

Mr. CALDWELL. It would hardly be worth while, then, to attempt to hold a session to-morrow forenoon.

Mr. SCOTT. Mr. CHAIRMAN: I move we adjourn until to-morrow at 11 o'clock.

Mr. ELLIOTT. I second that motion.

Mr. KELLAM. Gentlemen, if there is no objection we understand the Commission stands adjourned until 11 o'clock to-morrow morning.

FIFTEENTH DAY.

BISMARCK, *Wednesday, July 31, 1889.*

Commission met at 11 o'clock, a. m.

As the Stenographers were still at work on the agreement an informal meeting was had.

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.

Which resolution was carried unanimously.

The balance of the report of the Chairman as to phraseology of the agreement was read, informally discussed and adopted article by article, and the Commission adjourned to meet at 3:30 o'clock.

AFTERNOON SESSION.

The Commission met at 2:30 o'clock with Mr. CAMP in the chair. All members 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 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:

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. MCGILLYCUDDY, 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 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 aggregate 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 all movable 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 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 Dakota 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 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 is hereby made the duty of the said State to sure 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 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 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 the said Territory, and of other printed reports of officers of the Territory (except those composing a part of the 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 said calibre, stored in the 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 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, \$46,500.00 on account of the excess of Territorial appropriations for the permanent improvement of the 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 land, 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 heretofore to, nor shall either State be called upon to pay or

answer to any portion of liability hereafter arising or accruing on account of the 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.

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 on 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 such 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, 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 the 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 have 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 the 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 shall 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 situated, 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 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 agree 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 office of the Governor and Secretary of the Territory (except records of articles of incorporation of domestic corporations, returns of elections 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 situated within the limits of South Dakota, all of which records and archives are a part of the records and archives of said secretary's office; excepting, also, census returns from counties situated within the limits of South Dakota and papers relating to requisitions issued upon the application of officers of counties situated within the limits of South Dakota, all of 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 the expenditures on account of the public institutions, grounds or buildings situated 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 twenty-four 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 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 the years ending November 1888-89—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 Capitol 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 of 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 Da-

kota 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 is hereby ratified and confirmed, which agreement is in the words following: (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.”

Mr. CAMP. The agreement prepared by the Commission is submitted and examined, and a motion to adopt it will be in order.

Mr. CALDWELL. I move the adoption of the agreement as now prepared and examined.

Mr. ELLIOT. I second the motion.

Mr. CAMP. You have heard the motion—are there any remarks? The Clerk will call the roll.

All members voted in the affirmative.

Mr. CAMP. The motion is unanimously adopted.

Mr. KELLAM. I move, the agreement having been formally adopted, that the members of the Commission now sign the same.

Mr. PRICE. I second the motion.

Mr. CAMP. You have heard the motion; if there are no objections the Clerk will call the roll.

All members voted in the affirmative.

And thereupon said agreement was properly signed in duplicate by all the members of said Commission.

Mr. SPALDING. I wish to apologize to the Commission, especially to the North Dakota Commission. I have been unable by reason of sickness to perform my share of the labor during the last ten days.

Mr. CAMP. I don't think sickness needs any apology, Mr. SPALDING, surely. I rather think that you performed your share of the labors.

Mr. CAMP. There is another matter and that is the reading of the Journal and approval of the report of the committee appointed to draw up an article on the Territorial debts and liabilities.

The following report was then read by Mr. HARDEN and Mr. McCLARREN:

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 in 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 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 3, 1889, entitled "An Act to provide for 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 \$94,000; 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 such 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 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 a 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. 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 hereinafter 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 to it.

IN WITNESS WHEREOF, The members of said Joint Commission have subscribed thereto, 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.

Mr. CAMP. The question is, gentlemen, upon the adoption of the report of the committee appointed to draw up an article concerning the debts and liabilities of the Territory of Dakota, which this Commission recommends the Conventions to incorporate into the Constitutions. Are you ready for the question?

Question. Question!

Mr. CAMP. Call the roll.

All members voted in the affirmative.

Mr. CAMP. Well, a motion to adjourn is in order.

Mr. GRIGGS. I move we adjourn to meet at the Sheridan House at 9 o'clock to night.

Mr. KELLAM. I second Mr. GRIGGS' motion to adjourn to 9 o'clock tonight.

Mr. GRIGGS. I move to adjourn to meet at the Sheridan House tonight at 9 o'clock.

Mr. CAMP. You have heard the motion, gentlemen; all in favor of the motion say aye. The motion is carried.

EVENING SESSION.

The Commission met at 9:15 p. m. in the parlors of the Sheridan House, pursuant to adjournment.

Mr. CAMP. Gentlemen of the Commission, please come to order. The Clerk will call the roll. All members were present.

Mr. CAMP. Gentlemen, the only business before the Commission, I suppose, is the report of the committee upon the separate article to be recommended for adoption, for adoption in each of the Constitutions.

Mr. CALDWELL. That has been adopted this afternoon.

