert estimates that \$ 5 an acre spent for good roads will increase the land value by \$ 9 an acre. If you live on a farm, estimate the total effect on its value of such an increase.
4. If a township levies a road tax of 10 mills, what will this tax amount to on a farm of 320 acres assessed at \$2,000? How much per acre? Do you think this amount is large enough to secure very big results?
5. What was the total road tax in your community last year (county and township tax)? Was it paid in money or in labor?
6. Secure a copy of the State Highway Commission Report from Minnesota or Washington, or any of the following States which now have such a department—California, Colorado, Connecticut, Delaware, Idaho, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia—and describe the road system in that State.

REFERENCES

- Reports of State Highway Commissions mentioned in question 6.
Reports of Division of Roads, Department of Agriculture, Washington, D. C.
- “Good Roads, An Outline of State Road Systems,” Compiled by Sveinbjorn Johnson, Legislative Reference Librarian, Bismarck, 1910.
- “The Use of the Split Log Drag on Earth Roads” (a pamphlet to be had free by writing to U. S. Department of Agriculture, Washington, D. C. Ask for Farmers’ Bulletin No. 321).

CHAPTER XV

PUBLIC HEALTH

"The aim of all public health work is the prevention of disease." Bulletin, Department of Health, City of Chicago, April 22, 1911.

"Sanitation, which has become so important a department of English local administration, plays a small part in the rural districts of America." BRYCE, "American Commonwealth," Vol. I, Ch. 49.

The most priceless thing in any community is the good health of its people. While all people must die, yet in any community we find that more deaths occur among the babies and little children than among the old people. And many, perhaps most, of these deaths could be prevented, if the simple rules of health were only known and followed. Of course the family itself and the family doctor must always hold first place in taking care of the health of the people. Yet as the family is not always entirely responsible for the prevention and cure of disease, it is well that the State and local governments do much to help by means of the State, county, city, village, and township boards of health, the State Public Health Laboratory and the State Tuberculosis Commission. The activities of these bodies are directed chiefly to the control of contagious disease and the prevention of disease.

Control of Contagious Disease.—Formerly when an epidemic, such as smallpox, diphtheria, typhoid fever,

or scarlet fever, got a start in a community, the disease ran its course, carrying many helpless people to their untimely death. Now if a disease is contagious or infectious, the first step is to prevent it from spreading to other persons. This the board of health does or should do promptly and thoroughly. The board may prevent the spread of disease in these ways: (1) by vaccination, in case of smallpox; (2) by strict quarantine; (3) by removal of the patient to a detention hospital; or (4) by fumigating and disinfecting rooms, clothing, etc., exposed to the disease germs.

Prevention of Disease.—Boards of health do all in their power to prevent sickness, by causing the removal of filth, nuisances, and dead animals, or other causes of contamination. They prevent the placing of dead animals in flowing streams and the consequent pollution of the water. They give warnings when to boil water to kill the typhoid germs and how to prevent tuberculosis. They sometimes inspect the milk to see



Quarantine Notice

whether it is free from typhoid germs. They also inspect dairy cows to see whether they are affected with tuberculosis. They often prevent diphtheria by supplying antitoxin. They also, in some cases, secure



Poorly Ventilated House

(In this house four children died of tuberculosis)

medical inspection of schools, to detect and cure mouth-breathing, adenoids, faulty teeth, and defects of the eye and ear. In some cities a trained nurse known as a "visiting nurse" is employed to visit homes and assist,

by her skill and her suggestions, in taking care of the sick and preventing the spread of disease.

In some cases a board of health issues bulletins or other publications, instructing the people about such subjects as the carrying of typhoid fever by the common fly. For instance, we learn from these bulletins that there is but one way to get typhoid fever,—the germ must be taken into the stomach. This means that it is eaten with our food or drunk in our water or milk. Most commonly it is in the water and milk. The typhoid germ attacks the inner walls of the intestines, making them so thin that they may break and cause death. The bulletins also teach that this little typhoid germ can come only from one source,—a typhoid

patient; and from this source the germ can come only in two possible ways, that is, from the bowels or kidneys of the patient. In carrying this germ from the sick to the food and drink of the well, the fly is the most common agent. Hence boards of health are educating the people against this small but powerful enemy.

Statistics are also published by health boards, concerning deaths from diseases, so that the people in one



Detention Hospital

State may compare their health conditions with those in other States.

Public Health Machinery.—The machinery for carrying out the public health work of the State and local government is the following: (1) State Board of Health, consisting of three men, one of whom must be a doctor; (2) State Public Health Laboratory at Grand Forks, in connection with the University, and the two

branches at Bismarck and Minot; (3) State Tuberculosis Sanitarium in the Turtle Mountains; (4) county board of health, consisting of three men, one of whom must be a doctor; (5) city health officer, who must be a doctor; (6) village trustees, and (7) township supervisors, both the latter sitting as "boards of health," but not required by law to number doctors among their members.

By carefully studying the above, it will be seen that very few men are required to give their whole time and attention to the public health question. Perhaps it would be wiser for the people to spend more money for purposes of public health, thus enabling a few more experts to give their whole time to this important but neglected branch of our local government.

QUESTIONS ON THE TEXT

1. Show the importance of good health.
2. Who is chiefly responsible for the good health of a community?
3. What means is used by our government to protect the health?
4. What are the two most important things done by the State and local government in the matter of health?
5. Compare the control of contagious disease now with its check in former times.
6. In what ways is the spread of disease prevented?
7. What may health boards do to prevent disease?
8. What, for instance, is some of the published information about typhoid fever?
9. What sort of statistics are published?
10. What machinery have we for carrying out the public health regulations mentioned above? Is it enough?

QUESTIONS SUGGESTED BY THE TEXT

1. Has your school ever had any medical inspection?
2. Are there any mouth-breathers in your community?
3. Describe an example of quarantine which you have seen, or which you know about. Do you know of a case where lack of quarantine has led to the death of a person?
4. Write an essay on the work of the Public Health Laboratory. A printed copy of the reports of this public health agency may be had by making an application therefor.
5. Has there been any case of typhoid in your community? If so, what was the cause?
6. Has there ever been a case of tuberculosis ("consumption") in your community? Whence came the germs of the disease?
7. If possible, have your local physician talk to the school on the subject of germ diseases, and how these germs are carried and how killed.
8. Write an essay on the subject, "The fly the most dangerous animal on earth."
9. The vital statistics for the State for March, 1911 (as published by the State Board of Health), are as follows:

| | |
|------------------------------------|-----|
| Births | 966 |
| Deaths | 324 |
| Contagious diseases for the month: | |
| tuberculosis | 10 |
| smallpox | 7 |
| typhoid fever | 12 |
| diphtheria | 22 |
| scarlet fever | 33 |
| measles | 14 |
| whooping cough | 1 |
| other diseases | 5 |

Compile a similar table for your county; for your township. Compile a similar table for your school district for the past year.

10. The London "Lancet," the leading medical journal of the world, says that the best and simplest fly-killer is a weak solution of formaldehyde and water (two teaspoonfuls to the pint).

Place in plates or saucers throughout the house. Ten cents worth of formaldehyde will last an ordinary family all summer. It has no offensive smell, is fatal to disease organisms, and is practically non-poisonous except to insects (From "The House Fly as a Carrier of Disease", by Edward Hatch, in the *Annals* for March, 1911. Vol. 37, p. 422). What method is used in your schoolhouse or your home to get rid of flies? Have you ever tried the above remedy?

REFERENCES

- Public Health Movement. *The Annals of the American Academy of Political and Social Science*, March, 1911.
- Allen, "Civics and Health."
- Dunn, "The Community and the Citizen," Ch. 9.
- Fairlie, "Local Government in Counties, Townships, and Villages," Ch. 14.

CHAPTER XVI

CHARITY AND POOR RELIEF

“We begin with the new view of charity. Possibly no other human relation depends so much upon the point of view. The mendicant’s alms, the pauper’s maintenance, the impostor’s largess, the bitter bread of degrading dependence, gifts even to a worthy cause wrung from an uneasy conscience, and that kind of charity which is but a sorry substitute for justice denied, are all so many aspects of charity which tend to make it a mockery among men. There is another view. In an imperfect world, full of adverse conditions which are in large part an evil inheritance, the new view makes of charity a type of anticipatory justice. The new view is that charity may lighten an unreasonable and intolerable burden, or transfer it to broader and stronger shoulders; that it may bring opportunity to the child of an unfavorable heredity and an unfavorable environment; that it may deal not only with individuals who suffer, but with social conditions which tend to perpetuate crime, pauperism, and degeneracy.” EDWARD T. DEVINE, in the “Survey,” April 20, 1907.

Charity.—The county commissioners are by law “overseers of the poor.” The law further says that each county “shall relieve and support all poor and indigent persons residing therein whenever they shall be in need thereof.” For this purpose of “relieving and supporting” the poor, the county commissioners usually levy a small poor tax. They keep a record of persons receiving aid, known as a “Poor Book,” or, in popular language, a “pauper roll.” Some counties have a county poorhouse and here those unfortunate persons known as “permanent charges” must receive relief. This is called indoor relief. Outdoor relief is

temporary relief given out to persons in the form of food, clothing, fuel, and so on, which the needy person may use in his own home. This method is easiest for the pauper, but may encourage pauperism instead of curing it. On the other hand, indoor relief causes many worthy poor to suffer in silence rather than undergo



A Well-kept Poorhouse

the shame of going to the poorhouse to live with paupers. Indeed, the proper care of the poor is one of the hard problems in our local government.

The County Poor.—Temporary relief is often granted to these unhappy people who consist of three classes: (1) the aged and the helpless, who are too old to take care of themselves; (2) the orphan children who are too young to help themselves; and (3) helpless women

(either widows or deserted wives) left with small children and without adequate means of support.

The County Afflicted.—The insane and the feeble-minded of the county are not neglected; for although the county itself has no place for them, the State has an institution for the feeble-minded at Grafton, and a hospital for the insane at Jamestown. The county must contribute a certain amount of money for each of its residents undergoing treatment in these institutions.

The blind and the deaf and dumb are also well provided for by the State. There is a school for the blind at Bathgate, and for the deaf and dumb at Devils Lake. In this way the county is relieved of the difficult care of the blind and the deaf mute.

We see by the foregoing discussion that the State has provided for all classes of its citizens, for the strong and the weak, the sick and the well, the lawbreakers and the law abiding, and for the defective and dependent classes.

QUESTIONS ON THE TEXT

1. Who are the overseers of the poor in North Dakota?
2. What is the "Poor Book"?
3. Who live in the county poorhouse?
4. Define indoor relief and outdoor relief.
5. Give the arguments for and against each kind.
6. What are the three classes of county poor?
7. Who are the county afflicted and where are they treated?
8. How are the blind, and the deaf and dumb cared for?
9. Does the State neglect any class of citizens?

QUESTIONS SUGGESTED BY THE TEXT

1. Does your county give indoor or outdoor relief, or both?

2. If your county has a poorhouse, answer the following: Are there any children in it? Any old people? Is this a good place for children?

