

Mr. PRICE. I move we adjourn until 10 o'clock Monday morning.

The motion is seconded and carried, and Commission adjourns.

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## SIXTH DAY.

BISMARCK, *Monday, July 22, 1889.*

The Commission met at 10 o'clock a. m.

All the members of South Dakota Commission present; Messrs. Spalding, Camp, Griggs and Scott of the North Dakota Commission absent.

In the absence of Mr. CAMP, Mr. HARRIS takes the Chair.

Mr. CALDWELL. This is prepared after a consultation with Mr. SCOTT of North Dakota, and it was arranged by joining the resolution offered by Mr. KELLAM with the one previously offered by Mr. CAMP, with such changes in the phraseology as was necessary.

*Resolved,* That it is the sense of this Joint Commission that in execution of the duty imposed upon it by the Act of Congress under which it was created relating to the disposition of the public records, it should provide for copies of such records as will, in its judgment, be required and necessary for the proposed States of North Dakota and South Dakota to inaugurate and continue such States respectively in their several departments, and that an agreement be made by this Commission as to the desposition of both original and copies, and that such agreement shall be reported by the committees from North Dakota and South Dakota to their respective Conventions, with the recommendation that the same be made a part of the Schedule and Ordinance to be submitted with the proposed Constitution for ratification by the people of North Dakota and South Dakota respectively.

Mr. PRICE. I suppose it was agreed upon that each section should bear half the expense.

Mr. CALDWELL. That is to be arranged in the recommendation to the respective Conventions.

Mr. PRICE. That is all right—so it is understood. Mr. CHAIRMAN, I move the adoption of the resolution.

Mr. PURCELL. There is no quorum on the other side, but I presume there is no objection.

Mr. HARRIS. I think that will be satisfactory to everybody.

Mr. KELLAM. Mr. CHAIRMAN: This matter has been pretty thoroughly discussed, and it seems to be the opinion of all that this is, substantially, the judgment of all. I move that a committee of two from each side of this Commission be appointed, whose duty it shall be to examine and recommend to the Commission what records should be copied under the provisions of this resolution.

Mr. HARRIS. That motion receive a second?

Mr. ELLIOTT. I second that motion.

Mr. KELLAM. I want to say in regard to this motion now, I thought if there was somebody here who could agree upon that, they could be at work as soon as we adjourn. We cannot do very much at this session.

Mr. PURCELL. Does your motion limit the number?

Mr. KELLAM. That is the idea I had—I am not particular. Would you have it different?

Mr. PURCELL. Mr. HAYDEN is better qualified than any one of our Commission.

Mr. KELLAM. There would be no objection to Mr. HAYDEN working with the committee. I think the records would, perhaps, be better with the help that is made from the Commission.

Mr. HARRIS. I think the Assistant Secretaries can do a good part of the work.

Mr. PRICE. Let them have such assistance as they want.

Mr. KELLAM. They doubtless would have to select different parties. Would there be any objection to acting upon this motion, and then at any time you can make a selection so they can be at work.

Mr. SANDAGER. Do you suppose the business members of our committee will come here direct from the train?

Mr. PURCELL. I think that they will.

Mr. SANDAGER. I don't think until they come here we ought to take any action.

Mr. HARRIS. I think there will be no trouble about this.

Mr. KELLAM. We might adjourn then, until afternoon. Of course, with no quorum here on your side we can do no business, and we might as well relieve the stenographers, and we might,

however, discuss matters, and we can do it in an informal way without making a record of it.

Mr. HARRIS. I think that would be well, as there can be no business done.

Mr. PRICE. Then discuss the condition of the Territorial Library.

Mr. HARRIS. I was going to say—

There being no quorum present of the North Dakota Commission, the Commission had an informal discussion on various matters, without having a record made.

After discussion the Commission adjourned to meet at 2 o'clock p. m.

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Commission called to order at 2 o'clock p. m., by Mr. CAMP.

All South Dakota members were present. All of the North Dakota Commission were present except Mr. GRIGGS.

Mr. CAMP. I believe there was a sub-committee appointed at the last meeting, to report to this Commission. That will be in order. The Secretary will please call the roll.

Mr. HAYDEN called the roll. All South Dakota members present. Mr. GRIGGS of the North Dakota Commission was absent.