Mr. NEILL. I move the committee sign the recommendation of the committee.

Mr. ELLIOTT. I second the motion.

Mr. CAMP. You have heard the motion, if there are no remarks the Clerk will call the roll.

All members voted in the affirmative.

The article is now signed by the members.

Mr. CAMP. Gentlemen, I don't know as there is anything but to approve the Journal when it is read.

Mr. CALDWELL. Mr. CHAIRMAN: I desire to introduce the following resolution, and I will read it:

Resolved, That the Thanks of this Joint Commission be and they are hereby extended to the Chairmen of the respective committees, Mr. CAMP and Mr. KELLAM, for their admirable execution of the duties imposed on 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.

As this is a matter in which the present Chairman may feel some delicacy in presenting it to the Commission, I would assume the temporary chairmanship.

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

Mr. ELLIOTT. I second the motion.

Mr. BROTT. Have a rising vote.

Mr. CALDWELL. Are there any remarks.

It is unanimously adopted.

Mr. KELLAM. Gentlemen, you can consider my hat off.

Mr. CAMP. Gentlemen, I thank you heartily for the kind resolution you have passed.

Mr. CALDWELL. Mr. CHAILMAN: I desire, also, an expression of thanks by this Commission to Governor MELLETTE for the use of his rooms for the meetings of the Commission.

Mr. ELLIOTT. I second the motion.

Mr. CAMP. You have heard the motion, gentlemen. If there are no remarks, all in favor say aye. Unanimously adopted, and I hope the Clerk will make proper record that can be presented to the Governor.

Mr. SCOTT. I think it would be eminently proper on this occasion for the North Dakota Commission to express the sentiments which they feel towards the gentlemen of the South in regard to their behavior in the city. For myself, the relations which have existed between the gentlemen and myself, during the whole time we have been connected in the work, have been of the most pleasant nature; and the gentlemen of the South have certainly shown a desire to get at the bottom of the matter and arrive at a settlement with a spirit of fairness which we all admire. And for that reason I would move that a resolution expressing these sentiments be passed by the North Dakota Commission.

Mr. GRIGGS. I second the motion.

Mr. CAMP. Gentlemen, it has been moved that the Committee of North Dakota express their appreciation of the manner in which they have been met by the South Dakota Commission, and I think it would be proper to drink to the Committee of South Dakota; "Here's to the Committee of South Dakota."

Mr. KELLAM. I appoint Mr. PRICE to speak for South Dakota.

Mr. PRICE. GENTLEMEN OF THE JOINT COMMISSION: We stand to-night upon an eminence that at least (of course you expect fireworks in this); I was about to say that we stand tonight

upon an eminence and overlooking about two weeks of toil. (That's pretty good.) We have been working in behalf of a great Territory which, by the action of this Joint Commission, is soon to stand as two imperial States of the greatest republic on earth. And in behalf of the Joint Commission of South Dakota I want to say to you, gentlemen of the North, from whom we are about to separate, that, did we not live in a land where every woman is a queen and every man a king, and did we possess the power I would be glad to place a coronet upon the brow of every citizen of the empire State of North Dakota. [Cheers.] When we left our home with the Commission of the South Dakota Constitutional Convention, we accepted the trust with feelings of embarrassment, perhaps. This was true of myself because I was unacquainted with the gentleman of the North, and we recognized the important trust which had been confided to our care. But, looking over this three weeks of toil I can truthfully say, and I express the sentiments of every member of the Commission from South Dakota, that three weeks were never spent more pleasantly or more harmoniously. You have demonstrated, gentlemen of the North, that you are business men, and I congratulate you and the citizens of North Dakota, and those of South Dakota as well, upon the settlement which has been made by this Joint Commission. It is honorable, alike to North Dakota and South Dakota, and I believe it will be indorsed by the people of both sections of this great Territory. Gentlemen, I thank you. [Cheers.]

Mr. CALDWELL. Mr. PRESIDENT: In pursuance of the remarks which have been made by Mr. PRICE, I would move to the members of the Commission from South Dakota, that they by a rising vote set our seals upon the sentiments which he has expressed.

Mr. NEILL. I second the motion.

Mr. KELLAM. Gentlemen, you have heard the motion expressed by Mr. CALDWELL. As many as are of the opinion the motion should prevail will rise.

All members arose.

Mr. CAMP. Gentlemen, perhaps if it is agreeable, we can interrupt this and proceed with the business. I would ask Mr. McCLARREN to read the Journal.

Mr. McCLARREN then read the Journal of the afternoon's session, which was corrected.

Mr. SCOTT. I move the Journal as read and corrected be approved.

Mr. CALDWELL. I second the motion.

Mr. CAMP. You have heard the motion; all in favor of the motion say aye. It is unanimously adopted.

Mr. CALDWELL. I move this Commission stand adjourned subject to the call of the Chairman.

Seconded.

Mr. CAMP. You have heard the motion; all in favor of the motion say aye. The motion is unanimously carried, and

The Commission stands adjourned.