REFERENCES

Fairlie, "Local Government in Counties, Townships, and Villages,"
Ch. 13.

"The Survey," a weekly magazine, published in New York City.

CHAPTER XVII

POLICE AND JUSTICE

“It was the old view that crime is a constant factor in society, resulting from natural depravity or from persistent personal causes. It is the new view that political, economic, and social institutions, and especially the prevailing method of administering justice and the penal system, have much to do with the amount and kind of crime.” EDWARD T. DEVINE, in the “Survey,” April 20, 1907.

Important Function.—One of the most important functions of local government is the preservation of law and order. The public peace must not be disturbed. For instance, A and B meet in the public highway, quarrel, and finally fight. A gets the worst of it, and has B arrested for “assault and battery.” The judge fines B ten dollars. A, since he has been “assaulted” and “battered,” expects to have the fine paid to him. But no—the fine goes to the State, for the State has suffered more than A. The peace and dignity of the State have been disturbed. The State has provided the necessary officers for the arrest, trial, and punishment of every lawbreaker. In the cities we find uniformed policemen to make the arrests. In the rural districts, such as we are describing in this chapter, police work is also done, although not by blue-coated policemen but by other officers. At the county seat of each county there is a sheriff

ready to arrest anyone in any part of the county upon a proper *warrant*. Likewise in each township the town meeting elects or may elect two constables with power to arrest disturbers of the peace. And last of all, the village has its marshal, with full power to arrest and to use the necessary force in making the arrest, even though it be the use of firearms. The work of the local courts in trying and convicting these offenders has already been described. The county



Uniformed Policeman

maintains its courthouse and jail, and may add, if it sees fit, a workhouse for the purpose of putting its prisoners to work at hard labor. A jail without a workhouse may get the reputation among tramps and petty criminals of being a pleasant stopping place in the winter time, with warm

quarters, plenty of food, and nothing to do. The township may, if it so votes at the annual town meeting, erect a calaboose for the confinement of drunk and disorderly persons. The village, too, has power to erect a lockup for the confinement of disorderly persons, vagrants, tramps, and idle persons convicted of violating any village ordinance, and "to prevent and sup-

press riots, affrays, noises, disturbances, and disorderly assemblies in any public or private place.”

The State has provided a Reform School at Mandan where lawbreakers, under the age of eighteen, or incorrigible children upon written complaint of their parents or guardians, may be sent by the district judge.

The State, as we see by the above, has provided for police officers for the arrest of any lawbreaker in the State, and in any county, township, city, or village. Courts of justice are likewise provided to determine what is just in any case that may be brought before them. The people are thus put to great expense to maintain jails, calaboses, lockups, courthouses, and officers of police and justice, in order that a few bad members of society may be restrained from doing injury to the other members, and from outraging the peace and dignity of the State.

QUESTIONS ON THE TEXT

1. Show the importance of law and order.
2. Who gets the fine imposed by a judge? Why?
3. Name the police officer in each division of local government.
4. How are offenders tried?
5. What provision is made for imprisoning a lawbreaker by the county? By the township? By the village?
6. Where is the State Reform School, and what is its purpose?
7. Why do the people spend so much for police and justice?

QUESTIONS SUGGESTED BY THE TEXT

1. Who is the sheriff of your county? The marshal of your village?
2. Name the township constables in your township, if you live in a township.

3. Has your county jail a workhouse in connection with it?
4. Debate: "Crime is more prevalent in the country (in proportion to the number of inhabitants) than in the city."
5. To what extent is crime due to intemperance?

REFERENCES

Hart, "Actual Government," Ch. 30.

Wright, "Practical Sociology," Chs. 21, 22.

Reports of the Warden of the State Penitentiary to the Governor,
Bismarck.

The Survey.

CHAPTER XVIII

LOCAL FINANCE AND TAXATION

“As the contribution to the revenues of the State or county, leviable within that area, is proportioned to the amount and value of taxable property situated within it, the local assessors have, equally with the property owners, an obvious motive for valuing on a low scale, for by doing so they relieve their community of part of its burden. The State, accordingly, strives in divers ways to check and correct them, sometimes by creating what is known as a Board of Equalization, which compares and revises the valuations made by the various local officers, with the aim of having taxable property in each locality equally and fairly valued, and made thereby to bear its due share of public burdens. Similarly a county has often an equalization board to supervise and adjust the valuations of the towns and cities within its limits. However, the existence of such boards does not overcome the difficulty of securing a really equal valuation, and the honest county or town which puts its property at a fair value suffers by paying more than its share.” BRYCE, “American Commonwealth,” Vol. I, Ch. 43.

Much money is required each year for carrying out the various functions of local and State government. Each year indeed a little more money is needed than the preceding year. How is this money raised? Who spends it? These two interesting and important questions are easily answered.

Almost all of this money is raised by taxation. In our local government the amount of money spent and the consequent amount of the tax levy are determined by the following persons:—

| | |
|---------------------------|------------------------------------|
| County | county commissioners |
| City | city council |
| Village | trustees |
| Township | voters of township in town meeting |
| School district | board |

For raising this money a very complete set of machinery has been formed; but it is difficult to get it to work well. There are three tasks which this machinery is designed to perform,—assessment, equalization, and tax collection:

Assessment of Property.—Since, in our State, taxes are paid on the property a person has, it is necessary to have on the official county records a list of each person's property. Hence a local assessor is elected in each township (or village) for one year, at a salary of \$60 for twenty days' work. He must canvass his district every spring, see all the land and buildings (that is, *real estate*), and "assess" this property. In other words, he must place it on his books at its full value in money. This is a hard thing to do, for even the owner does not know the true value. The assessor is supposed also to find all the *personal property* and to place this, too, in his book with its full value in money. But this it is clearly impossible to do. This property includes everything but real estate. Some personal property, such as money, notes, mortgages, diamonds, etc., it is most difficult for the assessor even to find; and while it is easy enough to find horses and wagons and household furniture, it is a big task to value these things at their "full and true value in money." To

find all personal property and value it all at one hundred per cent is, as stated above, impossible. The law, with this difficulty in view, has provided for the second step,—equalization.

Equalization.—When the local assessor's work is done, his books go before the "town board of review" (the township supervisors) for examination. They are to equalize matters between the individuals of the township. They meet for a day and wait for people to come in and complain of being over assessed, or of some neighbor's being under assessed. Few people do come in—usually none at all—for they do not really know how their neighbors are assessed, and hence do not know whether their own assessment is too high or too low. Hence few defects in the assessor's works are corrected here. The board adjourns. It is then too late to correct these errors elsewhere. A poor man who happens to be assessed more than his rich neighbor has therefore no real redress. A month later the county commissioners meet, as a "county board of equalization," to compare the totals of one township with the totals of the other townships in the county. They raise or lower certain classes of property by townships, but do not alter individual assessments. A month later, in August, the "State board of equalization" meets to compare the totals returned by the different counties in the State. This board must raise or lower whole counties at a time. Thus they may raise farm lands 10 per cent in one county, and lower them 25 per cent in another county.

This is the final step in "equalization of assessment." On the assessed values as now left, taxes must be paid.

Collection.—The county treasurer collects all the taxes. He then turns over the State taxes to the State, the city taxes to the city, the township taxes to the township, and so on. If taxes are not paid when due, heavy penalties are added each month. Finally, if necessary, the sheriff may sell the property for taxes.

By the description just given we see how the real and personal property of the community is assessed and taxed. Railroads and a few similar big corporations, doing business often in many counties, are assessed in a different manner. This method will be described in Chapter XXII.

QUESTIONS ON THE TEXT

1. How is the money raised to carry on local government?
2. Who tax the people in each of the five subdivisions of the State?
3. The general property tax, so called, requires what three steps in its administration?
4. Tell how property is assessed, and show some of the defects of the assessment.
5. What machinery exists for curing the defects of a bad assessment?
6. Discuss carefully the workings of this machinery in the township, county, and State.
7. Who collects the taxes, and how?

QUESTIONS SUGGESTED BY THE TEXT

1. How could a State raise money without taxation?
2. Should a State depend entirely on the property tax, or should it make use of an income tax? An inheritance tax?
3. Does "equalization" equalize? Can you show why it does not and can not?

4. Can you suggest any improvement in the system?
5. Can you assess the furniture, pictures, etc., in your own home at their true value in money? Can anybody?

REFERENCES

- Bryce, "American Commonwealth" (1910 edition), Vol. I, Ch. 43.
Hart, "Actual Government," Chs. 21, 22.
Fairlie, "Local Government in Counties, Townships, and Villages,"
Ch. 15.
"Permanent State Tax Commissions," pamphlet compiled by Sveinbjorn Johnson, Legislative Reference Librarian, Bismarek, 1910.

CHAPTER XIX

EDUCATION

“Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened.” WASHINGTON’S “Farewell Address,” 1796.

Our Educational System.—Our State has provided a complete system of free, public education, free alike to rich and poor, to the taxpayers and to the one who pays no taxes. It is for the welfare of the State that all be educated, for our country has more to fear from the ballots of ignorant voters than from the bayonets of foreign soldiers. Our greatest statesmen, from George Washington down, have agreed on this point. Our public school system represents sixteen years of school work, as follows: eight years of common school training; four years of high school; and four years of work in the State University or Agricultural College. Or the pupil, having finished the high school, is ready to enter upon various other lines of higher education furnished by the State, such as a two-year course in the manual training school, or in the school of science, or in the normal school or school of forestry. The ambitious pupil does indeed prolong his educational work beyond the sixteen-year period named above. He may pursue a post-

graduate course in the State University from one to three years, if he so desires. The State is making careful provision that "public opinion should be enlightened."

The School District.—There are three classes of



Shack Schoolhouse of the Frontier

districts. (1) In the country we find the common school district. Five counties in the older part of the State—the Red River Valley—have the old-fashioned common district system, according to which the district is only two or three miles square, with its one schoolhouse near the center. The modern new-fashioned district is called the township system, for here the school district is the same size as the township (six miles square), and has usually three, four, or even five schoolhouses in it. But latest and best of all is

the Rural Consolidated School, consisting of one good, large, central building, which takes the place of several poor, small, scattered buildings. This is now in use in many township districts. It has better trained teachers, and better attendance of pupils, with less exposure to the weather, and hence better work and better health.

For the other two classes of school districts we must look to the cities. They are (2) the special and (3)



First Rural Consolidated
School

the independent districts. These two classes of districts are much alike: they have power to conduct a high school; and have



Public School, Rugby, N. Dak.

a "board of education" instead of a school board. In the independent district, found in such cities as Fargo and Grand Forks, the

board of education has power to issue bonds. In the other two classes of districts, the voters themselves must decide the important question of a bond issue.

Flags.—The law requires every school district to have a flag for every schoolhouse in the district, and to keep the flag flying each school day, if the weather permits.

Free Textbooks.—Many districts furnish free textbooks to the pupils. A school district must furnish the textbooks, (1) if two thirds of the voters of the district petition for it, or (2) if the school board so orders.

