

erty of the State in which said property is located, and further recommended that the property stored at the Capitol consisting of 944 50-calibre rifles, 80 45-calibre rifles, 35,000 rounds of 50-calibre ammunition, 35,000 rounds of 45-calibre ammunition, 12,000 rifle balls, one case (10) cadet rifles, be equally divided between the States of North Dakota and South Dakota.

The report was referred to the Committee on Final Agreement.

The articles of agreement so far as prepared were read and discussed. After some minor changes and recommendations the report was referred back to the committee for revision and final completion.

Mr. Camp moved that Mr. Caldwell and Mr. Purcell be appointed a committee to draft articles to be presented to the respective Conventions for insertion in the Constitution of the respective States.

Unanimously carried.

Adjourned to meet at 11 a. m., July 31.

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BISMARCK, July 31.

Mr. Camp in the chair.

Members all present.

Committee on Agreement read the additional articles prepared, which after a few verbal changes, were agreed upon.

The committee to prepare the articles for the Constitutions submitted a draft of their report, which after discussion, was referred back to them to be completed.

Mr. Kellam introduced the following resolution:

*Resolved*, That when this Joint Commission adjourns it adjourn to meet at the joint call of the chairman of the respective committees composing this Joint Commission; the time and place of such meeting to be determined by the said chairmen and announced in the call.

Adopted.

Adjourned to meet at 3.30 p. m.

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BISMARCK, July 31, 2.30 p. m.

Mr. Camp in the chair.

The members all present.

The final agreement as prepared by the Commission was submitted, as follows:

WHEREAS, By an act of Congress approved February 22, 1889, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," it was among other things provided that when the Constitutional Convention for North Dakota and the Constitutional Convention for South Dakota, which by said act were duly provided for and authorized, should assemble and

organize as in said act provided, it should be and become the duty of said Conventions respectively to appoint a Joint Commission to be composed of not less than three members of each Convention, whose duty it should be to assemble at Bismarck the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also, to adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and

WHEREAS, The said Constitutional Conventions of North Dakota and South Dakota having been duly elected and assembled and organized in pursuance of and as provided in said act, did, as therein required and provided for the purposes therein specified, appoint a Joint Commission, consisting of not less than three members of each Convention, to-wit: Seven members of each Convention as follows, to-wit:

E. W. Camp, B. F. Spalding, Alex. Griggs, Andrew Sandager, W. E. Purcell, Harvey Harris and J. W. Scott appointed by the Convention of North Dakota; and A. G. Kellam, V. T. McGillicuddy, Henry Neill, E. W. Caldwell, William Elliott, Charles H. Price and S. F. Brott, appointed by the Convention of South Dakota, and

WHEREAS, The said Joint Commission so appointed and composed having duly assembled at Bismarck, as by said act provided, and being now and here so assembled, and having as such Joint Commission duly and carefully considered the several matters which by said act are referred to them for disposition and agreement, do now adopt and confirm the following agreement, compact and Convention, that is to say:

#### I.

This agreement shall take effect and be in force from and after the admission into the Union as one of the United States of America, of either of the State of North Dakota or the State of South Dakota.

#### II.

The words "State of North Dakota" wherever used in this agreement, shall be taken to mean the Territory of North Dakota in case the State of South Dakota shall be admitted into the Union prior to the admission into the Union of the State of North Dakota; and the words "State of South Dakota" wherever used in this agreement shall be taken to mean the Territory of South Dakota in case the State of North Dakota shall be admitted into the Union prior to the admission into the Union of the State of South Dakota.

#### III.

Upon the taking effect of this agreement all the right, title, claim and interest of the Territory of Dakota in and to any public institutions, grounds or buildings situate within the limits of the proposed State of North Dakota as such limits are defined in said Act of Congress, shall vest in said State of North Dakota; and said State of North Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings, and shall pay all warrants issued under and by virtue of that certain act of the Legislative Assembly of the Territory of Dakota approved March 8, 1889, entitled "An Act to provide for the refunding of outstanding warrants drawn on the Capitol Building Fund."

#### IV.

Upon the taking effect of this agreement, all right, title, claim and interest of the Territory of Dakota in and to any public institutions, grounds or buildings, situate within the limits of the proposed State of South Dakota as defined in said act of Congress, shall vest in said State of South Dakota. And said State of South Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings.