Mr. HAYDEN then read the following report:

*Resolved*, That it is the sense of this Joint Commission that in execution of the duty imposed upon it by the Act of Congress, under which it was created, relating to the disposition of the public records, it should provide for copies of such records as will, in its judgment, be required and necessary for the proposed States of North Dakota and South Dakota to inaugurate and continue such States respectively in their several departments, and that an agreement be made by this Commission as to the disposition of both original and copies, and that such agreement shall be reported by the committees from North Dakota and South Dakota to their respective Conventions with the recommendation that the same be made a part of the Schedule and Ordinance, to be submitted with the proposed Constitution for ratification by the people of North Dakota and South Dakota respectively.

Mr. CALDWELL. I would say it is the resolutions offered by Mr. KELLAM and Mr. CAMP, with such changes as was necessary. I would move the adoption of the report.

The motion is seconded.

Mr. CAMP. You have heard the motion, gentlemen. The roll will be called.

The roll was called and all members voted aye, except Mr. GRIGGS, who was absent.

Mr. CAMP. Under the rule the resolution is adopted.

Mr. PRICE. I move a committee of two be appointed by this Commission—be appointed to report to this Joint Commission how the records shall be divided.

Mr. CALDWELL. And what is necessary to be transcribed?

Mr. PRICE. Yes.

Mr. CAMP. In carrying out this resolution?

Mr. PRICE. Yes, sir, and the cost of the same. Motion is seconded.

Mr. SCOTT. Would it not be better to make it a committee of two from each side?

Mr. PRICE. I am not particular. The clerks can go with them.

Mr. CAMP. The Stenographers have that motion, but perhaps it would be as well to have it in writing.

The resolution was read as follows:

*Resolved*, That a committee of two, one from each Commission, be appointed to examine and report to the Joint Commission what books and records it will be necessary to transcribe, and to also report the probable expense of the same.

Mr. CAMP. You have heard the motion. Are there any remarks? If not, the Secretary will call the roll.

All members present voted in the affirmative. Mr. GRIGGS was absent.

Mr. CAMP. Under the rule the motion is carried. I will appoint as that committee, from South Dakota, Mr. CALDWELL, and from North Dakota, Mr. HARRIS.

Mr. HARRIS. I suggest that you can excuse us, and we can go at the business.

Mr. CAMP. You are excused.

Mr. SCOTT. I would suggest that we dispose of the record part of the business—as to who shall have the original and who shall have the copies. I think, as soon as this Commission determines that, then we will be in a position to definitely decide the matter of public records, and then we will be enabled to finish any other branch of the subject. I make a motion to that effect.

Mr. PRICE. I second that motion. I can speak for myself, and say, as far as I am personally concerned, I don't care how these records are divided, whether South or North Dakota has the

transcribed records. I should be perfectly willing to cast lots to see which should have one and which the other.

Mr. BROTT. I should say further, I would leave it to the North Dakota Commission to say who should have the originals.

Mr. SCOTT offered the following resolution:

*Resolved*, That we now proceed to determine as to who shall have the copies of the public records and who the originals, upon its being ascertained what records must necessarily be copied.

Mr. CAMP. You have heard the motion; are there any remarks?

Mr. MCGILLYCUDDY. I would like to ask Mr. SCOTT if that provides for disposition of all the records.

Mr. SCOTT. That is intended. I take it for granted South Dakota should have such records as pertain exclusively to South Dakota. Copies pertaining to both North and South should be made, and this resolution merely covered who would retain the originals and who should have the certified copies.

Mr. MCGILLYCUDDY. Are there any records that do not properly pertain wholly to either North or South Dakota, and still that will not be necessary to copy?

Mr. SCOTT. I presume that remains for this Committee to determine.

Mr. SPALDING. It seems to me it would be well to defer action on your resolution until the Committee looks up the records, and report how many and what they are. I don't know what condition they are in. If they are in a good condition it is one thing, and if in a poor condition it might be another.

Mr. MCGILLYCUDDY. I don't think that motion fully covers it. There are some of the records that do not pertain wholly to either side, and still there are some not necessary to copy.

