

ELEVENTH DAY.

BISMARCK, *Saturday, July 27, 1889.*

The Commission met at 9:30 o'clock a. m.

No meeting was held in the morning, the two chairmen still consulting and not ready to report. Agreed to meet at 2 o'clock p. m.

AFTERNOON SESSION.

The Commission was called to order at 2:30 o'clock p. m., with Mr. CAMP in the chair.

Mr. CAMP. Gentlemen of the Commission, you will please come to order.

The Clerk will the roll.

Camp, here; Griggs, here; Harris, here; Purcell, (Mr. Griggs presented the following proxy signed by Mr. Purcell, and votes yes. "I hereby authorize delegate ALEX. GRIGGS to cast my vote on all questions before the Joint Commission. Signed. W. E. PURCELL.") Sandager, absent; Scott, here; Spalding, absent; all South Dakota members present.

Mr. CAMP. I don't know of any question that will arise. I don't think it will make any difference with the majority vote.

Mr. GRIGGS. In case we come to a final settlement Mr. PURCELL will be in at the death.

Mr. CALDWELL. I don't know anything about it, but it seems to me a proxy would hardly be regular.

Mr. CAMP. But I don't know as it will make any difference.

Mr. CALDWELL. No, I don't know that it will make any difference.

Mr. CAMP. Gentlemen, what is before the meeting?

Mr. BROTT. Would like the report of the committee.

Mr. CAMP. Mr. KELLAM is ready to report for that committee.

Mr. KELLAM. Now, gentleman, I want to say in behalf of Mr. CAMP and myself, that of course this plan we suggest here is

not supposed to be what the agreement will be, even if we agree upon this plan; but it is rather an outline of a general basis of agreement we recommend to the Commission:

GENERAL PLAN OF AGREEMENT PROPOSED AND RECOMMENDED.

Public Institutions. Each State shall take the public institutions located within its boundaries, with all appurtenances, furniture, etc., and shall assume the payment of all indebtedness against the Territory, bonded or funded, on account of such institutions respectively.

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.

The State of South Dakota shall pay to the State of North Dakota \$42,500 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 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 them 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 of the Territory situated or located within the boundaries of the other State.

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

Each committee shall make a sealed statement of the amount it is willing to pay for the undivided half of the Public Library, and the one offering the the larger sum shall take the Library at the sum so offered.

If, on investigation, it appears that the militia property is divided between North and South Dakota companies in proportions nearly equal, then the property is to remain in that State within the limits of which it now is; otherwise it is to be divided as nearly equal as possible.

The final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid to the public institutions located within its boundaries on account of the current appropriations since the same became available; and South Dakota shall be charged with all sums paid to public institutions located within its boundaries on the same account and during the same time. Each State to be charged with one-half of the general expenses during the same time. That all monies paid into the Treasury during this period from about March 11th, to the time of final adjustment, from North Dakota shall be credited to North Dakota, and all such sums paid in from South Dakota for the same time shall be credited to South Dakota, except that all railroad taxes paid into the Territorial Treasury since the date above named for years prior to 1889 (that is the part thereof going to the Territory) shall be equally divided

between North and South Dakota, and the railroad taxes for 1889 shall be distributed as already provided by law, except that so much of said tax as goes to the Territorial Treasury shall be divided as follows: North Dakota shall have so much thereof as is paid by railroads in North Dakota, and South Dakota so much thereof as is paid by railroads in South Dakota. If there shall be any indebtedness at the time of final division, each shall assume its share as determined by the amount paid to each section in excess of the receipts from each section, and if there shall be a surplus at the time of such division, each shall be entitled to the amount it has paid in over the above amount it stands charged with.

The payment from South Dakota to North Dakota, or as much of it as possible, shall be made by South Dakota assuming North Dakota's share of current liabilities at the time of final adjustment, including North Dakota's share of cost of copying records.

It is further recommended that South Dakota and North Dakota pay one-half each of all liabilities now existing but not audited and allowed, except those incurred on account of public institutions.

Each State shall succeed to all rights of the Territory upon contracts for public works within such State, or bonds to secure the completion of such contracts.

Each State shall receive all unexpended balances of the bonds which it is to pay whether such balances have been covered back into the Treasury or not.

Mr. ELLIOTT. Mr. CHAIRMAN: In order to get this proposition properly before the Commission, I move the adoption of the report.

Mr. CAMP. Is that motion seconded?

Mr. SCOTT. Well, I will second it for that purpose.

Mr. CAMP. You have heard the motion. Are you ready for the question?

Mr. CALDWELL. In order that there may be an exact understanding as to the signification of certain references in the report, I would call attention to the fact that there is—that railroad taxes may possibly need be determined in one or two ways; that is to say, when we apply to certain tax, namely of 1888, we might possibly mean either that it was the tax upon the gross earnings of the railroad in 1888, or the year in which the tax was to be paid. I would ask each signification is put to these various names and then the report, this one we speak of, the 1889 tax, is understood to mean the taxes that became collectible in 1889, but which were levied upon the gross earnings of 1888.

Mr. CAMP. My understanding was it meant the erroneously paid taxes under the law of March, 1883, I think.

Mr. CALDWELL. March 7, 1883.

Mr. HARRIS. That is, the 1888 taxes paid in in 1889.

Mr. CAMP. Now there were some taxes delinquent upon the earnings of 1888, more than on those of 1887. This covers all earnings on inter-state commerce up to that time, up to the end of 1888.

Mr. CALDWELL. Just simply so there will be no misunderstanding about it.

Mr. SCOTT. What is understood by the second section of that report; by the first section which says, "all furniture, appurtenances," etc. I want to get at that with reference to the Capitol building. All in the Capitol building is included under that term, is it?

Mr. KELLAM. That was my thought. I didn't have anything in my mind further than it would include the furniture of the Capitol, as it includes the furniture of the other public institutions.

Mr. SCOTT. I didn't know. There was something said the other day about some things I think was in the Capitol, such as the safe.

Mr. KELLAM. There were a few things not covered; those things were covered by this agreement by general appropriations.

Mr. HARRIS. Some furniture in the Railroad Commissioners' office.

Mr. KELLAM. That is not part of a public institution. Any part of the Capitol or furniture.

Mr. CAMP. For instance, there is a table and typewriter in the Capitol; that is the Governor's office, and there is the Railroad Commissioners' office.

Mr. NEILL. We had that question up the other day.

Mr. SCOTT. I had reference more particularly, I think, the most valuable articles was a safe in the Treasurer's office.

Mr. NEILL. Safe and scales.

Mr. KELLAM. I didn't have any particular thought of those items; but that such items of furniture as properly and incidentally belonged to the Capitol, for instance, the furniture of the Governor's office, Auditor's office, Secretary's office, remaining in all those offices. They were proper and necessary to be kept at the Capitol.

Mr. HARRIS. You included in that, the safe in the Treasurer's office?

Mr. KELLAM. I had no thought about that. I don't know whether Mr. CAMP did or not.

Mr. CAMP. No, I didn't particularly.

Mr. CALDWELL. It would be my judgment, just viewing the matter casually, that such furniture as had been purchased for offices regularly maintained in the Capitol building, would be included as a part of the furniture, and furniture we will say in the Capitol building, offices which are maintained elsewhere; that that furniture should go to that office. Of course, this Commissioner of Immigration is maintained now at another point, and likewise the offices of the Railway Commissioners; and it seems to me a proper distribution of the matter would be to—that anything provided for the offices regularly maintained in the Capitol, that that should stay there, and any of this furniture and property provided for offices not maintained in the Capitol should be where the offices are maintained.