## V.

That is to say: The State of North Dakota shall assume and pay the following bonds and indebtedness, to-wit:

Bonds issued on account of the Hospital for Insane at Jamestown, North Dakota, the face aggregate of which is.....	\$266,000 00
Bonds issued on account of the North Dakota University at Grand Forks, North Dakota, the face aggregate of which is.....	96,700 00
Bonds issued on account of the Penitentiary at Bismarck, North Dakota, the face aggregate of which is.....	93,600 00
Refunding Capitol Building Warrants dated April 1, 1889.....	83,507 46

And the State of South Dakota shall assume and pay the following bonds and indebtedness, to-wit:

Bonds issued on account of the Hospital for the Insane at Yankton, South Dakota, the face aggregate of which is.....	\$ 210,000 00
Bonds issued on account of the School for Deaf Mutes at Sioux Falls, South Dakota, the face aggregate of which is.....	51,000 00
Bonds issued on account of the University at Vermillion, South Dakota, the face aggregate of which is.....	75,000 00
Bonds issued on account of the Penitentiary at Sioux Falls South Dakota, the face aggregate of which is.....	94,300 00
Bonds issued on account of the Agricultural College at Brookings, South Dakota, the face aggregate of which is.....	97,500 00
Bonds issued on account of the Normal School at Madison, South Dakota, the face aggregate of which is.....	49,400 00
Bonds issued on account of the School of Mines at Rapid City, South Dakota, the face aggregate of which is.....	33,000 00
Bonds issued on account of the Reform School at Plankinton, South Dakota, the face aggregate of which is.....	30,000 00
Bonds issued on account of the Normal School at Spearfish, South Dakota, the face value of which is.....	25,000 00
Bonds issued on account of the Soldiers' Home at Hot Springs, South Dakota, the face aggregate of which is.....	45,000 00

## VI.

Each State shall receive all unexpended balances of the proceeds of the bonds which it so assumes, whether such balances have been covered back into the treasury or not.

## VII.

All furniture, fixtures, provisions, appurtenances and appliances, tools, implements and other moveable property of the Territory of Dakota, situate in or used in connection with any of said public institutions, grounds or buildings, shall become and be the property of the State or Territory in which such grounds, buildings or institutions may be situated, except as herein otherwise specifically provided.

## VIII.

In case of loss in whole or part of any of the property of the Territory of Dakota prior to the taking effect of this agreement, the state in which such property would have vested if the same had not been destroyed, or in which such property so injured shall vest, shall receive any sums payable upon policies of insurance issued upon such property; and if loss not covered by insurance occurs on any of such property would vest on the taking effect of this agreement.

## IX.

Upon the taking effect of this agreement, all unearned premiums of insurance shall vest in the State or Territory in which the property insured thereby shall vest.

## X.

The States of North Lakota and South Dakota shall pay one-half each of all liability now existing or hereafter and prior to the taking effect of this agreement incurred, except those heretofore or hereafter incurred on account of public institutions, grounds, or buildings, except as otherwise herein specifically provided.

## XI.

Each of said States shall succeed to all rights of the Territory of Dakota upon contracts for public works within such State or upon bonds given to secure the performance of such contracts.

## XII.

All other bonds issued prior to the taking effect of this agreement upon which a cause of action has or shall prior to the taking effect of this agreement accrue to the Territory of Dakota shall be sued upon by the State of North Dakota, and it is hereby made the duty of the said State to sue thereon, and one-half of the penalties or damages collected by said state thereon shall be paid over to the other State, and the costs of such suit or collection shall be borne equally by said States, save as it may be necessary to apply such proceeds otherwise in order to carry into effect the provisions of Article XXI of this agreement.

## XIII.

The furniture, fixtures, appliances and appurtenances used in and about or pertaining to the public offices of the Territory shall be the property of the State within the proposed limits of which said offices are now kept.

## XIV.

The Territorial Library, including such books and volumes as may be added thereto prior to the taking effect of this agreement, shall be the property of the State of South Dakota.

## XV.

One-half of all the copies of the Compiled Laws of the Territory of Dakota, Revised Codes and of all Session Laws, printed Journals of the House and Council of the Legislative Assembly of said Territory, and of other printed reports of officers of the Territory (except those composing a part of said library), remaining undistributed or undisposed of according to law at the taking effect of this agreement, shall be delivered on demand to the proper authorities of the State of South Dakota.