Mr. CALDWELL. It seems to me it would be better to let this committee report what the condition of the records may be, as to the necessity for transcription, etc., and after that committee reports this matter suggested by Mr. SCOTT's motion would come up, and the Commission would have such information as it desires to have.

Mr. SCOTT. Of course it is immaterial to me. It only applies to such records as are copied, what we shall do with them, who shall retain the original and who have the certified copy. But it is immaterial to me.

Mr. CALDWELL. I would move the consideration of this

resolution be deferred until after the report shall be made by the special committee appointed to examine the records.

The motion was seconded.

Mr. CAMP. You have heard Mr. CALDWELL's motion, the Clerk will call the roll.

The roll was called and those voting in the affirmative were:

North Dakota—Messrs. Camp, Harris, Purcell, Sandager, Spalding—5.

South Dakota—Brott, Caldwell, Elliott, McGillicuddy, Neill—5.

Those voting in the negative were:

North Dakota—Mr. Scott.

South Dakota—Messrs. Kellam and Price.

Mr. Griegs being absent.

Mr. CAMP. Under the rule the motion is carried, and the resolution is laid on the table awaiting the report of the committee.

Mr. KELLAM. Another item I suppose we should dispose of would be the Public Library; and if no gentleman has a plan or proposition looking to the division of that, and if it seems to be the judgment of the Commission, we can dispose of it more intelligently by having some sort of an idea of its value. Would it not be necessary, or at least desirable, to have a committee appointed to examine the library and report what, in their judgment, is its value? I made inquiry of the Secretary this morning, and he says he has no list or inventory of the books, and don't know what is there except that all is there the Territory has; that he is making an effort through his office to fill up the series of reports or contributions from different States, and is occasionally receiving accessions to the library, but has no foundation for making an estimate by number of volumes or their value.

Mr. NEILL. The Secretary of State?

Mr. KELLAM. Yes.

Mr. CALDWELL. He is the Librarian.

Mr. KELLAM. I don't make it as a motion, but as a suggestion to see whether any gentleman has any different views of the easiest way to get at that matter.

Mr. CAMP. According to all reports the Library has already been sufficiently divided.

Mr. KELLAM. Have to be divided again.

Mr. CALDWELL. Yes, and separated.

Mr. PURCELL. If you gentlemen of the South should hap-

pen to get it, I would advise you to go to the Library at Yankton and you will find the major part of it, with Tripp & French.

Mr. PRICE. We will have to leave Tripp out, PURCELL, he is a Democrat.

Mr. NEILL. Do you mean to say a Democrat could not steal?

Mr. PRICE. He can, but he won't. I presume all the public documents supplied by the authorities at Washington could be very generally duplicated.

Mr. SCOTT. The Journals of the different States can be duplicated.

Mr. HARRIS. I think Mr. KELLAM's way is the proper way to do this, find out the condition it is in and report to the Commission.

Mr. CAMP. Would it not be well to include copies of records that are here, the House and Council Journals compiled—that is, the Session Laws.

Mr. KELLAM. I have no objection to them.

Mr. PURCELL. I second the motion.

Mr. CAMP. You have heard Major KELLAM's motion. If there are no remarks the Secretary will call the roll.

The roll was called, and all members voted in the affirmative.

Mr. CAMP. The motion is carried. Of how many shall the committee consist?

Mr. KELLAM. I think two would be sufficient. I suggest Mr. PRICE of the South Dakota Commission.

Mr. PRICE. I was just fixing that up. The majority suggest Major KELLAM on the part of South Dakota.

Mr. CAMP. And the North Dakota Committee suggest Mr. SCOTT's name.

Mr. KELLAM. I would prefer you go on that Committee, Mr. PRICE.

Mr. PRICE. I would prefer you would, Major.

Mr. CAMP. Mr. SCOTT and Mr. KELLAM will comprise the Committee.

Mr. PRICE. I don't know but we ought to appoint a committee to examine and report to the Commission about any other property lying around loose. I don't know that there is any.

Mr. PURCELL. I suppose there is some property belonging to the militia.

Mr. CALDWELL. It might be in the Adjutant General's report. There is some little property connected with these head-

quarters—such as Railway Commission, Commissioner of Immigration, Superintendent of Schools, and there were lists sent out to the various officials who have charge of this kind of property, to make a return for the benefit of the Commission. I would say I received a telegram from the Secretary of the Railway Commission. I don't know what it takes me for—"Please ship furniture Railway Commissioner office to me at once."