Mr. GRIGGS. Where is the office of the Railroad Commissioners now?

Mr. CALDWELL. At Watertown.

Mr. CAMP. As far as I am concerned I would be willing to consider it that way.

Mr. SCOTT. So far as I am concerned I would be willing to consider the furniture in the Commissioner of Immigration's office the property of South Dakota, and if the Railroad Commissioners' furniture is down there, would be willing to consider that; but the furniture we have in the Capitol here belongs to us.

Mr. GRIGGS. That expresses my opinion exactly.

Mr. KELLAM. The furniture that is used as part of the Capitol and its offices, and appliances, should be regarded as the furniture of the Capitol. In regard to the furniture of the Railroad Commission, I don't know how that is at Fargo, but at Aberdeen or Watertown or anywhere else, of course, it would not be a part of the Capitol furniture.

Mr. HARRIS. I think that is what Mr. SCOTT's idea was, too.

Mr. GRIGGS. The furniture that is here belongs to the Capitol.

Mr. HARRIS. My understanding was if their offices are there, the same as Commissioner of Immigration is at Aberdeen—if their office is regularly established there, the furniture that is here should go to the office.

Mr. SCOTT. Well, I would not quarrel about it.

Mr. CALDWELL. That would seem a fair thing to do. The fact is, of course, for a considerable time the property of the Ter-

ritory—that is, these offices in order to run their business, ought to have the furniture at the place the office is maintained.

Mr. GRIGGS. In all probability they have that down there.

Mr. NEILL. They have part, and expect to take the rest when this Commission was appointed. They have referred the matter to us asking us to ship it, but we have paid no attention until disposition was made.

Mr. GRIGGS. One of the Commissioners was here a short time ago and used that room; and I think it is perfectly proper it should be left there. I don't think it is right to take it away.

Mr. MCGILLYCUDDY. How much does that amount to?

Mr. NEILL. About \$175.

Mr. MCGILLYCUDDY. The amount is so small I hardly thought it worth arguing over—five minutes talk about it.

Mr. NEILL. It is not the value as much as the principle involved. There is \$2,000 listed and that is really all South Dakota has got out of it. It is all we ask, and simply ask it to complete these offices already established.

Mr. CALDWELL. It is necessary for them to conduct their business, and they would have to take these or buy some other.

Mr. GRIGGS. It is here and the furniture is here. Gentlemen, I think it is very wrong to move that furniture. The Capital is located here and we can't help it. I think as it is we are sacrificing enough if we get this proposition, because you gentlemen are where—the institutions you have in the South are worth very much more than what we have in the North over and above the bonded indebtedness.

Mr. MCGILLYCUDDY. It would come down to the question who contributed the most, North or South.

Mr. PRICE. It seems to me entirely unnecessary to discuss that.

Mr. NEILL. This matter was suggested the other day.

Mr. PRICE. As far as I am concerned I am willing to let them have the furniture. I don't think we have much use for it either.

Mr. GRIGGS. I will tell you one thing. We do have use for Railroad Commissioners in North Dakota.

Mr. CALDWELL. Yes, that is right; you have.

Mr. ELLIOTT. No doubt of that at all.

Mr. CALDWELL. If we had railroad companies in the South

like you have in North Dakota, it would be a good thing. Up here they try to do something for the benefit of their patrons.

Mr. BROTT. Of course the type writer should be where the office is.

Mr. CALDWELL. I tell you now, the boys have made a most excellent adjustment of things.

Mr. CAMP. The question is upon the adoption of the report. We certainly ought to have more discussion.

Mr. MCGILLYCUDDY. Does the adoption of the report bind it?

Mr. NEILL. Yes.

Mr. ELLIOTT. Now is the time to get your talk in.

Mr. CALDWELL. I ask simply to determine if the division——

Mr. PRICE. It is satisfactory to me; I would like to make a speech as well as any man on earth.

Mr. KELLAM. Under this recommendation South Dakota pays to North Dakota the lump sum of \$42,500; that this payment shall be liquidated in part by assuming certain indebtedness of the entire Territory at the time of the dissolution; North Dakota half, we take it and take a credit of \$42,500; if the copying of these records amount to \$5,000 we pay the whole of it and take a credit of \$2,500.

Mr. SCOTT. I feel just this way, I want this thing straightened up. Of course, it was necessary to get a great many facts and look the business up, and we were not posted. It took considerable length of time to be in a position to make any proposition. I don't want to stand out for any small difference between us, for I think the Territory is too great, and its resources are too grand to let the Commission, an honorable Commission like this, dispute over small sums. Now, our original proposition was an amount in the aggregate, \$100,000. I have discussed this matter over with our Chairman, and the rest of the members of the Commission have done the same. I want to see a settlement. I thought that the settlement should at least be the round sum of \$50,000. It has, cutting it in two just exactly; and that is the way I feel about it; and I should be in favor, so far as I am concerned, of making the sum, if it was changed from \$42,000 to \$50,000. But I really think then, that the boys from the South here have got the best of us. At the same time I want to see the settlement go through and without any further delay. We should draw our stipulations up and be ready to report the early part of

next week and let you gentlemen get home to your duties there. It is an inconvenience to us and I am sure much more of an inconvenience to the members from the South. But I do think the report should be so amended that \$50,000 should be inserted in the place of \$42,500.

Mr. CALDWELL. There is just one question I would like to ask in regard to this matter of railroad tax. Now it says in there, the tax of 1889 shall be divided equally between North Dakota and South Dakota. Does that mean according to where it came from?

Mr. KELLAM. No, it doesn't say so.

Mr. CALDWELL. I mean the 1889 taxes divided according to the sources from which it comes. Is the tax of 1889, understood as including anything else than the assessment upon the gross earnings of 1888?

Mr. CAMP. That is all.

Mr. CALDWELL. That is all.

Mr. CAMP. Due after March 11, 1889.

Mr. KELLAM. I think Mr. CAMP and I agreed to cover under the first clause all taxes in arrears; that is, taxes that should have been paid before 1889, and in the other, all taxes that should be paid in 1889.

Mr. CAMP. Everything in arrears up to March 11, 1889. Everything due or shall become due since March 11, 1889, as divided.

Mr. CALDWELL. As I understood it, the tax on the gross earnings of 1888, and delinquents prior to that time, is divided into two payments in 1889, one payment about the 7th of April, the other about the 15th of August.

Mr. CAMP. The law says within thirty days after the passage and approval of the act all arrears shall be paid.

Mr. CALDWELL. It was not the purpose to take or to divide the penalties in two payments.

Mr. CAMP. No.

Mr. CALDWELL. That fixes that point.

Mr. NEILL. That's all straight.

Mr. CALDWELL. Yes.

Mr. CAMP. I would like to hear a more general expression all around.

Mr. MCGILLYCUDDY. This \$8,000, or \$7,500, seems to be a question in Mr. SCOTT's mind, the difference between \$42,500 and \$50,000; you take and compare that to the amount involved; some-

thing over \$2,000,000 is very small, hardly worth taking into consideration. The Chairmen of the two committees of North and South Dakota made at the request of the two committees as an arbitration committee a report, and tried to come to some definite understanding. So far as I am concerned I am willing to stand by it. But to raise that amount \$500 I should certainly vote no.