## XVI.

All arms, ammunition, quartermaster's and ordnance stores distributed to and now in possession of militia companies of the Territory of Dakota shall remain in their possession, and all the right, title and interest of the Territory of Dakota in and to such arms, ammunition and stores shall vest in the State in which the armories or headquarters of such companies shall be situated. All 45-calibre rifles and ammunition of same calibre, stored in Capitol at Bismarck and all 45-calibre rifles heretofore issued to Company "F" First Regiment at Bismarck, shall be the property of North Dakota.

## XVII.

All other arms, ammunition, quartermaster's and ordnance stores shall be equally divided between the States of South Dakota and North Dakota.

## XVIII.

All other items of personal property and miscellaneous effects belonging to the Territory, except the territorial library, and the territorial records and archives, shall be divided as nearly equally as possible between North and South Dakota.

## XIX.

The State of South Dakota shall pay to the State of North Dakota \$46,500, on account of the excess of territorial appropriations for the permanent improve-

ment of territorial institutions which under this agreement will go to South Dakota, and in full of the undivided one-half interest of North Dakota in the territorial library, and in full settlement of unbalanced accounts, and of all claims against the Territory, of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of Northern Pacific Railroad lands, and the payment of said amounts shall discharge and exempt the State of South Dakota from all liability for or on account of the several matters hereinbefore referred to, nor shall either State be called upon to pay or answer to any portion of liability hereafter arising or accruing on account of transactions heretofore had, which liability would be a liability of the Territory of Dakota had such territory remained in existence, and which liability shall grow out of matters connected with any public institution, grounds or buildings of the territory situate or located within the boundaries of the other State.

## XX.

Neither State shall pay any portion of liability of the Territory arising out of erroneous taxation of property situated in the other State.

## XXI.

A final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 8, 1889, and South Dakota shall be charged with all sums paid on account of public institutions, grounds or buildings located within its boundaries on the same account and during the same time. Each State shall be charged with one-half of all other expenses of the Territorial government during the same time. All moneys paid into the treasury during the period from March 8, 1889, to the time of taking effect of this agreement by any county, municipality or person within the limits of the proposed State of North Dakota shall be credited to North Dakota; and all such sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed State of South Dakota shall be credited to the State of South Dakota; except that any and all taxes on gross earnings paid into said treasury by railroad corporations since the 8th day of March, 1889, based upon the earnings of years prior to 1888, and by virtue of the Act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, and entitled "An Act providing for the levy and collection of taxes upon property of railroad companies in this Territory," being Chapter 107 of the Session Laws of 1889 (that is, the part of such sum going to the Territory), shall be equally divided between the States of North Dakota and South Dakota; and all taxes heretofore or hereafter paid into the treasury under and by virtue of the Act last mentioned, based on the gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the Territorial Treasury shall be divided as follows: North Dakota shall have so much thereof as shall be or has been paid by railroads within the limits of the proposed State of North Dakota, and South Dakota so much thereof as shall be or has been paid by railroads within the limits of the proposed State of South Dakota. Each State shall be credited, also, with all balances of appropriations made by the Seventeenth Legislative Assembly of the Territory of Dakota, for the account of the public institutions, grounds or buildings located within its limits remaining unexpended on March 8, 1889. If there shall be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each State shall at the time of such final adjustment of accounts, assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or buildings of such state in excess of the receipts from counties, municipalities, railroad corporations or persons within the limits of said State as provided in this article; and if there should be a surplus at the time of such final adjustment, each state shall be entitled to the amount received from counties, municipalities, railroad corporations or persons within its limits, over and above the amount charged to it.

## XXII.

The payment from South Dakota to North Dakota shall be made by South

Dakota's assuming North Dakota's share of current liabilities at the time of final adjustment, to the extent of South Dakota's indebtedness under this agreement, to North Dakota; and if any balance shall remain due to North Dakota from South Dakota, payment of said balance shall be provided for by the first Legislature of South Dakota.

## XXIII.

Upon the taking effect of this agreement all claims for taxes due the Territory of Dakota shall become the property of and may be collected by the State or Territory within the limits whereof the counties are situate against which such taxes stand charged upon the Territorial Treasurer's books.

But this article shall not be held to refer to or govern the disposal of any taxes to be paid by railroad corporations which are specifically provided for by Article XXI. hereof.

## XXIV.

All other claims and demands of the Territory of Dakota outstanding when this agreement shall take effect, the collection whereof is not hereinbefore provided for, shall be sued upon and collected by the State of South Dakota, and the costs of suits so brought and the amounts collected shall be divided equally between the two States of North Dakota and South Dakota.