The School Board.—The size of the school board depends on the kind of district, three persons for the common district, five for the special, and five or more for the independent district, depending on the number of wards in the city. A school board must look after the business side of the school—see that enough money is forthcoming to pay the teacher, furnish fuel and supplies, and provide good school buildings. This board has also the duty of hiring teachers, and, in case of necessity, of dismissing them.

The Teacher.—The qualifications of a teacher are: a good moral character; age at least eighteen years; a teacher's certificate. Certificates are of three grades,—second grade, first grade, and State certificate. The second grade is the lowest grade, and \$45 a month is the lowest salary paid, according to law.

Teachers' Institute.—A teachers' institute is held every summer in each county, or in each group of counties that combine for joint-institute work. The county superintendent and the State superintendent are the directors of the institute work, and an expert educator is put in charge as conductor. Here the teacher receives both information and stimulation. It is the duty of each teacher, who is not already a college graduate, to attend the institute.

Branches to be Taught.—Teachers in the common

schools must teach the following branches: orthography, reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, civil government, physiology and hygiene, with special instruction concerning the nature of alcoholic drinks and other narcotics and their effects upon the human system.

The Pupil.—The law provides for compulsory education for all children of school age. School age means the years from eight to sixteen. Every child of school age must be kept in the public school in each year during the entire time the public schools of his district are in session, unless the child is in some parochial or private school where the same branches are taught, or the child's labor is necessary to support the family, or the child already has a knowledge of the common branches.

Child Labor Law.—The State Child Labor Law aims to keep children from the evil of child labor in factory and sweat shop, an evil common to some of our sister States. This law forbids the employment of any child under fourteen years of age in any mine, factory, workshop, store, business office, telegraph office, or hotel. Children of this age should be in school, preparing themselves for future efficiency.

The Support of Schools.—To keep up our magnificent school system and build new schoolhouses as needed, there are three sources of income: (1) Taxation; (2) State Tuition Fund; (3) Borrowing.

(1) First comes *taxation*. Each school district has its own school tax, which may be as high as 30 mills

(that is, three per cent of the assessed valuation of the district). This is the highest tax, which the farmer or the dweller in the city pays. The county also levies and collects a school tax and turns the money back to the school districts. The "county fund" is made up of two items, namely, a \$1 school poll on each taxpayer, and a 2 mill tax on all property in the county.



City High School

Hence, in rare cases, we may actually find a taxpayer with a school tax as high as 32 mills plus \$1.

(2) The second source of income is the *State Tuition Fund*, which involves no taxation whatever. This fund is made up in a very interesting way, and depends mostly on the State school lands. The State received 2,500,000 acres of school land as a gift from the Federal government, as part of the land grant, when Dakota

Territory became a State. This land is either sold or rented. If rented, the rent goes to the State Tuition Fund. If sold, the money is loaned out at 4, 5, or 6 per cent interest, and the interest goes into this fund. Since the land sells at from \$10 to \$50 an acre, it is easy to see that the income from the school lands is very important. Some day this land will all be sold, making an enormous amount of money, nearly \$50,000,000, to be known as a permanent school fund. But only the interest from this fund can ever be used. To five men is due the honor and credit of managing the State school lands and of investing all money from the sale of these lands. These men form a board called the Board of University and School Lands. They are: the governor, superintendent of public instruction, attorney-general, secretary of state, and auditor.

(3) *Borrowing* has been mentioned as a source of income. This source is used only to secure expensive improvements, such as the purchase of more land, erection of new buildings, etc. Hence the actual support and running expenses of our schools must depend on the first two sources, namely, taxation and the State Tuition Fund.

QUESTIONS ON THE TEXT

1. Describe our educational system. Show the need of free schools.
2. How many grades of work are found in our school system?
3. Discuss the school district; three classes of districts; two kinds of country districts; two classes of city districts; the consolidated school and its advantages.

4. What is said about flags for schools?
5. What is the law regarding free textbooks?
6. Discuss the school board: size; two classes of duties.
7. Discuss the teacher: qualifications; salary.
8. What is a teachers' institute? How managed? Objects?
9. What branches are taught in our common schools?
10. What is "school age"? Compulsory education? What is the law in this State?
11. State our Child Labor Law, and show its benefits.
12. From what three sources do schools derive support?
13. Which is the most important source? Why?
14. Explain "county school fund"; its two sources.
15. What is the State Tuition Fund? From what two sources is it derived principally?
16. Show clearly the difference between the State Tuition Fund and the permanent school fund.
17. How is the permanent school fund managed?
18. When is borrowing used by a school district?

QUESTIONS SUGGESTED BY THE TEXT

1. Prepare a table showing all the sources of support for public schools.
2. Prepare a statement similar to the one below, showing the receipts and expenditures for your own district for last year. (Get the statement from the clerk of the school board or from the county superintendent).

STATEMENT, AMERICUS SCHOOL DISTRICT, No. 3

July 1, 1905, to June 30, 1906

Receipts

| | |
|----------------------------------|----------|
| Balance from last year | \$ 15.22 |
| State Tuition fund. | 127.80 |
| County fund. | 117.36 |
| District Tax | 230.00 |
| | \$490.38 |

Expenditures

| | |
|-----------------------------|----------|
| Permanent improvements..... | \$ 8.50 |
| Teachers' wages..... | 315.00 |
| School officers..... | 43.00 |
| Incidentals..... | 49.00 |
| | ————— |
| | \$415.50 |
| Balance on hand..... | \$74.88 |

3. Problem. When the permanent school fund is \$50,000,000, how much will it produce for the State Tuition Fund if invested at 4 per cent?
4. Is it better for the State to sell its lands and invest the money at interest, or to keep the lands and rent them? Be prepared to give reasons for your answer.
5. What is a farmer's school tax on a farm of 160 acres, assessed at \$1,600, when the rate of the school tax levy is 30 mills?

REFERENCES

- Fairlie, "Local Government in Counties, Townships, and Villages," Ch. 12.
- Dunn, "The Community and the Citizen," Ch. 15.
- Bryce, "The American Commonwealth," (1910 edition), Vol. I, Ch. 49.
- Reports of State Superintendent of Public Instruction. Issued biennially, Bismarck.

CHAPTER XX

COUNTY, TOWNSHIP, AND VILLAGE

“Happy your great country, Sir, for being so warmly addicted to that great principle of self-government. Upon this foundation your fathers raised a home to freedom more glorious than the world had ever seen. Upon this foundation you have developed it to a living wonder of the world. Happy your great country, Sir, that it was selected by the blessing of the Lord, to prove the glorious practicability of a federative Union of many sovereign States, all conserving their State rights and their self-government, and yet united in one. Every star beaming with its own luster, but all together one constellation on mankind’s canopy.” LOUIS KOSSUTH, “Speech before Congress,” December 30, 1851.

Introductory.—We have now made a brief survey of the six functions of our local government,—(1) good roads, (2) public health, (3) charity and poor relief, (4) local police and justice, (5) local finance and taxation, and (6) education. For carrying out these functions there are various organs, such as elected officials, appointed officials, committees, boards, etc. These are found, as we shall now see, in the various subdivisions of our local government. Some of the functions of local government are performed in two or more local subdivisions at the same time. Thus the matter of good roads is a duty falling to both the township and county, but mostly to the township. Charity is left to the county. Public health is a function of local

government that is now looked after by the county, township, village, and also the city.

In this chapter we examine three subdivisions of our local government,—(1) the county, (2) the township, and (3) the village,—and study the machinery or organs, that they use for carrying out the work intrusted to them.

The County.—A new county can be organized only by a vote of the people in the district concerned. Thus to divide a big county, the voters in the proposed new county must petition the county commissioners, and the matter is then submitted to a vote of the whole county. The location of the county seat is a matter of great interest, and is frequently the source of much bitterness and heartburning. It is also left entirely to the voters of the county. The county seat can be moved to a new town any time the voters so desire, that is, (a) provided that two thirds of the electors so vote at the general election, and (b) provided also that the question can not come up for a vote oftener than once in ten years.

County Commissioners.—Of course most of the laws that govern a county and every other subdivision of our government are made at Bismarck by the State legislature. Hence the county needs no legislative branch, but only an executive and a judicial branch. However, such simple local lawmaking as a county actually does need (lawmaking, that is, concerning the functions we have just discussed) is done by the board of county commissioners. These five men (or three

in some counties) may be called a "committee" to transact the business of the county. They meet at the courthouse the first week of every month, look over all the bills of the county and pay those which the county legally owes. They also see that the county buildings are in good condition. Once a year they levy the taxes for the county. An example of the amount of these taxes and the functions of government for which they are spent is given at the end of this chapter. The county auditor acts as clerk of this board whenever it is in session. The term of the county commissioner is four years.

County Officers.—The other county officers are elected for a term of two years only. The nine principal ones are the following:

(1) *County Auditor.*—He is the bookkeeper of the county and the clerk of the board of county commissioners.

(2) *County Treasurer.*—He is the collector of all taxes and the "custodian" of the county funds, which he deposits in the various banks of the county.

(3) *County Sheriff.*—He is the protector of the public peace. Some sheriffs have proved to be heroes in preserving law and order in the face of a mob. The sheriff is also the minister (servant) of the courts, executing the various orders and writs that are turned over to him. This is now his chief work.

(4) *Clerk of Court.*—He keeps official records and papers pertaining to the district court. Applications for naturalization papers are made at his office.

(5) *Register of Deeds*.—He keeps in a permanent form, in huge books, a verbatim copy of every deed in the county, and puts his stamp upon the deed when he records it. This is to prevent disputes about the ownership of the land.

(6) *State's Attorney*.—He is to see that the State laws are enforced in his county, and, if there are any violations, that the violators are brought to trial. He also furnishes, on request, free legal advice to the other county officials, on all matters pertaining to their duties.

(7) *County Judge*.—The county judge or “county court,” as he is also frequently called, has charge of the probate matters of his county, that is, of wills, appointment of guardians, and settlement of estates. He also issues marriage licenses.

(8) *Superintendent of Schools*.—He is the connecting link between the school teacher on the one hand and the State superintendent of public instruction on the other. The success of the common school depends in part on each link in this chain. The county superintendent carries out the instructions of the State superintendent, holds teachers' examinations four times a year, visits the public schools, encourages country teachers with their work, and keeps important records of all school matters within his county.

(9) *Coroner*.—It is the duty of the coroner to make a careful inquiry or “inquest” when a death has apparently been due to violence or other unlawful means. He must report in writing the cause of the death, if he can learn it.

County Boards.—In addition to the Board of County Commissioners described above, the county has other boards, one of the most important of which is the Board of Health. One member must be a doctor, and he is called the “superintendent of public health.” A second member is known as vice president. These two are chosen by the county commissioners. The State’s



Township Hall

attorney is, by virtue of his office, president of the Board of Health.