Mr. KELLAM. I don't know whether I ought to say anything or not, but it is only in reply to the suggestion of Mr. SCOTT. I don't know which side would get the advantage, or whether there would be any advantage, and I don't think that it is possible for any man to tell which side would get the advantage whether we settled upon the basis of no payment, each territory taking its institution without any payment either way, or whether we settled upon the basis we suggested the other day, or settled upon the basis of payment of \$42,500. Now, I don't, for myself, agree to the proposition of paying \$42,500 because I believe that is just the amount we ought to pay; but simply because we have agreed upon that amount as a sort of compromise of the claims of both sides. I know this, that at least two of the members of our Commission only will consent to the amount of \$42,500, because the matter was rather left to us, Mr. CAMP and myself. These two gentlemen say we would like to vote no, because we would like to be upon the record "no" when it goes South; but at the same time, having entrusted this matter to you and Mr. CAMP, if you agree to it, we shall. And I am satisfied this is the only consideration for two of our members. I say again, I don't agree to that, and I don't suppose Mr. CAMP does, and I don't suppose any man on the Commission does, because he thinks it is the exact amount between us. My own judgment would be that a fairer settlement would be upon a much less sum, and still I don't know as it would. I simply say we are delaying this matter unless we can approach each other in the spirit of compromise and concession, and we cannot make any settlement. Now, when we came here we thought our proposition was a fair one. I have no doubt you thought your proposition was a fair one. We naturally looked at these matters from our different standpoints, and this amount we have arrived at, we did it in an endeavor to reach a settlement of these adverse claims. Now, I really think that the gentlemen of the North Dakota Commission should sympathize somewhat with Mr. CAMP and myself in this matter. This is the second time the matter has been left

with us, and the second time with rather a tacit understanding that we, knowing the feeling of our respective Commissions, would recommend such a compromise as would probably be acceptable. All I intended to say was that two of our Commission are not at all satisfied with the amount we have recommended, and only do it, as they say, for the sake of harmony and out of deference to the judgment of the committee.

Mr. CAMP. GRIGGS, we have not heard from you yet.

Mr. MCGILLYCUDDY. Forty-two thousand five hundred dollars sounds better than \$50,000. It seems to me there must have been some——

Mr. GRIGGS. Mr. PRESIDENT: I move that the report be amended so it will say \$50,000 in lieu of \$42,500.

Mr. SCOTT. Yes, I will second the motion. Now, it is not out of disrespect for Mr. KELLAM or Mr. CAMP.

Mr. KELLAM. I will not charge up anything.

Mr. SCOTT. Our original proposition was \$100,000, and, of course, that is on our record, as it is on yours. Naturally, when it comes to be investigated and looked over, the question will arise, how is it the North Dakota boys came down from \$100,000 to \$42,500. Of course, it would be an easy explanation to say, why, the South Dakota proposition was to call it square. Our proposition was to have \$100,000, and we just split the difference for the sake of arriving at a settlement.

Mr. BROTT. Might say you started too high.

Mr. SCOTT. I don't think they are liable to do that,

Mr. CAMP. The question is on the amendment to the motion to adopt the report. Any further remarks? If not the Clerk will call the roll.

Camp, I would like to pass; Griggs, yes; Harris, yes; Purcell, yes (by Griggs); Sandager, yes; Scott, yes; Spalding, absent; Kellam, no; McGillicuddy, no; Caldwell, no; Brott, no; Elliott, no; Price, no; Neill, no.

Mr. CAMP. Under the rule the motion is lost. The question recurs upon the motion to adopt the report of the committee. If there are no further remarks the Clerk will call the roll.

Camp, yes: Griggs, ——

Mr. SCOTT. I would suggest the Clerk call the names of the South Dakota Commission first.

Mr. NEILL. All right.

Kellam, yes; McGillycuddy, yes; Caldwell, yes; Brott, no; Elliott, yes; Price, yes; Neill, yes.

Camp, yes; Griggs, Mr. GRIGGS. Well, out of respect to their feelings I will vote yes; Purcell, yes (by Griggs as proxy for Purcell); Sandager, absent; Scott, yes; Spalding, absent.

Mr. BROTT. I move we make this unanimous.

Mr. KELLAM. Mr. BROTT, this is for the South Dakota Commission and not for the North Dakota Commission. It would please me, still I don't think myself it is a settlement we will get any glory out of down South. I don't want you to go down there and say you protested against this. All our Commission rather have it unanimous.

Mr. BROTT. I will change my vote to yes.

Mr. KELLAM. I don't want you to do it if you don't want to.

Mr. BROTT. I can stand all the glory I will get.

Mr. CAMP. The next thing will be to draw up a formal agreement which will be recommended to be adopted by the two Conventions. But we have yet to find out about the militia and to go into the details of this division of the property of the offices. We had better arrange to—

Mr. CALDWELL. Would it not be well to have, at this time, the report of the Committee on Records.

Mr. PRICE. I want to introduce this motion at this time: "The Chairmen of the respective Commissions shall prepare and present to the Joint Commission the final agreement."

Mr. SCOTT. I second the motion.

Mr. CAMP. You have heard the motion. If there are no remarks, all in favor of the motion say aye; opposed, no. The motion is carried.

I think it would be a good plan to have the report of the Committee on Records.

The following report was read by Mr. CALDWELL:

BISMARCK, July 24, 1889.

To the Joint Commission of North and South Dakota:

GENTLEMEN: Your sub-committee appointed to suggest an agreement for disposition of the archives, records and books of the Territory, as provided in sections five and six of the Enabling Act, would respectfully recommend:

First. That certain records as herein indicated should be transcribed—the originals to be allotted to one of the States and the copies to the other, by such arrangement as may be arrived at by the Commission.

Second. That such books, files, etc., as refer particularly to either section shall be allotted to that section, where a division of said files is possible.

Third. That in case of files, correspondence, etc., which shall refer to the two sections in general; that such files, correspondence, etc., shall be grouped in convenient lots, and said groups to be selected from by the respective sections alternately; the first choice to be determined by lot.

Fourth. That where transcription is recommended, the expense thereof shall be divided equally between the two sections.

Fifth. The more particular details as to this agreement are given below:

RECORDS TO BE TRANSCRIBED.

Secretary's Office: Two volumes Railroad, Deeds, Mortgages and Leases, twenty-seven volumes Foreign and Domestic Incorporation Records, three Notarial Commission Records, one General Executive Record, one Record of Appointments, one Record of Elections.

Auditor's Office: Six volumes Appropriation Records (Ledgers), one Executive Record, one volume Insurance Record, 1889, Articles of Domestic and Foreign Insurance Companies.

Treasurer's Office: Three Cash Books, one Journal, two Ledgers, two old books—Journal and Cash Book and Ledger, one Bond Register.

Governor's Office: One Requisition Record; one Executive Record.

Adjutant General's Office: Record Books.

Supreme Court Records: Record Books.

TO BE DISTRIBUTED ACCORDING TO LOCALITY.

Secretary's Office: Election Returns, Constitutional Conventions and Local Option; Application and Bonds of Notarial Commissions; Enrolled Bills of Local Application; Applications for Pardons; Articles of Domestic Incorporation; Papers relating to Organization of Counties.

Auditor's Office: Vouchers of Local Application; One Bond Register, County Bonds, South Dakota.