And said Commission so assembled and acting under and by virtue of the authority upon it by said Act of Congress conferred, further agrees as follows:

## I.

The following books, records and archives of the Territory of Dakota shall be the property of North Dakota, to-wit: All records, books and archives in the offices of the Governor and Secretary of the territory (except records of Articles of Incorporation of Domestic Corporations, returns of election of Delegates to the Constitutional Convention of 1889 for South Dakota, returns of elections held under the so called Local Option Law, in counties within the limits of South Dakota, bonds of Notaries Public appointed for counties within the limits of South Dakota, papers relating to the organization of counties situate within the limits of South Dakota, all which records and archives are a part of the records and archives of said secretary's office; excepting also Census returns from counties situate within the limits of South Dakota and papers relating to requisitions issued upon the application of officers of counties situate within the limits of South Dakota, all which are a part of the records and archives of said Governor's office). And the following records, books and archives shall also be the property of the State of North Dakota, to-wit:

Vouchers in the office or in the custody of the Auditor of this Territory relating to expenditures on account of public institutions, grounds or buildings situate within the limits of North Dakota. One Warrant Register in the office of the Treasurer of this Territory—being a record of warrants issued under and by virtue of Chapter 24 of the laws enacted by the Eighteenth Legislative Assembly of Dakota Territory: All letters, receipts and vouchers in the same office now filed by counties and pertaining to counties within the limits of North Dakota. Paid and canceled coupons in the same office representing interest on bonds which said State of North Dakota is to assume and pay. Reports of gross earnings of the year 1888 in the same office, made by corporations operating lines of railroads situated wholly or mainly within the limits of North Dakota. Records and papers of the office of the Public Examiner of the Second District of the Territory. Records and papers of the office of the District Board of Agriculture. Records and papers in the office of the Board of Pharmacy of the District of North Dakota.

All records, books and archives of the Territory of Dakota which it is not herein agreed shall be the property of North Dakota, shall be the property of South Dakota.

The following books shall be copied and the copies shall be the property of North Dakota and the cost of such copies shall be borne equally by said States of North Dakota and South Dakota. That is to say:

Appropriation Ledger for years ending ending November 1889-90—one volume.

The Current Warrant Auditor's Register—one volume.

Insurance Record for 1889—one volume.

Treasurer's Cash Book—"D."

Assessment Ledger—"B."

Dakota Territory Bond Register—one volume.

Treasurer's Current Ledger—one volume.

The originals of the foregoing volumes which are to be copied shall at any time after such copying shall have been completed, be delivered on demand to the proper authorities of the State of South Dakota.

All other records, books and archives which it is hereby agreed shall be the property of South Dakota, shall remain at the Capital of North Dakota until demanded by the Legislature of the State of South Dakota and until the State of North Dakota shall have had a reasonable time after such demand is made to provide copies or abstracts of such portions thereof as the said State of North Dakota may desire to have copies or abstracts of.

The State of South Dakota may also provide copies or abstracts of such records, books and archives which it is agreed shall be the property of North Dakota as said State of South Dakota shall desire to have copies or abstracts of.

The expense of all copies or abstracts of records, books and archives which it is herein agreed may be made, shall be borne equally by said two states.

## II.

And this Commission further agrees that the two committees composing the same shall recommend to their respective Conventions for adoption as a part of the schedule of the proposed Constitution for the State of North Dakota and the State of South Dakota respectively, the following: That is to say:

"The agreement made by the Joint Commission of the Constitutional Conventions of North and South Dakota concerning the records, books and archives of the Territory of Dakota is hereby ratified and confirmed, which agreement is in the words following. That is to say:" (And then shall follow the words of the article last above written.)

In testimony and confirmation whereof, the said Joint Commission now assembled and acting as such, has caused this agreement to be signed and executed by and on its behalf and as its act and deed, and witnessed by the names hereto by each subscribed of the members comprising said Joint Commission as hereinbefore recited.

Done at Bismarck, Dakota, this 31st day of July, A. D. 1889.

E. W. CAMP,	A. G. KELLAM,
BURLEIGH F. SPALDING,	V. T. MCGILLYCUDDY,
ALEX GRIGGS,	HENRY NEILL,
ANDREW SANDAGER,	E. W. CALDWELL,
W. E. PURCELL,	W. ELLIOTT,
HARVEY HARRIS,	CHARLES H. PRICE,
JOHN W. SCOTT,	S. F. BROTT.