The Township.—The civil township is formed like a new county,—by first petitioning the county commissioners and then voting on the proposition. The township is the one subdivision of our State where we find government in the form of a pure democracy. Here, on the third Tuesday in March of each year, the voters meet in some schoolhouse or in the town hall, in the annual “town meeting.” The powers and duties

of the annual town meeting are: (1) election of township officers, (2) making of simple rules and regulations of the township, and (3) levying the township tax. Small as this division of our local government is, we find these seven offices to be filled: (1) office of supervisor (three men); (2) clerk; (3) treasurer; (4) assessor; (5) justices of the peace (two men); (6) constables (two men); (7) overseers of highways (one man for each road district in the township—usually three or four districts). This means that there may be fourteen men elected to carry out the work of the township. But in actual practice there are not always fourteen men elected, first, because not all the offices are filled, and second, because one man may sometimes hold two offices. The most important office is that of supervisor, for which the term is three years. The other officers all serve one year, except the justice and constable, who serve two years.

Board of Health.—The township supervisors form the Board of Health of their township, and may make and enforce regulations for the prevention of disease. It is their duty to quarantine homes where there are contagious diseases.

Board of Review.—The supervisors also sit in June as a Board of Review to examine the work of the assessor. They are supposed to cure all inequalities between individuals found on the assessor's books. Some boards meet for two days, some for a few hours only, some not at all.

Town Meeting.—One of the most famous things in

America is the town meeting—especially the New England town meeting. North Dakota has also the annual town meeting conducted in much the same manner as the celebrated New England institution. The following account of a North Dakota town meeting was written by an eyewitness.

Description of a Town Meeting.—“One Tuesday morning in March the writer traveled a few miles over



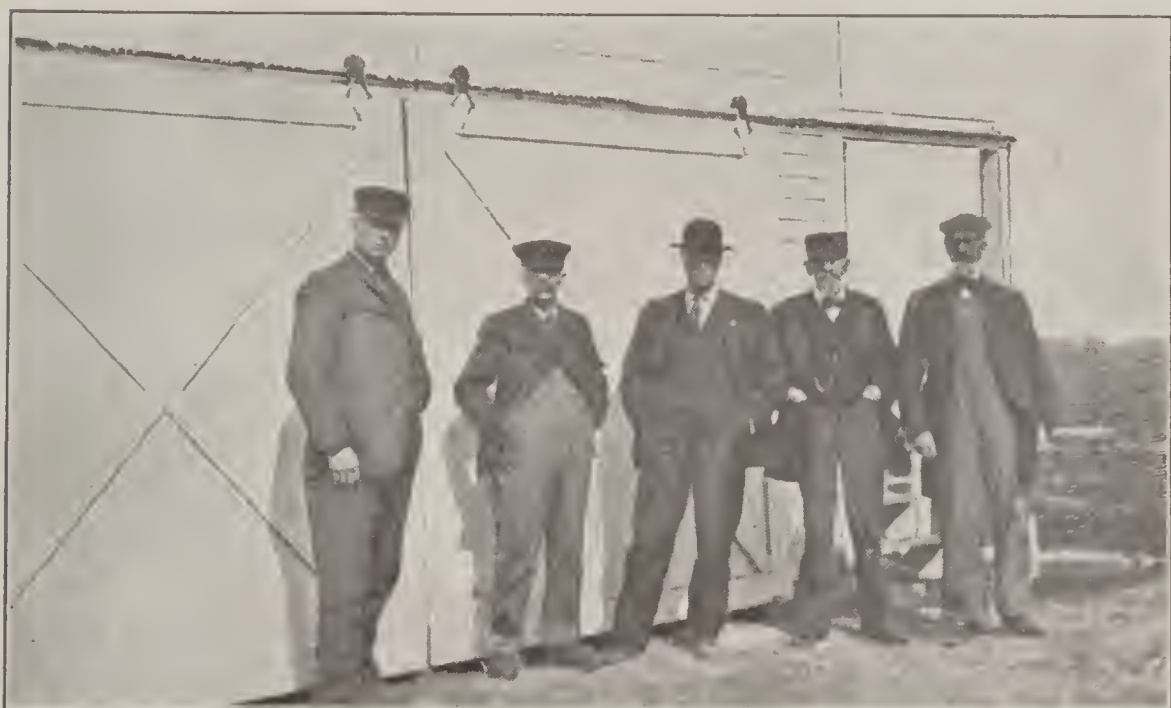
Township in Session

a very muddy road to the ‘town hall’ to attend his first town meeting in North Dakota. The town hall of this township is a neat white building, a made-over schoolhouse, with an upper story. The upper portion is a large, airy, light room where the meeting is held, and is furnished with a big, substantial table, a stove, chairs, and benches. The lower portion is used, as the writer discovered, for the storage of the town-

ship's road machinery, scrapers, plow, and road grader. At about half past eight o'clock in the morning, the officers began to arrive, bringing full dinner pails, and prepared to stay all day. These men were all sturdy farmers. They had come to North Dakota some years before from various parts of the world. Two were from Minnesota and one from New York, States where the town meeting has long been in use. One was from Iowa, a State that has no town meeting. One was from Scotland, a country with a different form of government from ours. One was from Sweden.

“Five men were present when the clerk took his position at the long table, and the meeting was opened for business. The first matter to come up was the ‘business of the township.’ The only business that any one mentioned was the levy of the township tax. ‘What shall our road tax be?’ one asked. ‘What was it last year?’ No one seemed to know. The clerk could not say, for he had forgotten to bring part of his records. Finally one of the supervisors, who was also justice of the peace, figured out the last year's levy as six mills. ‘Six mills’ was then proposed. There was no debate as to how much was needed. So it was voted unaminously that the road tax levy should be six mills, because that was what it had been the year before. To pay the salaries of the township officers, to buy lumber for a few culverts and small bridges, and to meet a few other expenses, the lump sum of \$500 was voted. This sum meant a levy of about three mills, and so the township levy, for all purposes, amounted

to about nine mills. Voting the taxes took about five minutes of time, caused no debate, and finished the business part of the town meeting. Nothing else remained to be done except the election of officers. Only six men were present at the meeting in the forenoon. Each secured an office, and two of them two offices apiece. The township contains forty voters, but only seven came out to the meeting and voted. The day



Officers of a Township

was pleasantly spent, but not in considering such township matters as good roads, public health, assessment, taxation, finance, and so on. Very frank and very entertaining discussions were had, however, of these questions: The President of the United States; the United States Senate; William J. Bryan; R. M. LaFollette; the Money Power; Trade Relations with Canada; Political Relations with Mexico.

ANNUAL TOWNSHIP MEETING
BALLOT

For Supervisors,

Chairman

For Town Clerk,

For Treasurer,

For Assessor,

For Justices,

For Constables,

For Overseer of Highways,

First District

Second District

Third District

Fourth District

For Pound Masters,

For Commissioners of Con-
ciliation,

“At noon the dinner pails were opened and their more than ample contents were spread, like a feast, on the table. The good housewives at home had crowded these large pails not only with substantial slices of bread and butter, but also with cake and pie.

“Late in the day the ‘town meeting’ was over for another year. The actual carrying on of the township business for the ensuing year was left in the hands of the three supervisors. Many a real business meeting these men must have before another March comes around.”

This account describes a poorly-attended town meeting. Of course it often happens when some question of much local interest arises, such as a contest for an office, the purchase of expensive road machinery, or the paying of the road tax in

money instead of in labor, that a full meeting is present. But as a rule, the voters do not take a very active interest in the government of the township.

The Village.—Frequently a village of two hundred people grows up about the townhall, the schoolhouse, or elsewhere in the township. Its inhabitants may decide to “incorporate” and thus set up a government of their own, independent of the township. This



Beginning of a Village

they can easily do by petitioning the county commissioners for permission to incorporate and by holding a special election. When a village has incorporated, it has, like all the other subdivisions of our government, become a “body politic and corporate.” That is, it has power to carry on government, hold elections, levy taxes, etc., and also powers common to simple business corporations, such as to hold property, make contracts, sue and be sued. The people now find their taxes slightly higher. But, in return, they have

certain advantages in being incorporated as a village. They have better protection against fire, for they organize some system of fire fighting; they have better protection against burglars, for they now employ a night watch; they have better roads, sidewalks, and bridges. Sometimes the inhabitants of a village refuse to incorporate long after the village has two hundred inhabitants, doing without village government in order to save the small expense involved. But usually the protection against burglars and night fires is worth many times the cost to the village.

Village Officers.—Each year in May the village elects its officers, chief among which are: trustees (one for each district in the village), clerk, assessor, treasurer, marshal, justice of the peace.

The trustees may deal with public health questions, and then they constitute a Board of Health. They are required also to review the assessor's book, and then they constitute a Board of Review.

QUESTIONS ON THE TEXT

1. This chapter treats of what six functions and three subdivisions of local government?
2. What organs are used for carrying out these functions?
3. How may a new county be formed?
4. How is the county seat located? How may a county seat be changed to a new location (two restrictions)?
5. Does a county have three branches of government? Where are its laws made?
6. Define clearly the work of the "committee" which manages the county's affairs.
7. Who is the clerk of this county board?

8. Name all the county officers. Which are elected for two years? Which for four years?
9. State the duties of each of the nine county officials.
10. How is the civil township formed?
11. What is the distinctive feature of township government?
12. State three duties of the town meeting.
13. Name the seven principal offices to be filled in a township. How many men may it take and how many does it usually take to fill these offices?
14. State the terms of office of these men. Which office is most important?
15. Name two important township boards, and explain the duty of each.
16. Give a description of a town meeting as told by an eyewitness.
17. In the case of the meeting just described, did the voters manifest as much knowledge of, and interest in, local township affairs as in national government affairs?
18. Give the following facts about a village: minimum size; steps necessary for incorporation.
19. What is meant by a "body politic"? By a "body corporate"?
20. Give reasons for and against incorporation by a village. Which is the better course in the end?
21. Name the village officers, and tell when they are elected.
22. Who looks after the public health of the village? Who reviews the assessor's books?
23. Make a list of the boards in county, township, and village.
24. Make a list of the officers of the county, township, and village.

QUESTIONS SUGGESTED BY THE TEXT

1. Give the names and addresses of your county commissioners.
2. Give the name of your county superintendent of health.
3. Has your county a superintendent of highways?
4. Name the other officers of your county.
5. Give the names of your township officers (or village officers, if you live in a village). What offices are not filled?
6. What county officers can serve only two terms in succession?
7. Where would a person go to record a deed? To have a bill

against the county paid? To secure a marriage license? To have a person arrested?

8. Can you cite an example of a village suffering loss by fire or burglars? Of a village saved from loss by having a marshal or a night watchman?
9. What county officers have to do with each of the following: Good Roads; Health; Charity; Police and Justice; Finance and Taxation; Education?
10. Which of these functions are represented also by State officials?
11. Make out a financial statement for your county, similar to that on page 249.
12. Make out a financial statement for your township, similar to that on page 250.
13. Make out a list of the road machinery owned by your township. Describe the split log drag.

REFERENCES

Hart, "Actual Government," Ch. 28.

Dunn, "The Community and the Citizen," Ch. 15.

Fairlie, "Local Government in Counties, Townships, and Villages,"
Chs. 4-9, 11.