Treasurer's Office: One Warrant Register, to go to North Dakota; Letters to be divided by Counties, and Vouchers and Receipts the same; Bonds, Coupons paid; Railroad Report of Gross Earnings; Canceled Bonds, South Dakota.

Public Examiner: Records to go to section where located.

Boards of Agriculture: Records.

Dental Examiners: Records.

Boards of Pharmacy: Records.

Governor's Office: Census returns; requisition papers.

Commissioner of Immigration: (Nothing.)

TO BE DIVIDED BY LOT.

SECRETARY'S OFFICE.

No. 1. Correspondence, including Letter Files and Letter Books.

No. 2. Bills introduced in Legislature to date, House and Council Journals and Bill Books.

No. 3. Enrolled Bills of General Application.

No. 4. Applications and Affidavits of Foreign Loan and Building Associations.

No. 5. Proclamations of Governors.

- No. 6. Oaths of Office, Commissioners of Deeds.
 No. 7. Oaths and Bonds of Territorial Officials.
 No. 8. Articles—Foreign Corporations.
 No. 9. Articles not Specified.

GOVERNOR'S OFFICE.

- No. 8½. Two volumes Visitors' Registers.
 No. 9½. Official Correspondence, Letter Files and Letter Books.
 No. 10½. Lincoln Memorial.
 No. 11½. Articles not specified.

AUDITOR'S OFFICE.

- No. 10. Warrant Register.
 No. 11. Warrant Stubs and Redeemed Warrants.
 No. 12. Vouchers other than those of Local Origin.
 No. 13. Six volumes Insurance Records.
 No. 14. Letter Files and Letter Books.
 No. 15. Abstract of Assessment Roll. (One copy is with Auditor and the other is with Treasurer.)
 No. 16. Annual Statements and Correspondence with Insurance Companies.
 No. 16½. Articles not specified.

TREASURER'S OFFICE.

- No. 17. Two Warrant Registers with Auditor's Receipts.
 No. 18. Five Letter Books.
 No. 19. Stub Receipts given for Railroad and other funds paid in.

ATTORNEY GENERAL'S OFFICE.

- No. 20. Letters and papers.
 No. 21. Commissioner of Immigration. Letters and Papers.

VETERINARY SURGEON.

- No. 22. Letters and Papers.

RAILROAD COMMISSIONERS.

- No. 22½. Letters and Papers.

BOARD OF HEALTH.

- No. 23. Letters and Papers.

ADJUTANT GENERAL'S OFFICE.

- No. 24. Correspondence, etc.

Respectfully submitted,

HARVEY HARRIS, } Committee.
 E. W. CALDWELL, }

Mr. CALDWELL. Supreme Court Records: With regard to them I don't know what would be absolutely necessary to be transcribed. The Committee asked Mr. HAYDEN to see the Superintendent of Public Instruction with regard to the records in his

office, and he says there are some two or three record books pertaining indiscriminately to North Dakota and South Dakota, and it is the judgment of Mr. ROSE that these ought to be copied.

Mr. CAMP. Is not there another department of Education down South?

Mr. CALDWELL. No. There is a Board of Education, the General Superintendent and two assistants, and the General Superintendent is in North Dakota and the two assistants down there. It is a Territorial Board of Education, really. I wanted to say, at the time of the appointing of this committee, it was the judgment of the Commission that these corporation records should be copied, and so I coincided with brother HARRIS' views and reported in favor of that. My judgment is against copying all those, and I make this explanation in regard to that, that when I might say something against it, that it might not seem inconsistent with the recommendation. In regard to a good many, particularly of the Domestic Corporations, the original articles as forwarded to the office of the Secretary were returned to the party after transcribing into the records of the office. It is only that consideration that leads me to think there is a justification, probably, of the copying of the records. Particularly is it the case with regard to incorporation—charters of incorporations; and where the corporations were doing a general business, why they in a business way would send up here their original articles and keep a duplicate; they would send up here their original articles, and out of deference and request from them, the Secretary has in many cases returned them.

Mr. CAMP. Would it not be possible to copy just the South Dakota corporations?

Mr. CALDWELL. The difficulty would be the corporations have secured the privilege of doing business in the Territory, and there might be some question as to its powers under the charter. It is a very close question and a great many considerations both ways. To some it will be this: just a question of economy on one side and possible use.

Mr. CAMP. There is another question I want to ask, and that is, have you recommended those volumes which are necessary in order that the States may respectively commence operations?

Mr. CALDWELL. That matter was—that distinction was most emphatically sat down upon by the Commission by the resolution I introduced, and was voted down; and then

the expression of the Commission was in favor of copying, not only such books as should be necessary—absolutely necessary for the respective States to commence business, but also to copy anything that in their presumption might be desirable to copy hereafter.

Mr. SCOTT. I understood the committee would recommend such as should be copied immediately—for immediate use, such as must eventually be copied.

Mr. CAMP. That is what I supposed.

Mr. CALDWELL. We believed we were to report together. It was Mr. HARRIS, I believe, who introduced the resolution, and he said it was his object to take and recommend the copying now of anything that would be necessary to copy.

Mr. HARRIS. My idea is this: The Territorial officials are here and everything is in shape to do this work. If these States are to go into operation and all these books, records and vouchers in the offices are packed away, and these officials cease to have them in custody and go back to their respective homes, we would be in a bad shape to get this work done and have it certified to by the men who have charge of the records. What is necessary to be copied should be done now, before they leave the offices, and can certify to the records.

Mr. ELLIOTT. That was my understanding at the time the resolution was adopted. What records were necessary for the States for their immediate use should be copied first.

Mr. SCOTT. Returning again to those twenty-seven books, what size books are they?

Mr. CALDWELL. Of about 500 pages each, averaging three folios to the page; cost about \$150 apiece to copy them.

Mr. SCOTT. Now, what actual use, what legal use or necessity is there for copying them?

Mr. CAMP. Why can't the State of North Dakota make the corporations pay for them?

Mr. CALDWELL. They could not do that; they have secured the vested right to do business in the Territory.

Mr. KELLAM. I confess in this matter that my views have been modified back and forth two or three times with reference to these records. I can see a great deal of force in the suggestion of Mr. HARRIS, that what seems must be done first or last, might as well be provided for now; and still I think that we are always anxious to avoid as much expense for the two States as we can.

This thought occurred to me—I don't know now as I would be in favor of it—still it is a thought I think worth considering. To select such books as are indispensable to both the new States to inaugurate State governments in the several departments, which would be—I don't know sufficiently about the methods of book-keeping to know, but suppose we select the last Journal and Ledger, the one now in use in the Auditor's office, and Treasurer's office and Secretary's office, as they will be indispensable to each new State in starting off in business, and then to make an agreement that either one State or the other should hold the entire records of this Territory as trustee for both States without compensation further than they individually may be entitled to fees for certifying, or the copying as he is now, with the further provision that if at any time within a stated term the Legislature of the State not having the custody of the books, desires copies of them made, that then such copies shall be made, and the expense borne equally by the two States. It is hard for me to get over the force of the suggestion of Mr. HARRIS; and still I know, speaking for myself and the locality I go back to, I know that it is going to require a good deal of argument on the part of this Commission to justify our action in this Joint Commission, and you gentlemen say the same thing. Now, if we take such action in copying the whole complete set, the first question will be asked, what is going to be the expense? Well, I say, as nearly as we can estimate, ten, twelve or fifteen thousand dollars. Well, what do you get back for it; what necessity was there for it? Now, I am anxious, for myself, to avoid that possible criticism; and still to many men it would be a complete answer to repeat the argument of Mr. HARRIS. I think the other plan the better of leaving the entire records as they are except providing for such copying as we shall need in South Dakota and North Dakota, or else provide copies for North Dakota, and South Dakota take the entire records, with the agreement that the State shall hold them; shall be considered the trustee of the two States—each side having equal access and being equally the property of both States; with the agreement that within a stated time the State not having them may indicate what copies they want, and that that shall be the assertion of their right to have copies made whatever the expense is, and each State shall bear one-half the burden.