On motion this agreement was adopted by the following vote in the affirmative: Messrs. Camp, Spalding, Griggs, Sandager, Purcell, Harris, Scott, Kellam, McGillicuddy, Neill, Caldwell, Elliott, Price and Brott.

It was moved and seconded that the members do now sign this agreement.

Which motion was adopted.

All the members voting in the affirmative.

And thereupon the members proceeded to sign the same.

The report of the committee appointed to prepare articles to be presented to the respective Conventions of North and South Da-

kota, to be incorporated in the Constitutions of each State report as follows:

## ARTICLE —

## TERRITORIAL DEBTS AND LIABILITIES.

SECTION 1. In order that payment of the debts and liabilities contracted or incurred by and in behalf of the Territory of Dakota may be justly and equitably provided for and made, and in pursuance of the requirements of an act of Congress approved February 22, 1889, entitled "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states," the states of North Dakota and South Dakota, by proceedings of a Joint Commission, duly appointed under said act, the sessions whereof were held at Bismarck in said state of North Dakota, from July 16, 1889, to July 31, 1889, inclusive, have agreed to the following adjustment of the amounts of the debts and liabilities of the Territory of Dakota which shall be assumed and paid by each of the States of North Dakota and South Dakota, respectively, to-wit:

1. This agreement shall take effect and be in force from and after the admission into the Union, as one of the United States of America, of either the State of North Dakota or the State of South Dakota.

2. The words "State of North Dakota" wherever used in this agreement, shall be taken to mean the Territory of North Dakota in case the State of South Dakota shall be admitted into the Union prior to the admission into the Union of the State of North Dakota; and the words "State of South Dakota," wherever used in this agreement, shall be taken to mean the Territory of South Dakota in case the State of North Dakota shall be admitted into the Union prior to the admission into the Union of the State of South Dakota.

SEC. 2. The said State of North Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of North Dakota, and shall pay all warrants issued under and by virtue of that certain act of the Legislative Assembly of the Territory of Dakota, approved March 8, 1889, entitled "An Act to provide for the refunding of outstanding warrants drawn on the Capitol Building fund."

SEC. 3. The said State of South Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of South Dakota.

SEC. 4. That is to say: The State of North Dakota shall assume and pay the following bonds and indebtedness, to-wit:

Bonds issued on account of the Hospital for Insane at Jamestown, North Dakota, the face aggregate of which is \$266,000; also, bonds issued on account of the North Dakota University at Grand Forks, North Dakota, the face aggregate of which is \$96,700; also, bonds issued on account of the Penitentiary at Bismarck, North Dakota, the face aggregate of which is \$93,600; also, refunding Capitol Building warrants dated April 1, 1889, \$83,507.46.

And the State of South Dakota shall assume and pay the following bonds and indebtedness, to-wit:

Bonds issued on account of the Hospital for the Insane at Yankton, South Dakota, the face aggregate of which is \$210,000; also, bonds issued on account of the School for Deaf Mutes, at Sioux Falls, South Dakota, the face aggregate of which is \$51,000; also, bonds issued on account of the University at Vermillion, South Dakota, the face aggregate of which is \$75,000; also, bonds issued on account of the Penitentiary at Sioux Falls, South Dakota, the face aggregate of which is \$94,300; also, bonds issued on account of the Agricultural College, at Brookings, South Dakota, the face aggregate of which is \$97,500; also, bonds issued on account of the Normal School at Madison, South Dakota, the face aggregate of which is \$49,400; also, bonds issued on account of the School of Mines at



Rapid City, South Dakota, the face aggregate of which is \$33,000; also, bonds issued on account of the Reform School at Plankinton, South Dakota, the face aggregate of which is \$30,000; also, bonds issued on account of the Normal School at Spearfish, South Dakota, the face aggregate of which is \$25,000; also, bonds issued on account of the Soldiers' Home at Hot Springs, South Dakota, the face aggregate of which is \$45,000.

SEC. 5. The States of North Dakota and South Dakota shall pay one-half each of all liabilities now existing or hereafter and prior to the taking effect of this agreement incurred, except those heretofore or hereafter incurred on account of public institutions, grounds or buildings, except as otherwise herein specifically provided.