CASS COUNTY FINANCES. Expenditures, Jan. 1—Dec. 31, 1908

| | | |
|--|-------------|--------------|
| Education..... | | \$38,783.79 |
| Health..... | | 154.00 |
| Good Roads..... | | 31,524.50 |
| Police and Justice..... | | 34,891.75 |
| District Court..... | \$15,110.28 | |
| Justice Courts..... | 8,112.02 | |
| County Court..... | 3,738.42 | |
| Jail..... | 2,548.93 | |
| Prisoners..... | 5,382.10 | |
| Charity..... | | 24,455.98 |
| County Hospital..... | 16,991.67 | |
| County Poor..... | 4,533.86 | |
| County Insane..... | 1,090.45 | |
| County Physician..... | 1,840.00 | |
| Salaries of county officers (including clerks and deputies)..... | | 30,834.77 |
| Five Commissioners..... | 2,845.95 | |
| Sheriff..... | 2,130.19 | |
| Register of Deeds..... | 5,499.84 | |
| Auditor..... | 7,062.42 | |
| Treasurer..... | 5,407.02 | |
| State's Attorney..... | 3,066.30 | |
| Superintendent of Schools..... | 4,407.50 | |
| Surveyor..... | 68.00 | |
| Coroner..... | 347.55 | |
| Courthouse..... | | 1,208.20 |
| Elections..... | | 4,641.06 |
| County Fairs..... | | 357.25 |
| Interest and Sinking Fund..... | | 14,286.09 |
| Miscellaneous..... | | 11,938.64 |
| Books and Stationery..... | 2,614.88 | |
| Fuel and Lights..... | 1,893.00 | |
| Printing and Advertising..... | 2,610.45 | |
| Janitor and Engineer..... | 1,354.36 | |
| Telephone and Postage..... | 980.15 | |
| Sundries..... | 2,485.80 | |
| Total..... | | \$193,076.03 |

TOWNSHIP FINANCES

Town of Falconer, 1910

Income

| | | |
|--------------------------|----------|------------|
| 1. Cash..... | | \$998.40 |
| Tax | \$850.00 | |
| Balance..... | 148.40 | |
| 2. Labor, Road Tax | | \$562.20 |
| | | <hr/> |
| Total..... | | \$1,560.60 |

Expenditure

| | | |
|--------------------------------------|----------|------------|
| 1. Good Roads | | \$1,152.29 |
| Cash. Bridges and Culverts | \$546.09 | |
| Road Overseers.... | 44.00 | |
| Labor. Road Tax | 562.20 | |
| 2. Public Health | | |
| 3. Police and Justice | | |
| 4. Finance and Taxation. Assessor .. | | 35.00 |
| 5. Other Officers | | 56.57 |
| 6. Miscellaneous | | 14.50 |
| Filing Bonds.. | \$1.50 | |
| Repairs | 13.00 | |
| 7. Town Hall, Permanent Improvements | | 283.35 |
| | | <hr/> |
| Total..... | | \$1,541.71 |
| Balance on hand..... | | 18.89 |

CHAPTER XXI

THE CITY

“Two tests of practical efficiency may be applied to the government of a city: What does it provide for the people, and what does it cost the people?” BRYCE, ‘American Commonwealth, Vol. I, Ch. 51.

City Government.—When a village has grown in population to five hundred, and when the voters therein favor the change, by a majority vote, the village becomes a city. All official records must thenceforth mention it as a “city.” A city has a *charter* or general framework of laws under which it is governed, much as a State has its Constitution. The charter is very important, since in it are defined all the city’s powers to regulate its affairs, pave its streets, build its parks, and pass city ordinances or laws. May a city, for example, own its street car system? Yes, if its charter gives it that power; otherwise no. The city gets its charter from the State legislature, and has no power to frame its own charter. In some States, cities have power to frame their own charters, and present them to the legislature for approval; in other places they frame their own charters and do not present them to the legislature for approval, but operate under them as they are. In short, in some States but not in this State, city government is “home rule.” The North Dakota legislature has framed a general plan—or rather,

two general plans—of city government, and any city which is ready for a charter finds one, ready made, as described below.

City Election.—To separate city elections from State and national politics, the annual city election is held in April.



A Faithful Street Cleaner

Two Forms of Government.—The State law provides two distinct plans of city government. They are (1) the Mayor and Council plan, for any city regardless of size; (2) the Commission plan, for cities of over 2,000 population. Let us compare these two forms.

MAYOR AND COUNCIL PLAN

The mayor and council plan is patterned closely after our national and State governments. It has a *legislative* branch, the city council; an *executive* branch,

FOURTH WARD PRIMARY ELECTION BALLOT
 GRAND FORKS CITY PRIMARY ELECTION, MARCH 6, 1906
 REPUBLICAN PARTY

| OFFICE | CANDIDATES | |
|-----------------------|-------------------------|--------------------------|
| Mayor— | JOHN DINNIE | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| Police Magistrate— | J. R. CHURCH | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| City Justice— | P. McLAUGHLIN | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| City Treasurer— | T. J. HAGEN | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | Vote for one name only— | |
| Alderman— | O. KNUDSON | <input type="checkbox"/> |
| | A. L. McCALLUM | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

(Australian Ballot)

FIFTH WARD, CITY OF GRAND FORKS, N. D.
 GENERAL CITY ELECTION, MONDAY, APRIL 2, 1906

| OFFICE | REPUBLICAN | INDIVIDUAL NOMINATIONS |
|---------------------------|---|---|
| | <input type="checkbox"/> | |
| Mayor— | JOHN DINNIE <input type="checkbox"/> | GEORGE E. DUIS <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| Police Magistrate— | J. R. CHURCH <input type="checkbox"/> | M. REILLY <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| City Justice— | P. McLAUGHLIN <input type="checkbox"/> | R. J. PURCELL <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| City Treasurer— | T. J. HAGEN <input type="checkbox"/> | B. F. BROCKHOFF <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| Alderman— Term 2 years | W. A. HILL <input type="checkbox"/> | K. C. HUNTER <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| Alderman Term 1 year | GEORGE W. BUCKINGHAM <input type="checkbox"/> | CHARLES A. LOUGHIN <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |

the mayor and city departments; and a *judicial* branch, the police magistrate and city justice of the peace. Under this form of city government the five elective officers of the city are the following: (1) office of al-



Intelligent Horses in the Fire Department

derman—two men from each ward; (2) mayor; (3) treasurer; (4) police magistrate; (5) city justice. The appointive officers of the city are the auditor, the city attorney, the city assessor, the health officer, and the

chief or heads of the various city departments, such as police, fire, water, streets, etc.

The Council.—The city council is composed of the mayor and two aldermen from each ward. The mayor presides, but has no vote except in case of a tie. The council usually meets one evening every month, and the meetings are of course open to the public. Like Congress and the State legislature, the council refers all important questions to appropriate committees for investigation and report. In this way a mass of detailed and intricate business receives personal attention.

The powers of the council are of three classes:—

(1) *Financial Powers.*—The council has full control

over the city's finances. It levies taxes. It spends the money. It may also borrow money up to the debt limit of the city, a limit which is fixed in the State Constitution.

(2) *Power over Appointment.*—The council has power to confirm or reject the mayor's appointments. If it does not favor the man appointed by the mayor, he



Street Lighting

is rejected and another name is presented by the mayor for approval.

(3) *General Legislative Powers.*—The council has power, under its charter, to make rules called ordinances, covering the local affairs of the city, such as streets, street lighting and paving, police and fire protection, the regulation of various occupations and trades carried on in the city, etc. It may erect a city jail. It may erect a city hospital. It may grant the use of its streets and alleys to private corporations that

render important public service, such as street railways, telephone companies, gas companies, etc. The right to use public property for private gain in this manner is called a *franchise*. The corporation in return for the franchise ought to render definite service to the city, such as supplying street car service that can be



Sweeping the Street

depended on, and gas that is good in quality and fair in price. The granting of franchises is one of the most important powers of the American city.

Mayor and Departments. — The mayor is the chief executive of the

city and, like the governor, he has the veto power. He appoints (with the consent of the council) all heads of city departments. He has the power of removal of any of his appointees at any time.

A city has a Board of Health, made up of six persons as follows: four aldermen; the city engineer; and one physician appointed by the mayor. The physician is called the health officer. His work is important in preventing, by proper quarantine, the spread of such diseases as diphtheria and scarlet fever, especially if these dreadful diseases get into the public schools of the city.

Police Magistrate and City Justice of the Peace.—The city has a “police court” to hear the cases brought before it by the police. Here offenses against the city ordinances are tried. The city justice of the peace has the same powers and duties as the county and township justices.

THE COMMISSION PLAN

In 1907, North Dakota passed a law providing for the commission plan of city government. We have already seen



Public Library



A Well-kept Residence Street

how our counties are managed by a board (or commission as it might be called) of three or five men, called county commissioners. This plan of government has been improved upon and applied to cities. The North Dakota law permits cities of 2,000 population or over to change to the commission plan if they prefer it. They may take a vote on it. Soon after the law was passed, Mandan, Bismarck, and Minot adopted the commission plan. But Fargo, Grand Forks, and Dickinson voted

not to adopt it. We may describe this plan briefly as follows:—

Under the commission plan, the offices of mayor and council are abolished. There is created instead a commission of five men, with all the powers of the

old mayor and council concentrated in their hands. They are elected for



A Business Street

four years (instead of two years), and from the city at large (instead of separate wards). Meetings are



City Park

held once a week and are open to the public. An aye and nay vote must be taken, and recorded on the journal, on all questions involving taxation. This commission of five men appoints and removes all city officers, fixes all salaries, including their own, makes all the rules and ordinances governing the city, and grants all franchises. In short, great power is given to these five men, and they are held responsible for its use or abuse. Which plan is better for North Dakota is a

much debated question that must be left to each city to decide for itself.

QUESTIONS ON THE TEXT

1. Discuss the city: size and how formed; the charter; relation to State legislature; amount of home rule.
2. When is the city election held? Why?
3. Name two forms of city government.
4. Under the first form discuss: three branches of city government; elective and appointive officers; term; composition and powers of council; the mayor; health; courts.
5. What is a franchise? How is it granted under each form of government?
6. Under the second form discuss: date of law; applies to what size; manner of adoption; choice of first six cities voting on the plan; the commission,—its composition, term, salary, powers, and duties.

QUESTIONS SUGGESTED BY THE TEXT

1. Debate. “Resolved, that the commission plan of city government, as provided for in the North Dakota Session Laws of 1907, Ch. 45, is preferable to the existing mayor and council plan.”
2. Why are franchises so important to a city? If a city gives away a franchise, can it later get it back for nothing? Can you give the experience of any great city with franchises?
3. The government of any particular city can be understood only by studying very minutely the administration of that city. The following statements and statistics present the actual government of the city of Grand Forks for one year. On the basis of this general outline, the pupil should prepare a similar statement for his own city.

CITY, SCHOOL, AND PARK DISTRICT OF GRAND FORKS EXPENDITURES, DEBTS, AND INVENTORY, 1910

The people of the city are citizens of three distinct subdivisions of local government, namely, (1) the City of Grand Forks; (2) the School District of Grand Forks; and (3) the Park District of Grand Forks. Each of these three incorporated bodies has its own separate elections, its own separate governing body, levies its own taxes, and has power to borrow money. Hence the three divisions are outlined separately below, although they occupy the same territory and contain the same people.