Mr. CAMP. One item, twenty-seven volumes at 10 cents a

folio; we would have to pay \$4,000 for copying those Corporation Records.

Mr. KELLAM. Then there is another thing I don't like, Mr. CALDWELL. Your judgment ought to be better than mine, but I don't like the idea of "chopping" up those vouchers and paid warrants. Of course, so far as the bonds are concerned, actually paid and cancelled, if each State wants its own bonds, there will be no objection to "chopping." I would rather it would go to one State or the other. There would be no difficulty in the parties interested in any state applying for such information as they wanted at the office, either in North or South Dakota.

Mr. SCOTT. Make it obligatory to those in possession to give any information concerning them. It would be no greater trouble for men in South Dakota to write up to Bismarck than to write to any Capital in the Territory.

Mr. PRICE. No, but it would make a difference to South Dakota men who don't visit the Capital.

Mr. CALDWELL. Two records of the contents of warrants in sequence—in one book they are entered in regular sequence by their order.

Mr. KELLAM. What is the object?

Mr. CALDWELL. I know it is a very frequent experience that they will write to the office and want to know about a warrant of a particular number; they ask you to what fund did you charge warrant No. 22,312. Shows the necessity of being able to find readily the warrant. If the warrant register go to one place and the stubs to go to the other there would be the same information in both sections.

Mr. CAMP. While you were reading that report this thought suggested itself to me: that is the necessity of dividing up a particular office. You might arrange that all the reports, say of the Treasurer's office, shall stay at one place; all the records of the Auditor's office stay in another.

Mr. CALDWELL. Well, that same idea was suggested to us, and the thought was this: that it is trusting so much of it to one, that when the thing was done, why, the side which happened to draw the longest straw would have much the best of it. I think I would prefer the Secretary's office, if I had my choice.

Mr. CAMP. You could make a lump of two or three of the minor offices. That is, a group together.

Mr. CALDWELL. Yes, I should regard the records of the Secretary's office as the first choice.

Mr. KELLAM. Are there any questions for information going to the Auditor, for instance, in which to answer he has to have access to the records of either of the other departments.

Mr. CALDWELL. No, sir. Occasionally there are some questions in which it is necessary to consult the records of both the offices of the Auditor and Treasurer.

Mr. KELLAM. That is what I meant, whether there would be any inconvenience resulting from a separation of these records—putting the records of the Auditor North and the records of the Secretary's office South; or whether there would be any advantage in keeping these records together as kept now, or whether there would be any inconvenience resulting from a separation of the Auditor's office to one and the Treasurer's office to another.

Mr. CALDWELL. I don't think there would be any more inconvenience than is incident to separation.

Mr. PRICE. I suggest to Mr. HARRIS that the extra expense in having complete records of all the Territorial records will not exceed \$5,000.

Mr. SCOTT. Six thousand dollars.

Mr. PRICE. Say \$7,000.

Mr. SCOTT. You could not have them copied for \$20,000.

Mr. PRICE. It amounts to about 2 cents for every woman and child in the Territory of Dakota. But this Commission is sent here to adjust the affairs of this Territory. The records are part and parcel, and everybody is interested, and everybody will be interested. Now, here is something we ought to take into consideration: If we don't provide for the copying of these records, just as sure as the Legislature in North Dakota meets, just as sure as the Legislature in South Dakota meets, some enterprising officers will get a bill through the Legislature providing for the copying of the records. They can go before the people with their pleasure plan, and say they ought to have it. As long as we have got to buy these records—it is only a question of time when we have to buy them—I would like to have this debt divided. What belongs to one side belongs to the other, and nothing will satisfy me except a complete record of everything.

Mr. SCOTT. Now, do you think a complete record of everything could be made for \$15,000?

Mr. CALDWELL. I don't think it could be made for \$50,000.

Mr. PRICE. I was speaking of the Secretary's office—

Mr. CALDWELL. If we made a complete record of the Secretary's office—what is there so far as a matter of history more important than the proceedings of the Legislatures.

Mr. PRICE. They are all printed.

Mr. CALDWELL. There are four sessions that are not printed.

Mr. HARRIS. We are speaking of the original bills.

Mr. CALDWELL. You see—

Mr. CAMP. I would renew my original suggestion which is the same the committee has suggested, that is, that the vouchers pertaining to the Yankton asylum go south, and vouchers pertaining to North Dakota Hospital should stay here. The vouchers for the Sioux Falls Penitentiary go south, and the vouchers for the Jamestown Asylum go north. So far all right. Then as to other matters, those pertaining generally to the Territory, remain here; then South Dakota can provide for copying any it chooses at its first session. That would cover those twenty-seven volumes of Corporation Records, and then we provide for copying so much as is absolutely necessary for the States to commence business.

Mr. PRICE. That ought to be done at first, of course.

Mr. CALDWELL. That doesn't include more than half.

Mr. HARRIS. The expense would be very light for the records for the States to begin business. If the first session of the Legislature of South Dakota might make provision for having it done, let us make provision here for North and South Dakota; however, if the Legislature down there will make provision for having it done, then all right, if the copies are worth more than the originals. There is a large volume of stuff in those Incorporation Records, a great deal never used. Still the question will come right up the first thing on being a State. They want copies of those things—they can send to North Dakota.

Mr. SCOTT. They would have to send to the Capital of North Dakota for them.

Mr. PRICE. The Auditor informs me that he gets inquiries very frequently about matters that, without these records, the Auditor could not get the desired information.

Mr. KELLAM. I am in favor of copying such records as are absolutely necessary now; we then determine by lot whether the records remain here or go to South Dakota; or I would be willing to do as Mr. CAMP suggests, take the records of one office remain-

ing here; records of another office go South. All these records are so independent of each other that they don't have to be used in connection.

Mr. CALDWELL. They don't amount to anything.

Mr. KELLAM. That perhaps would be fair if they are independent of each other.

Mr. PRICE. To get this before the Commission, I move that this report be amended by inserting under the title "Records to be Transcribed" the Warrant Register in the Auditor's Office.

Mr. CAMP. Just put that in writing, Mr. PRICE.

Mr. PRICE. I talked with the Auditor about this when the matter was under consideration, and he told me there was a good many vouchers in the office of a general nature that could not be divided—those relating particularly to certain institutions could be divided, and vouchers of a general nature could not be divided.

Mr. SCOTT. It is evidently for the interest of these officials to get as much transcribing as possible.

Mr. CALDWELL. He has taken up a lot of stuff that would be an interesting thing to have, and I should personally very much like to have it, but it would make a stack of stuff; you can see a vault full of it in there, going back to the beginning of the history of this Territory, and involving an amount of work nobody can possibly estimate. Over 22,000 warrants, each a separate voucher, and in some instances the entries will amount to 100; take, for instance, the vouchers of the transportation of insane patients to the hospitals; that voucher, it is a closely printed blank, legal cap.