Mr. HARRIS. I move—think the suggestion that a committee be appointed to look up this militia business a good one.

Mr. SCOTT. This includes a part taxed up to North Dakota for the Capital?

Mr. CALDWELL. Except what is in the office of the Commissioner of Immigration. By the way, there is a lot of it brought up here from Yankton that has not been included. A miscellaneous lot of stuff. Perhaps a sub-committee could make it a special matter and inform the Commission regarding it. I think Mr. PURCELL's motion, making it a general motion in regard—we might make one, say in regard to the militia business and another in regard to the miscellaneous property.

Mr. HARRIS. I was thinking, if we could get committees enough the Commission could adjourn.

Mr. KELLAM. I would say, I think the second day we were here the matter of supplies of the officers' headquarters was suggested. Very little was known about whether they had any property that ought to be taken into account in this division, and our Secretary wrote letters to each one of these departments asking them to report what property belonged to the Territory they had in their several offices or under their charge, and we have, I think, responses from nearly all. I got four this noon in the mail. Some of them have little or none, others have some property. If the committee should wish these letters should be turned over—

Mr. PURCELL. And part of this furnish part of that incurred, any indebtedness incurred for furniture?

Mr. KELLAM. What property I had reference to was in the hands of the Adjutant General. I know he has a type writer and desk. I presume there are several officers whose headquarters have property of a similar character. That is what I had in my mind.

Mr. CALDWELL. I just asked Mr. Quinn, ex-Secretary of the Railway Commission with regard to what property that body



had, and he said it consisted of a desk and type writer. And none of that has been included. There is also some property in the office of Commissioner of Immigration.

Mr. SCOTT. There are probably two or three type writers there.

Mr. CALDWELL. I don't know, we have got a statement here.

Mr. SPALDING. My impression is I heard at the time it cost about \$1,600 for the Immigration Commission. It is only an impression, however.

Mr. CALDWELL. There has not been any \$1,500 or \$1,600 put in that. I don't know how much it is.

Mr. SPALDING. Mine was only an impression I heard at the time.

Mr. HARRIS. I move a committee, one from North and one from South Dakota be appointed to examine the records as to militia property.

Mr. BROTT. Why not have it include the other property?

Mr. CAMP. I think, perhaps, they would have a good deal to do to find out just what property belongs to the militia, and that would be sufficient for them. The Secretary will call the roll.

Mr. CALDWELL. This is all immaterial.

Mr. CAMP. If there is no objection we will vote *viva voca*, and roll call will be suspended. Those in favor of the motion will say aye; those opposed, no. The motion is carried unanimously. I will appoint Mr. SANDAGER and Mr. MCGILLYCUDDY as that committee.

Mr. KELLAM. I move the appointment of another committee whose duty it shall be to report what other property belonging to the Territory should be disposed of by this Commission, not covered by these appointments.

Mr. CAMP. Any choses in action.

Mr. KELLAM. Different property distributed around. Moveable property.

Motion is seconded, and carried unanimously. Mr. CAMP and Mr. NEILL appointed as such committee.

Mr. CAMP. Mr. NEILL and myself then, will constitute that committee.

Mr. CALDWELL. Mr. CHAIRMAN: It has been suggested to me by a gentleman, formerly a resident of the Territory, that there was an act passed by Congress granting, I believe, seventy-two sections of land to the Territory of Dakota for university pur-

poses; and whether it has been selected or not I don't know. I think there is a reference to the matter in the Omnibus Bill.

Mr. HARRIS. You don't refer to Ex-Governor ORDWAY?

Mr. CALDWELL. No, to Mr. FLANNERY.

Mr. SCOTT. While I think of it I will suggest—I have been informed there is \$6,000 coming to the Territory from the Federal Government for military purposes. It would be well enough to investigate that matter and see whether or not it is a fact.

Mr. CALDWELL. Section fourteen of the Omnibus Bill: —“An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes are hereby vested in the States of South Dakota, North Dakota and Montana, respectively, if such States are admitted into the Union as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States.”