I. *City*

| | |
|---|-----------------|
| A. Mayor and Council | \$ 1,000 |
| Mayor, Salary \$100 a year | |
| Council, 14 men, meet monthly. \$2 per meeting. | |
| Auditor and Treasurer. | 5,000 |
| B. Departments | |
| Police (11 persons). | 11,400 |
| Street, Roads, Bridges. | 18,500 |
| Civil Engineering. | 5,000 |
| Legal. | 1,700 |
| Light. | 12,700 |
| Fire. | 11,600 |
| Health. | 8,000 |
| Water. | 23,100 |
| Finance and Taxation (assessing and equalizing) | 2,200 |
| C. Miscellaneous | |
| Charity. | |
| Hay Market. | 500 |
| Interest. | 24,500 |
| Library. | 3,000 |
| Miscellaneous. | 4,500 |
| Total. | <hr/> \$132,700 |

II. *School District**Receipts*

| | |
|---------------------------------|--------------|
| Balance from Last Year. | \$ 16,526.53 |
| State Tuition Fund. | 27,370.00 |
| County Fund. | 13,790.40 |
| District Tax. | 87,417.42 |
| Miscellaneous. | 11,479.99 |
| | <hr/> |
| Total. | \$156,584.34 |

Expenditures

| | |
|------------------------------------|--------------|
| Teachers' Wages. | \$ 51,714.58 |
| Permanent Improvements | 13,287.94 |
| Apparatus, Books | 2,639.09 |
| School Officers, Janitors. | 5,495.58 |
| Interest. | 7,360.23 |
| Miscellaneous. | 17,909.99 |
| Warrants Outstanding | 3,260.83 |
| | <hr/> |
| Total. | \$101,668.24 |

III. *Park District*

| | |
|---|-----------|
| Superintendent of Parks, Overseers, Laborers. | \$ 3,000 |
| Permanent improvements | 7,000 |
| | <hr/> |
| Total | \$ 10,000 |

Debt

| | |
|------------------|-----------|
| City | \$374,000 |
| School | 150,000 |
| Park | 40,000 |
| | <hr/> |
| Total | \$564,000 |

Inventories

City

| | |
|-------------------------------------|-------------|
| Waterworks..... | \$ 374,056 |
| Fire Department..... | 57,000 |
| Street, Bridges, Sewer, Paving..... | 1,477,561 |
| Light..... | 81,000 |
| Health (Detention Hospital)..... | 10,000 |
| Library..... | 40,000 |
| City Hall..... | 80,000 |
| Hay Market..... | 6,000 |
| | <hr/> |
| Total..... | \$2,125,617 |

School

| | |
|----------------------|-----------|
| Central School | \$ 80,000 |
| Belmont | 70,000 |
| Washington | 40,000 |
| Winship | 20,000 |
| Wilder | 35,000 |
| Roosevelt | 43,000 |
| Real Estate..... | 25,000 |
| | <hr/> |
| | \$313,000 |

Parks

| | |
|------------------|-----------|
| Lincoln Park, | 105 acres |
| Central Park, | 15 acres |
| Riverside Park, | 60 acres |
| University Park, | 20 acres |
| Triangles, | 2 acres |

202 acres

Value \$100,000

Summary of Inventory

| | |
|-------------|-------------|
| City..... | \$2,125,617 |
| School..... | 313,000 |
| Parks..... | 100,000 |
| | <hr/> |
| Total..... | \$2,538,617 |

CHAPTER XXII

STATE REVENUE AND EXPENDITURE

“(1) The subjects of every state ought to contribute towards the support of the government, as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state.” ADAM SMITH, “Wealth of Nations,” Bk. V., Ch. 2, Part II.

Expenditure.—There are two practical tests to apply to State government: What does it cost? What does it furnish the taxpayer? The Constitution itself sets some limits to the amount of money which the State may spend, and to the objects for which it may spend money.

The State legislature may levy a tax which must not “exceed in any one year four (4) mills on the dollar of the assessed valuation of all taxable property in the State,” in addition to the amount needed for the interest and principal of the State debt. This, the pupil will note, is a much smaller rate of tax than the county tax, the city tax, or the school district tax. The yield of the State tax increases year by year as the assessed valuation of the State increases. When, for instance, the assessed valuation is \$400,000,000, the 4 mill tax will yield \$1,600,000 income. The State can spend four mills a year plus any other amount which it can raise from other sources than taxation. Taxation is the chief

source, but not the only source of revenue, as the discussion below shows.

The expenditure of the State must be constitutional, and for strictly public purposes. The levy of a tax on the public for some private purpose would be robbery and not taxation.

The five chief objects of expenditure are:—

- (1) The three branches of State government.
- (2) Education.
- (3) State Institutions.
- (4) Interest on State Debt.
- (5) Wolf Bounty.

The chief item of expense is the State Institutions. The support of the State Penitentiary and the Insane Asylum costs the State much more than that of the Agricultural College and the State University. In other words, these two institutions to care for the criminal and the defective classes of the State are a greater burden than the two for higher education. The State can afford to spend a great deal now to prevent crime, to cure insanity, and to foster education, if only crime and insanity can be lessened in the future. Yet these two evils are not decreasing. What must be done about it is one of those problems of civil government which the future is to solve.

Revenue.—The State must depend, for its income, first of all on taxation. But this source is limited by the Constitution. Hence other important sources are now used. The four chief sources of revenue are:—

- (1) Taxation.

- (2) Fees and licenses.
- (3) Industries.
- (4) Land.

The State tax system is based on the "general property tax," that is, there is a uniform tax rate applied to all property, whether it is land or buildings, merchandise or live stock, mortgages, money, railroads, or any other kind of property. In other words, all property is treated alike. Some States have found that certain kinds of property are easy to hide and accordingly escape taxation. Hence they have abandoned the "general property tax" and have introduced various other methods of making every man contribute according to his ability. North Dakota also has taken three steps in this direction. In addition to the general property tax, the State has three other taxes: (1) corporation tax, applied only to insurance companies; (2) inheritance tax of 2 per cent on estates of over \$25,000 left to collateral heirs (that is, not direct heirs such as father, mother, wife, child, etc.); (3) small tax, lower than the general property tax, on grain in farmers' granaries and elevators. These are the first steps toward the abolition of the general property tax.

How Railroads are Taxed.—Railroads are very important tax payers in parts of our State. This is especially true in those counties, townships, and school districts having several miles of road. The manner of taxing railroads is very simple:

- (1) The *assessment* or valuation of the roads is made

by a board of five men in Bismarck, known as the State Board of Equalization. This board consists of the governor, auditor, treasurer, commissioner of agriculture and labor, and attorney-general. They have statistics furnished them by the roads, covering all the railroad property including even the number of rails and ties. On this basis they estimate the value of the railroad, including its track, roadbed, right of way, rolling stock, and franchise. The board divides this valuation by the number of miles of road in the State and so finds the value per mile.

(2) The State board reports this valuation to the various counties, on the basis of the mileage in the county. The tax on the railroad property is then *collected* by the county treasurer in the same manner as the tax on land and other property. Thus if a school district contains five miles of railroad assessed at \$15,000 a mile, the total valuation is \$75,000 for that district. The county treasurer knows this valuation, and also the rate of the school tax. If the rate of this tax is 20 mills, for instance, he collects a school tax of \$1,500 from the railroad for this one school district, at the time when he collects all the other taxes levied against the railroad.

Similar Corporations.—The following public service corporations are assessed and taxed in the same way as railroads: (1) street car companies, (2) telephone companies, (3) telegraph companies, (4) express companies, (5) all other corporations carrying passengers, goods, or messages.

Industries.—The two industries which the State conducts are the street railway at Bismarck, running from the city to the State capitol, and the twine plant, conducted at the penitentiary at Bismarck, by the prisoners. This plant furnishes wholesome and useful labor to the prisoners, makes some profit for the State, and gives the wheat grower twine at a low price. The State does not go into the business to make money.

Land.—The land granted to the State by the Federal government consisted of about 3,000,000 acres. Thus our State became a large landlord. Two and a half million acres of this land are for common schools only, the remaining 500,000 acres being divided among twelve institutions. The rent of this land where it is still unsold, and the interest on the money, where it has been sold, make an income ranking next to taxation in importance.

Debt.—Our State debt can never be very large—never more than a few cents for each individual; for the Constitution limits it to \$200,000. The Federal debt is five thousand times this size.

QUESTIONS ON THE TEXT

1. Give two practical tests of State expenditure.
2. What limitations are set to State expenditures?
3. Name the five chief objects of expenditure.
4. Which is the largest item?
5. Compare the cost of maintaining prisons and schools. Show that each is necessary.
6. Name the four sources of State revenue. Which is the chief source?
7. Describe and criticize the general property tax.

8. What three additional taxes does our State use?
9. Define each tax.
10. How are railroads taxed?
11. What other corporations are taxed in the same way?
12. What two industries does the State own and operate? Show the benefits of these.
13. Explain the State land system.
14. What is the limit of the State debt?

QUESTIONS SUGGESTED BY THE TEXT

1. What was the total assessed value of the State last year?
2. At how much were railroads assessed?
3. Problem. If Mr. A, in your school district, pays taxes amounting to a total of \$100, how many dollars of this sum go to each of the following divisions: State, county, school district, city (or village or township)?
4. Compare the per capita debt of the nation and the State.
5. If you have a railroad in your school district, ascertain how much school tax was paid by it last year. (Consult the county auditor or the county treasurer).
6. What property in your community is assessed by the State Board of Equalization and what property by the local assessor?
7. Should the State conduct any industry "to make money"?

REFERENCES

See following State reports:

Report of State Board of Equalization, Bismarck. Issued annually.

Annual Statement of State Treasurer, Bismarck.

Report of Commissioner of University and School Lands, Bismarck. Issued biennially.

Bryce, "American Commonwealth," (1910 edition), Vol. I, Ch. 43.

Dunn, "The Community and the Citizen," Ch. 25.

CHAPTER XXIII

ELECTIONS AND POLITICAL PARTIES

“The fate of republican government depends upon the ability of the people to express their will without influence or fraud.” HART, “Actual Government,” p. 85.

Nominations.—Before we elect candidates to any office they must be nominated. Who names, that is, *nominates* the candidates? Political parties. It is necessary that candidates for each office be nominated in some regular way, for if every man voted for his own choice, no one would receive a majority of votes and no one would fairly represent a large number of citizens. Hence each voter casts his vote at election time for a candidate who has already been nominated, whom possibly he has helped to nominate.

The Primary Election.—The method of nomination in this State is by the “primary election.” The primary election does not elect; it merely nominates candidates. Our primary election law was first adopted in 1905, but has since then been amended. The law states that there shall be held a primary election in June in the various voting precincts of the State, for the nomination of candidates, for the following offices to be voted for at the general election: presidential electors, members of Congress, members of State legislature, State executive officers, county officers, judges, and also

United States senator in the year previous to his election by the State legislature. This system provides for all candidates from the county officials up to the President. The President is still nominated in the old nominating-convention style described in Chapter IV.

In cities the primary election is held in March at which time candidates are named for the elective offices to be filled at the regular April election.