Mr. PRICE. What's the matter with using the blank?

Mr. CALDWELL. There are some would go to work and get a different form. Each warden has a different form.

Mr. PRICE. If there are as many as you state we could probably get them.

Mr. CALDWELL. That probably amounts to 1,000 of them; and so far as pay for transcribing, they will get just as much for printed blanks as they do for written stuff.

Mr. PRICE. I believe our action would be approved by the people of this Territory, by supplying each section of it with true copies of the records of the Territory.

Mr. SCOTT. But such a mass of stuff as that, Mr. PRICE, I don't believe we would be justified in copying.

Mr. CALDWELL. Some of these records reach back to the time when the Territory of Dakota included Wyoming and a good share of Montana and Idaho.

Mr. PRICE. That is a nice matter of history. The Bible reaches back a long ways, but it is a good thing.

Mr. BROTT. Very few read it.

Mr. SCOTT. What interest is it to North or South Dakota to know how much a certain sheriff charged to the county two years ago for bringing an insane patient to the Jamestown Asylum, or taking them down to Yankton?

Mr. CAMP. That is going to the institution.

Mr. CALDWELL. No, there are general vouchers.

Mr. PRICE. If I can't get any second to the amendment, I move the adoption of the report. I will explain about these warrant registers. These warrant registers show number and date of the issue, to whom issued and on whose account. Now, these stubs, my friend has a notion to divide into groups. They don't show when the warrant was redeemed; it is not a complete record; you take it separate and apart from the register and it don't amount to anything.

Mr. CALDWELL. I would say in regard to that, here are the reports of the Auditors going back as far as the warrant register; they show identically the same information. There is a copy of the warrant register showing the number of every warrant and day issued, and person to whom issued and the purpose for which it was issued, and the date of its redemption.

Mr. SCOTT. That would be complete enough.

Mr. GRIGGS. Certainly.

Mr. PRICE. Well I make another motion. I move that the original records be retained by North Dakota.

Mr. CAMP. The first motion is in order.

Mr. CALDWELL. Mr. CHAIRMAN: I am not now prepared to vote for that report as it is, notwithstanding my name was signed to it.

Mr. PRICE. I think we will settle this thing quickly if we decide who is going to have the originals and who the copies.

Mr. CAMP. I don't think either side is entitled to all the records.

Mr. PRICE. I think they ought to be copied together. That is my judgment.

Mr. SCOTT. Why wouldn't this be a good suggestion: Let

the records that pertain exclusively to South Dakota go, and the records pertaining exclusively to North Dakota stay here. Such as are necessary, we can decide what are necessary to be transcribed, for transcribing; as to the miscellaneous records within, that are in the Secretary's office, let us keep them; the miscellaneous records in the Auditor's office you take; you take the miscellaneous records in the Treasurer's office; we take the miscellaneous records in some other place.

Mr. CALDWELL. Well, I would feel that the records in the Auditor's and Treasurer's offices might do for a set, with the records in the Secretary's office, possibly. I think I would prefer the records in the Secretary's office because they are the proceedings of the Territory from the beginning to the present time. The records in the Auditor's office are incomplete.

Mr. CAMP. Make two lots of miscellaneous records, and we choose, or you make the lots and let us choose.

Mr. CALDWELL. Well, that would be a fair thing. It seems to me too much like separating a family.

Mr. NEILL. That is what we are doing.

Mr. ELLIOTT. That is what we are here for.

Mr. CALDWELL. I think these records ought all to be in North Dakota or South Dakota. All that would be necessary to transcribe in order that either commonwealth could inaugurate and continue its business, which is the language of the first resolution introduced or passed; in the Auditor's office the last appropriation ledger, because that shows not only the appropriations of the last Legislature, but there is likewise brought forward to the credit of the several accounts the balances which were available at the close of the last biennial period.

Mr. PRICE. These pamphlets are just as good. What is the matter of taking any of them?

Mr. CALDWELL. They only run to last November.

Mr. HARRIS. The fact of the whole matter is there are certain books absolutely necessary for the States to have in beginning business. There are other records each of the States will want, and the Legislature could not provide for that; but there is a large mass of stuff we have provided shall be separated by lot, each a block, of no value whatever, neither will be wanted by either State except as a matter of history. And when the historian in ages to come goes back into all these vouchers, he will take it out of a large volume of stuff. That is all it will ever be

used for. It seems to me we ought not to divide by lot, Mr. CALDWELL. I didn't agree—that is he didn't agree with me about those incorporation records; we talked the matter over at that time. My suggestion was, each office at least should have all that stuff connected with that office, that it might not be separated.

Mr. CALDWELL. That is the conclusion I have come to.

Mr. KELLAM. What do you think of a suggestion something like this:

Resolved, That the committee be requested to make examination and report such books and records as it will be necessary for each State to have to inaugurate its existence and business as a State, and that provision be made by this Commission for copying such books and records, one State to have the original and the other the copies; the expense of copying the same to be borne equally by the two States.

And that all records and papers pertaining exclusively to institutions in South Dakota shall be delivered to South Dakota. All records pertaining exclusively to institutions in North Dakota shall be left in North Dakota. All other records shall be grouped in lots so that the records of no one office shall be divided, and each committee shall select alternately; the right of first selection to be determined by lot.

And the first Legislatures of the two States may provide for copying any records to be sent to the other States, and the expense thereof shall be borne by each State equally.

The theory of this is: There shall be copied only such books as would be immediately necessary; then, that the records pertaining to North Dakota institutions shall be left here, the records pertaining to South Dakota institutions shall go to South Dakota, and then the other records shall be grouped; that is, the Secretary's office and the Auditor's office, so the records of each office shall be together; the first selection to be determined by lot. The first Legislatures of the two States may provide for copying any records to be sent to the other State, and the expense thereof shall be borne by each State equally. The Secretary's records may remain here and the Auditor's go south. Now, if South Dakota wants copies of the Secretary's records it may have them by so declaring by the Legislature, both States bearing equally the expense. If North Dakota wants copies of the Auditor's records it may have them in the same way.

Mr. NEILL. Is it necessary that both Legislatures take action.

Mr. KELLAM. I think that is not the intention.

Mr. NEILL. That is I—

Mr. KELLAM. That the Legislature not having any of these

records may get them by applying, and the expense be borne equally by both States.

Mr. NEILL. I move the adoption of the resolution.

Mr. CALDWELL. There is ——

Mr. ELLIOTT, I second the motion.

Mr. CALDWELL. There is a matter not covered, pertaining only to public institutions; there are many records, for instance, special charters of cities, in the Secretary's office.

Mr. KELLAM. Public institutions—it provides for institutions in North and South Dakota.

Mr. CALDWELL. But it wants to be broader.

Mr. SCOTT. The resolution does not say so.

Mr. CALDWELL. It says public institutions, but that ——

Mr. SCOTT. Here is the report of the other committee, which says what papers do pertain to North Dakota and South Dakota.

Mr. NEILL. That can be taken as the——

Mr. KELLAM. Now, what records have you in your mind?

Mr. CALDWELL. For instance: In the Treasurer's office there is—I mean in the Secretary's office there are, for instance, the enrolled bills pertaining, those that are especially to South Dakota; for instance, charters of cities or organized counties.

Mr. KELLAM. In that case you break up the records.

