

is hereby ratified and confirmed, which Agreement is in the words following: that is to say;" (and then shall follow the words of the article last above written.)

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

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

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

On motion of Mr. Caldwell, consideration of said report was postponed until tomorrow morning.

On motion of Mr. Peck

The Convention adjourned.

### THIRTIETH DAY.

SIoux FALLS, Dakota, Aug. 2, 1889.

9 o'clock A. M.

Convention called to order by the President.

Prayer was offered by the Chaplain.

Reading of Journal, on motion of Mr. Spooner, was dispensed with.

An invitation from the Burlington, Cedar Rapids and Northern R'y, to visit Spirit Lake, received and on motion accepted for Saturday, Aug. 3.

The President called attention to the fact that a Committee from the United States Senate was in the city, and on motion, the Committee was invited to visit the Convention this afternoon.

On motion of Mr. Spooner,

The President was requested to appoint a committee to confer with the Senatorial Committee.

The President named the following members as said conference committee:

Dr. McGillicuddy of Pennington.

Mr. Peck of Hamlin.

Dr. Spooner of Kingsbury.

Mr. Couchman of Walworth.

Mr. Hall of Sully.

Mr. Houlton of Douglass.

Mr. Eddy of Miner.

Mr. Murphy of Hanson.

Mr. Wood of Spink.

Mr. Cook of Marshall.

Mr. Westcott of Deuel.

The President announced the receipt of a letter from the Secretary of the President of the United States, acknowledging the receipt of the memorial relative to school lands.

On motion of Mr. Jolley,

The following resolution was adopted:

*Resolved*, That the President of the Convention have the custody of the debates until the Legislature shall order and provide for their publication, and then he, with Hon. A. G. Kellam and Hon. H. F. Fellows, shall prepare the same for publication and cause the same to be published.

#### SPECIAL ORDERS.

Report of Committee on Schedule was taken up.

By consent the amendment offered by Mr. Williams was divided and that part pertaining to 1892 first considered.

Mr. Williams withdraws so much of his motion as refers to 1894.

Vote being taken upon the amendment of Mr. Williams, resulted as follows:

Ayes—Messrs. Atkinson, Boucher, Caldwell, Cook, Davies, Downing, Edgerton of Yankton, Fowles, Goddard, Hall, Harris, Hartley, Huntley, Kimball, Lee, McFarland, McGillicuddy, Murphy, Peck, Price, Ramsey, Ringsrud, Sherwood, Smith, Sterling, Thompson, VanBuskirk, Westcott, Wheeler, Whit-

lock, Willis, Williams, Williamson, Wood of Pennington, Wood of Spink, Young—36.

Noes—Messrs. Anderson, Berdahl, Brott, Buechler, Clough Coats, Cooper, Corson, Couchman, Craig, Culver, Dickinson, Diefendorf, Eddy, Elliott, Fellows, Gifford, Heninger, Hole, Houlton, Humphrey, Jeffries, Jolley, Kellam, Lyons, Matson, Neill, O'Brien, Parker, Scollard, Spooner, Stoddard, Stroupe, VanTassel, Zitka, Mr. President—36.

So the amendment was lost.

Section 19 was adopted as reported by the Committee.

On motion of Mr. Jolley,

Further consideration of the report of the Committee was postponed and the report of the Joint Commission now considered.

Mr. Harris offered the following motion:

That this Convention do now incorporate in the Constitution the Agreement of the Joint Commissions of North Dakota and South Dakota, commencing with the preamble and ending with the close of Article XXIV.

Mr. Clough moved

That a recess be taken till 2 o'clock P. M. and that the Joint Commission be instructed to complete their report at that time.

Motion carried.

2 o'clock P. M.

Convention called to order by the President.

Mr. VanBuskirk called to the chair.

Mr. Edgerton of Davison moved

To reconsider the vote by which Section 19 was adopted.

The vote was as follows:

Ayes—Messrs. Anderson, Atkinson, Berdahl, Buechler, Caldwell, Clough, Coats, Cook, Culver, Davies, Downing, Edgerton of Yankton, Fowles, Goddard, Hall, Harris, Hartley, Houlton, Huntley, Lee, Matson, McFarland, Murphy, Neill, Peck, Price, Ramsey, Ringsrud, Sherwood, Smith, Sterling, Thompson, VanBuskirk, Westcott, Wheeler, Whitlock, Willis, Williamson, Wood of Pennington, Wood of Spink, Young and Mr. President—(42.)