SEC. 6. The State of South Dakota shall pay to the State of North Dakota \$46,500, on account of the excess of Territorial appropriations for the permanent improvement of territorial institutions which under this agreement will go to South Dakota, and in full of the undivided one-half interest of North Dakota in the territorial library, and in full settlement of unbalanced accounts, and of all claims against the territory, of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of Northern Pacific railroad lands, and the payment of said amount shall discharge and exempt the State of South Dakota from all liability for or on account of the several matters hereinbefore referred to; nor shall either State be called upon to pay or answer to any portion of liability hereafter arising or accruing on account of transactions heretofore had, which liability would be a liability of the territory of Dakota had such territory remained in existence, and which liability shall grow out of matters connected with any public institution, grounds or buildings of the territory situated or located within the boundaries of the other State.

SEC. 7. A final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 8, 1889; and South Dakota shall be charged with all sums paid on account of public institutions, grounds or buildings located within its boundaries on the same account and during the same time. Each state shall be charged with one-half of all other expenses of the territorial government during the same time. All moneys paid into the treasury during the period from March 8, 1889, to the time of taking effect of this agreement by any county, municipality or person within the limits of the proposed State of North Dakota, shall be credited to the State of North Dakota; and all sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed State of South Dakota shall be credited to the State of South Dakota; except that any and all taxes on gross earnings paid into said treasury by railroad corporations, since the 8th day of March, 1889, based upon earnings of years prior to 1888, under and by virtue of the act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, and entitled "An Act providing for the levy and collection of taxes upon property of railroad companies in this Territory," being Chapter 107 of the Session Laws of 1889 (that is, the part of such sum going to the Territory) shall be equally divided between the States of North Dakota and South Dakota; and all taxes heretofore or hereafter paid into the said treasury under and by virtue of the act last mentioned, based on the gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the territorial treasury shall be divided as follows: North Dakota shall have so much thereof as shall be or has been paid by railroads within the limits of the proposed State of North Dakota, and South Dakota so much thereof as shall be or has been paid by railroads within the limits of the proposed State of South Dakota; each state shall be credited also with all balances of appropriations made by the Seventeenth Legislative Assembly of the Territory of Dakota for the account of the public institutions, grounds or buildings situated within its limits, remaining unexpended on March 8, 1889. If there shall be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each State shall at the time of such final adjustment of accounts, assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or buildings of such State in excess of the receipts from counties,

municipalities, railroad corporations or persons within the limits of said State as provided in this article; and if there should be a surplus at the time of such final adjustment, each State shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and above the amount charged it.

IN WITNESS WHEREOF, the members of said Joint Commission have subscribed their names hereto, this thirty-first day of July, A. D. 1889, at Bismarck, Dakota.

SEC. 2. And the State of North Dakota hereby obligates itself to pay such part of the debts and liabilities of the Territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of North Dakota as its own debt or liability.

SEC. 2. And the State of South Dakota hereby obligates itself to pay such part of the debts and liabilities of the Territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of South Dakota as its own debt or liability.

On motion the report was adopted by the affirmative vote of all members of the Commission.

Adjourned to meet at 9 p. m.

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EVENING SESSION.

Mr. Camp called the Commission to order.

All of the members were present.

The articles prepared by the Commission and adopted at the afternoon session were presented, and it was moved and seconded that the members of the Commission do now sign the same, which motion was carried by the unanimous vote of the Commission, and the articles were thereupon signed by the Commission.

The following resolutions were presented and adopted:

*Resolved*, That the thanks of this Joint Commission be, and they are hereby extended to the Chairmen of the respective committees, Messrs. Camp and Kellam, for their admirable execution of the duties imposed upon them, and particularly for their labors in the preparation of the final agreement between the two States.

*Resolved*, That thanks are likewise extended to the Clerks and Stenographers of the Commission for the manner in which their duties have been performed

The following resolution was presented and adopted unani-  
mously:

*Resolved*, That the thanks of the Commission be extended to Gov. A. C. Mellett, for the use of his rooms at the Capitol for meetings of this Commission.

The journal was then read, corrected and approved.

On motion the Commission adjourned in accordance with a

resolution passed at this mornings session, subject to the call of the chairman.

Approved

A. G. KELLAM,  
Chairman South Dakota Commission.

EDGAR W. CAMP,  
Chairman North Dakota Commission.

Signed,

ANDREW SANDAGER,  
V. T. MCGILLYCUDDY,  
Secretaries.

L. P. MCCLAREN,  
WM. G. HAYDEN,  
Assistant Secretaries.