Mr. CAMP. That is true.

Mr. KELLAM. I don't think that ought to be.

Mr. CALDWELL. There is nothing that makes it desirable to have the vouchers for the respective institutions in the other State.

Mr. KELLAM. I prefer to strike them out. I prefer to keep the records of each office intact.

Mr. CAMP. We shall want to have the vouchers of the Insane Asylum for North Dakota, and you will want the vouchers of the Insane Asylum at Yankton, and we won't care about the Insane Asylum at Yankton. We haven't any use for them, and you won't have any use for the vouchers of the Asylum at Jamestown.

Mr. SCOTT. None whatever.

Mr. CAMP. You take, for instance, the charter of the City of Chamberlain; that, of course, has been printed, and nobody ever refers to the enrolled bill.

Mr. CALDWELL. That is true, too.

Mr. CAMP. I don't happen to have a copy, but where it is needed, the city has its own printed copy.

Mr. CALDWELL. Yes, that is true.

Mr. PRICE. I am opposed to the motion, for I think the records ought to remain in North or South Dakota intact, and for the further reason that, if I understand the duties of this Commission, they are to make disposition of the records of this Territory.

Mr. CALDWELL. Yes.

Mr. PRICE. I think that you are providing that the Legislature shall make disposition.

Mr. CALDWELL. We are disposing of the records if we take and send some of them south and leave some of them up here.

Mr. SCOTT. If you will make the motion you made some time ago, I will second it.

Mr. PRICE. I don't know what it was now. I move the adoption of this report, and it has a second.

Mr. CAMP. This resolution I understand has been introduced and seconded, and that is now the motion before the house. Are there any remarks upon this resolution?

Mr. HARRIS. I will call the attention of the Commission to another fact, the records of domestic and foreign insurance companies.

Mr. CALDWELL. One hundred and fifty insurance companies and some charters include eight pages of law books, and some more.

Mr. GRIGGS. Could they not be left at one seat of government for reference?

Mr. CALDWELL. That is my judgment of it.

Mr. PRICE. I move further consideration be postponed until 9:30 o'clock Monday, because everybody has a different view; there are no two men exactly alike.

Mr. BROTT. How will they be any nearer Monday?

Mr. PRICE. Well, stay here.

Mr. BROTT. Decide now as well as we can Monday.

Mr. CAMP. I suggest we better refer it back to the committee again and see if they can draw up a plan that will be acceptable by the commission.

Mr. PRICE. You don't agree with Mr. CALDWELL on some things. I agree with you on some things but not on all things.

Mr. CAMP. I see there is a diversity of opinion in referring this back to the committee; they have not got very much light from the discussion because there seems to be no prevailing opinion to be a guide for them in drawing a plan.

Mr. NEILL. The subject is too complex with us who are not familiar with the records, to determine what is important. Some purposes of a more general nature because within the grasp of our judgment, we can take definite action on that and know what we are doing. Of course if we get down to detail as the committee has been, we are trusting entirely to the judgment of the committee and know nothing about it ourselves; and that is why I indorse the other resolution, because it is something that comes within the scope of my knowledge.

Mr. HARRIS. Your Chairman made a proposition; it was referred back to them that this Commission wanted to know all the plans and specifications included in it; we then prepared this detailed statement.

Mr. KELLAM. Mr. CHAIRMAN: I move the further consideration of this matter be postponed until Monday morning, and that this committee be requested to report at that time what books or records it will be necessary for the two States to have to inaugurate its existence. If we want it we will have it. Or will you incorporate that in yours—

Mr. PRICE. To please you, yes. I don't want you to understand, however, that I am in favor of any such plan as that indicated by Mr. KELLAM. I don't believe in it.

Mr. CAMP. The motion is that further action be postponed until Monday morning at 9:30 o'clock, and at that time the committee, consisting of Messrs. CALDWELL and HARRIS, report to this Commission what books and papers it will be necessary to have copied in order that the two States may inaugurate their existence. Are you ready for the question?

Question; question!

Mr. CAMP. The Clerk will call the roll.

Camp, yes; Griggs, yes. Harris, yes; Purcell, yes, (by Griggs); Sandager, absent; Scott, —

Mr. SCOTT. What's the question.

Mr. CAMP. That further action be postponed until Monday morning.

Mr. Scott, yes; Kellam, yes; McGillicuddy, yes; Caldwell, yes; Brott, yes; Elliott, yes: Price, yes; Neill, no.

Mr. CAMP. Under the rule the motion is carried. Is there any further business?

Mr. KELLAM. Is there any subject that requires further discussion.

Mr. HARRIS. Mr. CHAIRMAN: Another little subject—I don't know but it is covered by reports of other committees. There is a small library in the Auditor's office comprising statistical reports from different States and Territories. I understand there is also a library of about the same size in the office of the Commissioner of Immigration. It seems this subject might be taken up and disposed of this evening.

Mr. CALDWELL. Mr. CHAIRMAN: As I feel about it now, and what I am inclined to believe will be the ultimate judgment of the Commission, these several offices, wherever they may be located, all the records pertaining to them will go with it.

Mr. PRICE. I don't feel that way about it.

Mr. CALDWELL. And that wherever it goes it would be proper that these reports remain with the other records, because they are practically the records of that office.

Mr. PRICE. Why not offset one against the other? I move the statistics of the Auditor's library—that one section shall have them, and the other shall have the miscellaneous books in the Commissioner of Immigration office, and shall be decided by lots which each shall have.

Mr. ELLIOTT. I second the motion.

Mr. CALDWELL. I move as an amendment that the libraries in the respective offices be considered a part of the records of that office, and be allowed to continue the records wherever they may go.

Mr. PRICE. It has been decided that we separate them.

Mr. CALDWELL. No, it has not been decided to separate them.

Mr. KELLAM. If the idea has prevailed that the records of each office shall be kept by themselves, and they are kept at one place or distributed as provided for in this last resolution, then I should be in favor of Mr. CALDWELL'S motion, that those books which are incidental to each office should be kept with the office as a part of the records of the office. I can hardly vote intelligently on this question until I know what the general disposition is with regard to chopping up these records.

Mr. SCOTT. I don't think we ought to take that up now.

Mr. KELLAM. It seems to me we cannot determine that until we know what is to become of the records. Suppose this motion prevails, and the Immigration books go south and the other records are kept here; the Immigration books would not be of any account. Suppose the Auditor's records—suppose we should determine that we would take them and leave the records of one office here—another should go south; if the Auditor's should go south we would want those books of course, and the books separated from the office would be worth very little.

Mr. HARRIS. They are statistics of the different states.

Mr. PRICE. Probably all could be supplied.

Mr. KELLAM. Then wouldn't it be just as well to leave these books to be disposed of with the office itself?

Mr. CALDWELL. I would move that the further consideration of the resolution of Mr. PRICE be deferred until there be a determination as to the records of the respective offices.

Mr. PRICE. I'll second the motion.

Mr. CAMP. All in favor say aye. The motion is carried.

Mr. CAMP. There is the matter of the militia, and we can't make a final agreement until we know about that.

Mr. MCGILLYCUDDY. Here is the report of the Adjutant General.