Mr. SCOTT. Section fourteen says: “There are hereby vested in the States of North Dakota, South Dakota and Montana.”

Mr. CAMP. Is there anything else we can do?

Mr. HARRIS. There may have been a portion of that land selected.

Mr. CALDWELL. It would not amount to anything. Nothing for us to determine. Each State would select its own. There is another matter that possibly ought to have an investigation made, and that is concerning existing accounts against the Territory, as for instance, there is a matter that was spoken of here some time ago, and I think it proper for this body to consider such an account as that of Mr. Long, for this Hand Books account of \$1,500.

Mr. HARRIS. Three accounts from the Railroad Commission.

Mr. CALDWELL. This account of the artesian well business for the Yankton Hospital. If it is of that kind we might have before the Commission—have something like a definite report, so far as that can be found.

Mr. PRICE. Of that, \$37 I didn't get.

Mr. KELLAM. I would make the committee of the unemployed members.

Mr. SCOTT. There will be another, I think, for something.

Mr. CALDWELL. I move a committee of two—one from each side—be appointed for the purpose of collecting information and classifying it regarding claims that may exist against the Territory, and claims in favor of the Territory.

Mr. PURCELL. I second the motion.

Mr. CAMP. You have heard the motion; are there any remarks? If not, those in favor of the motion will say, aye; those opposed, no. The motion is carried unanimously. Committee of North Dakota name Mr. SPALDING.

Mr. KELLAM. We suggest Mr. PRICE.

Mr. CAMP. Mr. SPALDING and Mr. PRICE will comprise that Committee.

Mr. SCOTT. Mr. CHAIRMAN. Inasmuch as it has been suggested to our Committee that there has been, and there is allowed by act of Congress, a certain annual grant for the purpose of permanent improvements of the Agricultural College at Brookings, I suggest a Committee be appointed to see how much the College has received, and put into the permanent improvement fund, from the federal government. That would come in under our old investigation, what amounts had been expended for permanent improvements.

Mr. CALDWELL. You make that as a motion?

Mr. SCOTT. Yes.

Mr. CALDWELL. As that pertains to a matter which has been postponed, why it would seem to me to be a proper thing to have that come up when the matter of Public Institutions come up.

Mr. SCOTT. That will take time and we might as well have the facts now.

Mr. CALDWELL. If the plan should be adopted, as it seems to me proper, that each institution, each State would take such institution as might be located within its boundaries, that could not cut any figure; and in any event it is such a claim as, whatever advantage there may have been in regard to it, has been for the advantage of the entire Territory, and that it could not properly cut any figure in the matter of distribution. Of course, if any gentleman desires to secure information concerning that matter, it unquestionably would be his privilege to do so. But it would seem to me to be recommended by this Commission, of the principle which, as the case stands now, I would not think a matter of proper consideration.

Mr. KELLAM. We have not agreed upon a plan of distribution.

Mr. CALDWELL. I understand that, but think it would in-

volve work, and would not be the proper thing to consider prior to that time.

Mr. HARRIS. Of course this is a matter of assumption on your part. Now, I should think from what you indicate that, inasmuch as the institution to which this money has been appropriated and money has been used as permanent improvements, and inasmuch as it is within the boundaries of South Dakota, and will become the property of South Dakota, and inasmuch as this money was donated by the entire Territory, we certainly would be entitled to something on that ground. It seems to me there ought to be no objection on the part of the Commission to getting at the figures.

Mr. BROTT. I think the gentlemen misapprehends the purpose for which the money was appropriated. As I understand it was for the purpose of a United States Experimental Station, and the money was used for that purpose. It was for the purpose of the United States station at that point, and the money was expended for that purpose.

Mr. CALDWELL. Not a Territorial institution at all, Mr. CHAIRMAN.

Mr. KELLAM. This donation from the general government cost the Territory nothing, no matter how it may have been expended. It would come in the division of these institutions no more than the \$100,000 donated toward the building of the Capitol at Bismarck. But if it is desired to have this information it would be better to provide for it now. But that would have been my view, if the general government appropriated one, two or three thousand dollars for that purpose, and it has cost the Territory nothing; it would be upon the same plane with the \$100,000 which was put in the Capitol here, and that neither should be taken into account. But if the information is desired, we may as well provide for it now.