Polling Place on Quiet Election Day

The candidate seeking nomination by the primary election method must circulate a petition among his friends, and secure the requisite number of signers. His name then goes on the primary election ballot of his party. He is probably one of several candidates seeking nomination to the same office. The voter at the primary asks for the ballot of his party. The different parties have the same polling place, but

DEMOCRAT

Primary Election Ballot

“To vote for a person whose name is printed on the ballot, mark a cross (X) in the square at the right of the name of the person for whom you desire to vote.”

“To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose.”

| | | | |
|---------------------------------------|---|--|---|
| UNITED STATES SENATOR | Vote for 1 Name Only JOHN L. CASHEL <input type="checkbox"/> W. E. PURCELL <input type="checkbox"/> <input type="checkbox"/> | STATE SENATOR SEVENTH DISTRICT | Vote for 1 Name Only GEORGE E. DUIS <input type="checkbox"/> <input type="checkbox"/> |
| REPRESENTATIVES IN CONGRESS | Vote for 2 Names Only TOBIAS D. CASEY <input type="checkbox"/> O. G. MAJOR <input type="checkbox"/> L. S. PLATOU <input type="checkbox"/> <input type="checkbox"/> | MEMBERS OF THE HOUSE OF REPRESENTATIVES SEVENTH DISTRICT | Vote for 2 Names Only D. M. HOLMES <input type="checkbox"/> G. THOMPSON <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| GOVERNOR | Vote for 1 Name Only JOHN BURKE <input type="checkbox"/> <input type="checkbox"/> | SHERIFF | Vote for 1 Name Only <input type="checkbox"/> <input type="checkbox"/> |
| LIEUTENANT GOVERNOR | Vote for 1 Name Only A. BESANCON <input type="checkbox"/> H. D. MACK <input type="checkbox"/> <input type="checkbox"/> | AUDITOR | Vote for 1 Name Only HANS ANDERSON <input type="checkbox"/> <input type="checkbox"/> |
| JUSTICE OF THE SUPREME COURT | Vote for 1 Name Only B. F. SPALDING <input type="checkbox"/> <input type="checkbox"/> | TREASURER | Vote for 1 Name Only <input type="checkbox"/> <input type="checkbox"/> |
| SECRETARY OF STATE | Vote for 1 Name Only JOSEPH MANN <input type="checkbox"/> B. G. WHITEHEAD <input type="checkbox"/> <input type="checkbox"/> | CLERK OF DISTRICT COURT | Vote for 1 Name Only E. MONTGOMERY <input type="checkbox"/> <input type="checkbox"/> |
| STATE AUDITOR | Vote for 1 Name Only B. F. BROCKHOFF <input type="checkbox"/> <input type="checkbox"/> | REGISTER OF DEEDS | Vote for 1 Name Only <input type="checkbox"/> <input type="checkbox"/> |
| STATE TREASURER | Vote for 1 Name Only J. E. CAMPBELL <input type="checkbox"/> <input type="checkbox"/> | STATE'S ATTORNEY | Vote for 1 Name Only T. R. BANGS <input type="checkbox"/> <input type="checkbox"/> |
| SUPERINTENDENT OF PUBLIC INSTRUCTION | Vote for 1 Name Only W. A. GODWARD <input type="checkbox"/> <input type="checkbox"/> | COUNTY JUDGE | Vote for 1 Name Only <input type="checkbox"/> <input type="checkbox"/> |
| ATTORNEY-GENERAL | Vote for 1 Name Only D. J. O'CONNELL <input type="checkbox"/> <input type="checkbox"/> | SUPERINTENDENT OF SCHOOLS | Vote for 1 Name Only HELEN PRINDE- <input type="checkbox"/> VILLE <input type="checkbox"/> |
| COMMISSIONER OF INSURANCE | Vote for 1 Name Only C. H. ANHEIER <input type="checkbox"/> <input type="checkbox"/> | PUBLIC ADMINISTRATOR | Vote for 1 Name Only OLE DRENGSON <input type="checkbox"/> <input type="checkbox"/> |
| COMMISSIONER OF AGRICULTURE AND LABOR | Vote for 1 Name Only JOHN L. HARVEY <input type="checkbox"/> <input type="checkbox"/> | COUNTY SURVEYOR | Vote for 1 Name Only <input type="checkbox"/> <input type="checkbox"/> |
| COMMISSIONER OF RAILROADS | Vote for 3 Names Only T. J. DOUGHERTY <input type="checkbox"/> J. N. MCGOGY <input type="checkbox"/> H. J. MITCHELL <input type="checkbox"/> LOUIS G. SCHELL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | COUNTY CORONER | Vote for 1 Name Only <input type="checkbox"/> <input type="checkbox"/> |
| DISTRICT JUDGE FOR FIRST DISTRICT | Vote for 1 Name Only C. F. TEMPLETON <input type="checkbox"/> <input type="checkbox"/> | CONSTABLES | Vote for 4 Names Only GEORGE H. BOYD <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| | | JUSTICES OF THE PEACE | Vote for 4 Names Only R. J. PURCELL <input type="checkbox"/> T. E. SMITH <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| | | PRECINCT COMMITTEEMEN | Vote for 3 Names Only <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

separate ballots. The primary election then determines which candidates are duly nominated to represent their party in the regular November election.

Party Committees.—To keep the political parties duly organized and alive between elections, that they may make the regular nominations from year to year, the primary election law contains this interesting provision: At the primary election each voter shall write, in a space left for that purpose, the names of not more than three qualified electors of the precinct for members of his *party precinct committee*. The three having the highest number of votes constitute such committee, and the one having the largest number is the chairman. The chairmen of the precinct committees form the *county committee* of each county. The county committee must meet in August following the primary, and organize by selecting a chairman, a secretary, and a treasurer. This committee also selects some person as a member of the *State central committee*. The State central committee meets in September at the State capital, organizes, and chooses one person as a member of the *national committee*. The State central committee also writes a party platform.

The Boss, Ring, and Machine.—Under the old system there were no primary elections. The same party committees, however, existed then as now. The men who took a prominent part in this committee work (and only a few ever took any interest in it) formed the party organization, and kept the party alive between elections. A party organization was sometimes known

REPUBLICAN WOMEN'S

Primary Election Ballot

"To vote for a person whose name is printed on the ballot, mark a cross (X) in the square at the right of the name of the person for whom you desire to vote."

"To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose."

| VOTE FOR 1 NAME ONLY | |
|--|--|
| SUPERINTENDENT OF PUBLIC INSTRUCTION | FRED E. SMITH <input type="checkbox"/> |
| | WALTER L. STOCKWELL <input type="checkbox"/> |
| | <input type="checkbox"/> |
| COUNTY SUPERINTENDENT OF SCHOOLS | <input type="checkbox"/> |
| | <input type="checkbox"/> |

DEMOCRAT WOMEN'S

Primary Election Ballot

"To vote for a person whose name is printed on the ballot, mark a cross (X) in the square at the right of the name of the person for whom you desire to vote."

"To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose."

| VOTE FOR 1 NAME ONLY | |
|--|--|
| SUPERINTENDENT OF PUBLIC INSTRUCTION | W. A. GODWARD <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| COUNTY SUPERINTENDENT OF SCHOOLS | HELEN PRINDEVILLE <input type="checkbox"/> |
| | <input type="checkbox"/> |

as "the machine." The man who named the candidates (and often one man could do it) was known as the "boss." The immediate circle of advisers of the boss was called the "ring." The boss had the hard and disagreeable task of finding candidates for office—candidates that were likely to win. The boss himself seldom ran for office. Some bosses were good and upright men; some were men with bad reputations. Now it is evident that the primary election aims to do away with the boss by forcing all the voters to express their own choice in nominating candidates, thereby taking the boss's job away from him. But will the voters bestir themselves enough to name their own candidates? If not, then indeed they are not fit for self-government, and must have the old boss over them again.

Independent Nominations.—It is possible for a man to be a candidate on an "independent ticket." By petition of his friends, he may have his name placed on the regular election ballot, in a separate column, marked "Individual Nominations." The trouble with this method is that a candidate without the support of a political party is usually defeated at the election. Yet we have examples of strong men securing election in this way.

The Election.—The qualifications of the voter are determined by the Constitution of the State. He must be a citizen of the United States; aged twenty-one years or over; a resident of the State one year, of the county six months, and of the precinct ninety days.