Noes—Messrs. Cooper, Dickinson, Elliott, Fellows, Gifford, Heninger, Hole, Humphrey, Jeffries, Jolly, Kimball, Lyons, O'Brien, Parker, Scollard, Spooner, VanTassel, Zitka—(18).

So the motion to reconsider was carried.

On motion of Mr. Wood of Pennington the motion by which the amendment of Section 19 was lost was reconsidered.

At this point a Commission of the United States Senate was introduced and a recess until 7:30 was taken to confer with them on the subject of irrigation.

7:30 P. M.

Convention called to order by the President.

Consideration of Section 19 of report of Schedule Committee resumed.

President called Mr. Dickinson to the chair.

The question being upon the adoption of the amendment of Mr. Williams the vote stood as follows:

Ayes—Messrs. Atkinson, Berdahl, Boucher, Caldwell, Cook, Davies, Downing, Edgerton, of Yankton, Fowles, Goddard, Hall, Harris, Hartley, Houlton, Huntley, Lee, McFarland, McGillicuddy, Murphy, Neill, Peck, Price, Ramsey, Ringsrud, Sherwood, Smith, Sterling, Thompson, VanBuskirk, VanEps, Westcott, Wheeler, Whitlock, Willis, Williams, Williamson, Wood of Pennington, Wood of Spink, Young, Kimball—40.

Noes—Messrs. Anderson, Brott, Buechler, Cook, Cooper, Corson, Couchman, Craig, Culver, Dickinson, Diefendorf, Eddy, Elliott, Fellows, Gifford, Heninger, Hole, Humphrey, Jeffries, Jolley, Kellam, Lyons, Matson, O'Brien, Parker, Scollard, Spooner, Stoddard, Stroupe, VanTassel, Zitka and Mr. President.—32.

So the amendment was carried.

Section 19 as amended was adopted.

Mr. Wood of Pennington moved to reconsider the vote just taken whereby Section 19 was adopted and also that the motion to reconsider be laid on the table.

Carried.

Mr. Kellam presented further report as follows:

MR. PRESIDENT:

The Committee named by this Convention to form a part of the Joint Commission as provided by the Act of Congress under which this Convention is assembled ask leave to submit the following report:

First; The agreement reached, made and executed by said Joint Commission intended to cover the matters which by said Act of Congress were referred to them for disposition and agreement.

The agreement is hereto attached, marked "A."

Second; The recommendation of said Committee of an

Article to be incorporated into the Constitution to be submitted respecting Territorial debts and liabilities as provided in said Act of Congress hereto attached, marked "B."

Your Committee also recommend the adoption as an article of the schedule of the Constitution, the agreement of said Joint Commission concerning the records, books and archives of the Territory, the same to be preceded by the following words, to-wit:

"The agreement made by this Joint Commission of the Constitutional Conventions of North and South Dakota concerning the records, books and archives of the Territory of Dakota is hereby ratified and confirmed, which is in the words following those to say."

All of which is respectfully submitted.

A. G. KELLAM,  
Chairman.

And moved that that part of the report marked "A" be referred to the Committee on State and Municipal Indebtedness, and

The part marked "B" be referred to the Schedule Committee.

So referred.

Mr. Brott asked leave of absence and that Mr. Stoddard be permitted to attach his (Brott's) signature to the Constitution. Permission granted.

On motion of Mr. Jolley,

Convention adjourned to meet at 9 A. M. tomorrow.

### THIRTY-FIRST DAY.

• SIOUX FALLS, Dakota, Aug. 3, 1889.

9 o'clock A. M.

Convention called to order by the President.

Prayer was offered by Chaplain.

On motion of Mr. Sterling,

The reading of the Journal was dispensed with.

Committee on State, County and Municipal Indebtedness submitted the following report:

SIOUX FALLS, Dakota, August 2, 1889.

MR. PRESIDENT:

Your Committee on State, County and Municipal Indebted-