Mr. MCGILLYCUDDY then read the following report of the Adjutant General:

Report of Ordnance and Ordnance stores received and remaining in charge of the Militia of the Territory of Dakota during the year ending December 31, 1888. (As near as I can give it.):

2 three-inch Wrought Iron Rifles.....	\$ 450 00	\$ 900 00
2 Carriages and Libers complete.....	325 00	650 00
2 Artillery Tarpallins, 12x15 feet	11 75	23 50
2 Gunner Haversacks	3 35	6 70
6 Handspikes, trail	1 00	6 00
4 Lanyards for friction primers.....	10	40
2 Priming Wires—field.....	10	20
4 Sponges and Rammers	1 00	4 00
4 Sponge Covers, three-inch	30	1 20
2 Tube Punches	1 50	3 00
4 Thumb Stalls.....	20	80
2 Tompions.....	30	60
2 Vent Covers	40	80
2 Pole Pads (Can't find price).....
2 Pole Straps—pairs. (Can't find price).....
Total		\$1,597 20

Capt. Wm. K. Smith, Commanding Battery "A" supposed to be "responsible" for the above, Also ten, I think, Springfield Rifles—caliber, 45.

a950 Springfield Rifles, model 1884, cal. 45, \$13.12 each.....	\$ 12,464 00
50 do Cadet, \$13 12 each.....	356 00
500 Blanket Bags, \$1 35 each.....	675 00
500 do. shoulder straps, pairs, 56 cents.....	280 00
500 Blanket Bag coat straps, pairs, 38 cents.....	190 00
500 Bayonet Scabbards, steel, Hoffman's att., 90c. each.....	450 00
500 Cartridge Belts, woven, \$1 00 each.....	500 00
500 do plates, 25c. each.....	125 00
500 Cartridge Boxes, \$1 22 each.....	610 00
500 Canteens, 53c. each.....	265 00
500 do straps, 30c. each.....	150 00
520 Gun Slings, (17 in Adj't. Gen'l's office, 20 rect'd for), 36c. each..	187 20
500 Haversacks, 88c. each.....	440 00
500 do straps, 56c. each.....	280 00
b100,000 Rifle Ball Cartridges, cal. 45, \$18 50 per M.....	1,850 00
20,000 Rifle Bullets, \$5 45 per M.....	109 00
20,500 Cartridge Primers, 60c. per M.....	12 30
c200 Small Arm Powder—lbs., 18c per lb.....	36 00
d125 Paper Targets, (A. B. and C.) average 5c. each.....	6 25
150 Centers for paper targets, 2c. each.....	3 00
1,000 Pastors.....	13
51 Arm Chests, \$6 00 each.....	306 00
1 Hand Reloading Tools—set.....	12 83
2 Resizing dies (extra) \$2 07 each.....	4 14
200 Marksman's buttons (196 in Adj't. Gen'l's office).....	20 00
10 Sharpshooter's badges, (6 in Adj't. Gen'l's office), no acc't, \$1 00,	10 00
1,000 Heales Shell Extractors, 30c. each.....	300 00
1,000 Screw drivers, model 1879, 24c. each.....	240 00
1,000 Wooden Wiping Rods, 12c. each.....	120 00
200 Tumbler Punches, 15c. each.....	30 00
51 Spring Vises, 28c. each.....	14 28
Total.....	\$21,943 33

a Don't know where these are. At some college, I think.

b Probably from 80,000 to 86,000 expended or in hands of companies.

c I think very little of this is on hand.

d Greater number expended.

The above stores are either in the hands of the companies or the ordnance officers. Major Joseph Hare, Assistant Ordnance Officer at Bismarck, unloaded and stored what was not issued at Huron in September, 1888.

Besides the above there are stored in the Capitol 944 (about 900 in boxes and 44 in racks in Governor's room) "condemned" Springfield rifles, model 1886, calibre 50, and a lot of ball cartridges, calibre 50, stored at Bismarck in care of Major Hare. (These guns and cartridges should be estimated and divided.)

There are also a lot of tents, of which I have never seen an invoice or any account. General George W. Carpenter, of Watertown, could account for them. Have written him to do so. Part of the number are in his charge at Watertown, and part were shipped back to Bismarck for use on July 4th.

I have written General Carpenter, Watertown; Colonel B. J. Woods, Chief of Ordnance, Sioux Falls, and Major Joseph Hare, Assistant Ordnance Officer, Bismarck, for a report of such stores as they may be accountable for. I have marked in red ink the probable expenditure of ammunition, etc.

Respectfully submitted,

J. S. HUSTON,

Adjutant General.

Redfield, Dak., July 24th, 1889.

Mr. SCOTT. That doesn't show where the arms are.

Mr. MCGILLYCUDDY. They got them from the Adjutant General.

Mr. KELLAM. Do you know how many companies are in the Territory?

Mr. HARRIS. Twenty-one; eight in North Dakota and the balance in South Dakota.

Mr. MCGILLYCUDDY. If they were about forty or fifty to the company, there would be about 950.

Mr. SCOTT. They don't run that many.

Mr. CALDWELL. The question is who owns this property? Some of this is old stuff obtained by the Territory probably fifteen years ago, and now no longer in use; no longer in use by the company.

Mr. SCOTT. Not good for anything.

Mr. MCGILLYCUDDY. Good guns for riot, but the government no longer uses them.

Mr. SCOTT. Would be good in case of riot?

Mr. MCGILLYCUDDY. All serviceable.

Mr. SANDAGER. We have not been able to get all the reports in.

Mr. MCGILLYCUDDY. The question is, who does it belong to?

Mr. SCOTT. Did you reach the Secretary of War?

Mr. MCGILLYCUDDY. No; it would take a month even if you wired him to-day. You would not get an answer for two weeks.

Mr. HARRIS. Don't he say part of the camp equipage was shipped to Bismarck?

Mr. MCGILLYCUDDY. Yes, shipped back here for use the 4th of July. "Part of the number are in his charge at Watertown, and part were shipped back to Bismarck for use on July 4th."

Mr. HARRIS. Didn't come then, I guess.

Mr. MCGILLYCUDDY. There is some reason for making this notation: "These guns and cartridges should be estimated and divided." He evidently recognizes this as the property of the Territory; as being the property of the Territory.

Mr. ELLIOTT. I think that is so or he would not have made that suggestion.

Mr. MCGILLYCUDDY. That is very evident.

Mr. HARRIS. Probably is. The rest of the stuff is in the hands of the companies.

Mr. SCOTT. We could not distribute that even if we could hunt them up, if companies have got it.

Mr. ELLIOTT. We could not make distribution of what the company has.

Mr. CALDWELL. I suppose final adjustment can better be made after we have complete returns.

Mr. MCGILLYCUDDY. From those offices?

Mr. CALDWELL. I would like to call up the matter of mutual boundary between North Dakota and South Dakota.

Mr. PRICE. I don't think we can do that; our Convention has reported an article which has been fixed as a part of the Constitution.

Mr. BROTT. We have nothing to do with it.

Mr. CALDWELL. All right then.

Mr. CAMP. Don't bring up the question of boundary.

Here the two committees retired for consultation, and upon re-assembling the following bids were opened and read:

The bid of South Dakota for the undivided half of the Territorial Library is \$4,000.

A. G. KELLAM,
Chairman.

The North Dakota Commission value the Public Library at \$1,500, and will pay South Dakota \$750 for her half interest.

EDGAR W. CAMP,
Chairman.

Mr. KELLAM. I move we adjourn until 9:30 o'clock Monday morning, July 29th.

The motion was seconded.

Mr. CAMP. All in favor of the motion say aye. The motion is carried and we stand adjourned.