| OFFICE TO BE VOTED FOR | REPUBLICAN □ | DEMOCRATIC □ | INDIVIDUAL NOMINATIONS | INDIVIDUAL NOMINATIONS |
|---|----------------------|---------------------|--------------------------|------------------------|
| REPRESENTATIVES IN CONGRESS | L. B. HANNA □ | TOBIAS D. CASEY □ | A HAGENDORF, Soc. □ | □ |
| | □ | □ | □ | □ |
| | H. T. HELGESEN □ | M. A. HILDRETH □ | N. H. BJORNSTED, Soc. □ | □ |
| GOVERNOR | □ | □ | □ | □ |
| | C. A. JOHNSON □ | JOHN BURKE □ | I. S. LAMPMAN, Soc. □ | □ |
| | □ | □ | □ | □ |
| LIEUTENANT GOVERNOR | □ | □ | □ | □ |
| | USHER L. BURDICK □ | W. L. RICHARDS □ | J. E. KULSTAD, Soc. □ | □ |
| | □ | □ | □ | □ |
| SECRETARY OF STATE | □ | □ | □ | □ |
| | P. D. NORTON □ | W. F. ROBERTSON □ | G. A. ESVAL, Soc. □ | □ |
| | □ | □ | □ | □ |
| STATE AUDITOR | □ | □ | □ | □ |
| | D. K. BRIGHTBILL □ | PETER C. ROOKS □ | J. SCHOLLAERT, Soc. □ | □ |
| | □ | □ | □ | □ |
| STATE TREASURER | □ | □ | □ | □ |
| | GUNDER OLSON □ | H. L. HALVORSON □ | M. C. WARTENBE, Soc. □ | □ |
| | □ | □ | □ | □ |
| SUPERINTENDENT OF PUBLIC INSTRUCTION | □ | □ | □ | □ |
| | EDWIN J. TAYLOR □ | □ | MRS. E. C. PAINE, Soc. □ | □ |
| | □ | □ | □ | □ |
| ATTORNEY-GENERAL | □ | □ | □ | □ |
| | ANDREW MILLER □ | S. L. NICHOLS □ | A. LESUEUR, Soc., □ | □ |
| | □ | □ | □ | □ |
| COMMISSIONER OF INSURANCE | □ | □ | □ | □ |
| | WALTER C. TAYLOR □ | C. S. WHITTLESEY □ | C. W. MAUDE, Soc. □ | □ |
| | □ | □ | □ | □ |
| COMMISSIONER OF AGRICULTURE AND LABOR | □ | □ | □ | □ |
| | W. C. GILBREATH □ | ALEX. MORRISON □ | E. A. MEYER, Soc. □ | □ |
| | □ | □ | □ | □ |
| COMMISSIONERS OF RAILROADS | □ | □ | □ | □ |
| | O. P. N. ANDERSON □ | J. I. HANSON □ | S. A. JOHNSON, Soc. □ | □ |
| | □ | □ | □ | □ |
| | W. H. MANN □ | GEO. L. MATRER □ | WM. TAMS, Soc., □ | □ |
| REPRESENTATIVES FIFTH LEGISLATIVE DISTRICT | □ | □ | □ | □ |
| | □ | □ | □ | □ |
| | W. H. STITSMAN □ | F. L. WALKER □ | H. N. FISHER, Soc. □ | □ |
| | □ | □ | □ | □ |
| COUNTY AUDITOR | □ | □ | □ | □ |
| | ALBERT A. DAVIS □ | HENRY G. LINK □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY TREASURER | □ | □ | □ | □ |
| | JOHN S. KYLLO □ | C. J. SUNDAHL □ | □ | □ |
| | □ | □ | □ | □ |
| SHERIFF | □ | □ | □ | □ |
| | JOHN W. SCOTT □ | HANS ANDERSON □ | □ | □ |
| | □ | □ | □ | □ |
| CLERK OF DISTRICT COURT | □ | □ | □ | □ |
| | H. A. SHAW □ | M. J. MORAN □ | □ | □ |
| | □ | □ | □ | □ |
| REGISTER OF DEEDS | □ | □ | □ | □ |
| | WM. McLAREN □ | JOSEPH Z. BENSON □ | □ | □ |
| | □ | □ | □ | □ |
| STATE'S ATTORNEY | □ | □ | □ | □ |
| | M. W. SPAULDING □ | FRANK HANSEN □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY JUDGE | □ | □ | □ | □ |
| | A. M. LODMELL □ | □ | □ | □ |
| | □ | □ | □ | □ |
| SUPERINTENDENT OF SCHOOLS | □ | □ | □ | □ |
| | OLGER B. BURTNES □ | TRACY R. BANGS □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY SURVEYOR | □ | □ | □ | □ |
| | L. K. HASSELL □ | □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY CORONER | □ | □ | □ | □ |
| | FRANCES M. WAGAR □ | HELEN PRINDEVILLE □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY COMMISSIONER FIFTH COMMISSIONER DISTRICT | □ | □ | □ | □ |
| | THOS. L. LAWSON □ | □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY JUSTICES OF THE PEACE | □ | □ | □ | □ |
| | J. E. HETHERINGTON □ | □ | □ | □ |
| | □ | □ | □ | □ |
| | ROBERT HADDOW □ | DANIEL MUIR □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY CONSTABLES | □ | □ | □ | □ |
| | AND AAKER □ | R. J. PURCELL □ | □ | □ |
| | □ | □ | □ | □ |
| | THEODORE HOLTON □ | □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY JUSTICES OF THE PEACE | □ | □ | □ | □ |
| | P. McLOUGHLIN □ | □ | □ | □ |
| | □ | □ | □ | □ |
| | F. C. NYE □ | □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY CONSTABLES | □ | □ | □ | □ |
| | RICHMOND FADDEN □ | GEORGE H. BOYD □ | □ | □ |
| | □ | □ | □ | □ |
| | J. C. MAHON □ | □ | □ | □ |
| | □ | □ | □ | □ |
| COUNTY CONSTABLES | □ | □ | □ | □ |
| | J. W. LOWE □ | □ | □ | □ |
| | □ | □ | □ | □ |
| | □ | □ | □ | □ |
| | □ | □ | □ | □ |

WOMEN'S BALLOT

| Office to be Voted for | REPUBLICAN <input type="checkbox"/> | DEMOCRATIC <input type="checkbox"/> | SOCIALIST <input type="checkbox"/> | Prohibition Individual Nominations <input type="checkbox"/> | Independence Individual Nominations <input type="checkbox"/> | Individual Nominations <input type="checkbox"/> |
|--|--|--|---------------------------------------|---|--|---|
| SUPERINTENDENT OF PUBLIC INSTRUCTION | WALTER L. STOCKWELL <input type="checkbox"/> | W. A. GODWARD <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A. E. BOWEN <input type="checkbox"/> |
| SUPERINTENDENT OF SCHOOLS | <input type="checkbox"/> | HELEN PRINDEVILLE <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

We have woman suffrage only in school elections, for the county and State superintendent.

The time of the general election is the first Tuesday after the first Monday in November. Voting is done by secret ballot, known as the Australian ballot. This ballot contains on one sheet a complete list of all parties and all candidates. The voter steps into a private booth and marks his ballot, folds it, and then sees it dropped into the ballot box. Since this is a secret

JUDICIAL BALLOT

| Vote For Three | |
|--|--|
| For Judges of the Supreme Court | W. M. ANDERSON <input type="checkbox"/> |
| | E. T. BURKE <input type="checkbox"/> |
| | CHARLES M. COOLEY <input type="checkbox"/> |
| | S. E. ELLSWORTH <input type="checkbox"/> |
| | CHARLES J. FISK <input type="checkbox"/> |
| | E. B. GOSS <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |

ballot, it is harder to control by corrupt means. Illegal voting or illegal counting of votes—sometimes practiced—is a betrayal of republican government.

There are usually five election officers on hand to see that the voting is pure, namely, one inspector, two judges (one for each political party), and two clerks who keep a record of the names

of those voting, in order to prevent "repeating." In cities, all voters must register some days before election.

Of all countries in the world, we are most liberal in allowing citizens the high privileges of the ballot. The rich and the poor, the educated and the ignorant, all are equal in using the ballot. We have universal manhood suffrage, which is one of the mightiest of educational forces. The safety of our Republic lies in a wise use of the ballot.

QUESTIONS ON THE TEXT

1. Define nominations; show need and methods of nomination.
2. State the chief provisions of our primary election law.
3. Does it "elect"? To what offices does it apply?
4. Is nomination by a primary election a party nomination?
5. Is a nonpartizan nomination now possible?
6. When is the city primary election held?
7. Explain the party committee system as now in use?
8. Explain the terms *boss*, *ring*, *machine*.
9. Show the need of a boss. How is that need met?
10. What way is now provided for nominating a President?
11. Show how a person may be nominated to office without the aid of a political party. Criticize this method.
12. Discuss the election; when held; qualification of voters; woman suffrage.
13. What is the Australian ballot? What are its benefits?
14. Why is illegal voting such a serious evil?
15. What can you say about universal suffrage in this State?

QUESTIONS SUGGESTED BY THE TEXT

1. Who is your precinct committeeman?
2. Who is chairman of your State central committee?
3. Secure copies of sample ballots, both primary and Australian, and note their differences.

REFERENCES

- Hart, "Actual Government," Chs. 4, 5.
Bryce, "American Commonwealth" (1910 ed.,) Vol. I, Chs. 45, 46.

APPENDIX

UNITED STATES SUPREME COURT, 1911

E. D. WHITE, Chief Justice
O. W. HOLMES
CHAS. E. HUGHES
H. H. LURTON
J. R. LAMAR
JNO. M. HARLAN¹
W. R. DAY
W. VAN DEVANTER
J. MCKENNA

NINE CIRCUIT COURTS OF APPEALS, 1911

| <i>Number</i> | <i>Presiding Judge</i> | <i>States in Circuit</i> |
|---------------|------------------------|--|
| 1. | O. W. Holmes | Me., N. H., Mass., R. I. |
| 2. | Chas. E. Hughes | Vt., Conn., N. Y. |
| 3. | H. H. Lurton | N. J., Pa., Del. |
| 4. | E. D. White | Md., W. Va., Va., N. C., S. C. |
| 5. | J. R. Lamar | Ga., Fla., Ala., Miss., La., Tex. |
| 6. | Jno. M. Harlan | O., Mich., Ky., Tenn. |
| 7. | W. R. Day | Ind., Ill., Wis. |
| 8. | W. Van Devanter | Minn., Ia., Mo., Ark., Neb., Colo., Kan., N. Dak., S. Dak., Okla., Wyo., Utah. |
| 9. | J. McKenna | Calif., Idaho, Mont., Nev., Ore., Wash., Hawaii. |

¹ Deceased, October, 1911

ELECTION OF 1888. ELECTION BY A MINORITY

| | POPULAR VOTE | | ELECTORAL VOTE | |
|-------------------------|--------------|-----------|----------------|----------|
| | Cleveland | Harrison | Cleveland | Harrison |
| Alabama. | 117,320 | 56,197 | 10 | — |
| Arkansas. | 85,962 | 58,752 | 7 | — |
| California. | 117,729 | 124,816 | — | 8 |
| Colorado. | 37,567 | 50,774 | — | 3 |
| Connecticut. | 74,920 | 74,584 | 6 | — |
| Delaware. | 16,414 | 12,973 | 3 | — |
| Florida. | 39,561 | 26,657 | 4 | — |
| Georgia. | 100,499 | 40,496 | 12 | — |
| Illinois. | 348,278 | 370,473 | — | 22 |
| Indiana. | 261,013 | 263,361 | — | 15 |
| Iowa. | 179,877 | 211,598 | — | 13 |
| Kansas. | 102,745 | 182,904 | — | 9 |
| Kentucky. | 183,800 | 155,134 | 13 | — |
| Louisiana. | 85,032 | 30,484 | 8 | — |
| Maine. | 50,481 | 73,734 | — | 6 |
| Maryland. | 106,168 | 99,986 | 8 | — |
| Massachusetts. | 151,855 | 183,892 | — | 14 |
| Michigan. | 213,469 | 236,387 | — | 13 |
| Minnesota. | 104,385 | 142,492 | — | 7 |
| Mississippi. | 85,471 | 30,096 | 9 | — |
| Missouri. | 261,974 | 236,257 | 16 | — |
| Nebraska. | 80,552 | 108,425 | — | 5 |
| Nevada. | 5,326 | 7,229 | — | 3 |
| New Hampshire. | 43,382 | 45,724 | — | 4 |
| New Jersey. | 151,493 | 144,344 | 9 | — |
| New York. | 635,757 | 648,759 | — | 36 |
| North Carolina. | 147,902 | 134,784 | 11 | — |
| Ohio. | 396,455 | 416,054 | — | 23 |
| Oregon. | 26,522 | 33,291 | — | 3 |
| Pennsylvania. | 446,633 | 526,091 | — | 30 |
| Rhode Island. | 17,530 | 21,968 | — | 4 |
| South Carolina. | 65,825 | 13,736 | 9 | — |
| Tennessee. | 157,779 | 138,988 | 12 | — |
| Texas. | 234,883 | 88,422 | 13 | — |
| Vermont. | 16,788 | 45,192 | — | 4 |
| Virginia. | 151,977 | 150,438 | 12 | — |
| West Virginia. | 78,677 | 78,171 | 6 | — |
| Wisconsin. | 155,232 | 176,553 | — | 11 |
| Total. | 5,538,233 | 5,440,216 | 168 | 233 |
| Plurality. | 98,017 | | | 65 |

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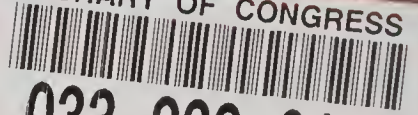
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