

S E V E N T H D A Y.

BISMARCK, *Tuesday, July 23, 1889.*

Commission met pursuant to adjournment.

The various committees not having completed their respective reports, no business was transacted, and the Commission adjourned to meet July 24th.

E I G H T H D A Y.

BISMARCK, *Wednesday, July 24, 1889.*

Commission was called to order with Mr. KELLAM in the Chair.

The roll was called, and all members present except Messrs. GRIGGS and SPALDING of the North Dakota Commission.

Mr. KELLAM. Mr. CAMP, shall we wait for absent members?

Mr. CAMP. I don't think it is best.

Mr. KELLAM. At our last meeting several sub-committees were appointed, and if it is the pleasure of the Commission it might be well to hear the report of such committees as are ready to report. Mr. SECRETARY, will you give us these committees?

Mr. HAYDEN. Yes, sir. The first was a committee of one from each side, appointed to examine and report to the Joint Commission what books and records would be necessary to be transcribed, and also report the probable expense of the same.

Mr. KELLAM. Who were on that committee?

Mr. HAYDEN. Messrs. CALDWELL and HARRIS.

Mr. KELLAM. Are you ready to report?

Mr. HARRIS. Mr. CHAIRMAN, AND GENTLEMEN OF THE COM-

MISSION: Mr. CALDWELL and I, with the assistance of the Assistant Secretary, have gone through all the offices and made a list of all the property, records and vouchers contained in the Secretary's Auditor's, Treasurer's and Governor's office, and we have the same here, with the recommendation as to what we consider necessary to be copied. As to the expense, we have not made an estimate.

Mr. KELLAM. Is this the list of books and records you recommend to be copied?

Mr. CALDWELL. No, that is what we found.

Secretary's office: Election returns, Constitutional Convention, 1889, and local option, 1887, applications and bonds, notarial commissions, enrolled bills of general and local application, applications for pardon, 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 reports of gross earnings; cancelled bonds, South Dakota.

Public Examiner: Records, to go to sections where located.

Board of Agriculture: Records.

Dental Examiners: Records.

Board of Pharmacy: Records.

Governor's office: Census returns, two volumes visitors' registers, official correspondence, requisition papers.

Mr. CALDWELL. There might also be added one volume of executive records. This is what we recommend to be copied.

Treasurer's office: Three cash books, one journal, two ledgers, two old books—journal and cash book and ledger. One bond register.

Secretary's office: Two volumes railroad deeds, mortgages and leases, twenty-seven volumes foreign and domestic incorporation records, one general executive record, one record of appointment, one record of elections.

Auditor's office: Six volumes appropriation records (ledgers), one volume executive record, one volume insurance record, 1889, articles of incorporation, domestic and foreign insurance companies.

Governor's office: One requisition record, one executive record.

Adjutant General's office: Record books.

Supreme Court Records: Record books.

Mr. CALDWELL. There are, also, in the Auditor's office, some books which we noted, containing official correspondence in the office, and including the ruling of the office upon questions. There is a considerable amount of that matter that might be desirable, but the question with the committee was as to whether or not the expense of copying it could be vested with any advantage; so that matter was referred to the Commission.

Mr. PRICE. Is that all the report? I move the adoption of the report.

Mr. CALDWELL. You have our recommendation of what matters should be copied, and the other matters referred to the Commission.

Mr. SCOTT. Hadn't we better report, and the report be placed on file, and then discuss the matter, item by item. If the report contains a recommendation as to what shall be copied and it be adopted, then would not that be a final action?

Mr. CALDWELL. I think we better consider the matter.

Mr. ELLIOTT. The report is received when it gets into the hands of the Secretary. The only mention is that it be adopted; then it brings it up for discussion and amendment if the Commission see fit to amend it.

Mr. KELLAM. The question is upon the adoption of the report. Are you ready for the question?

Mr. HARRIS. I suppose there is something like 100 more records there. We made this report supposing that the Commission would take up the report and discuss the method of disposing of a great many of these records that are necessary to be copied. They are of some value, and their disposition will have to be made by this Commission. No doubt Mr. CALDWELL and I could take that list and say what *we* thought would be the proper disposition of them, but it seems to me that that should be left to this Commission, and the records taken up as they are in this list and disposed of. Maybe some gentleman will attach more value to the records than we did, and I think the proper way is to take them up in the Commission.

Mr. PRICE. I will take back my motion, and move that this be referred back to the committee to recommend what is necessary, and what is not necessary.

Mr. CALDWELL. It was the purpose of the committee in

the discussion of these various points to make a suggestion, and as a matter or suggestion, or as a matter pertaining to the disposition of these records I will make a statement followed by a motion in regard to the miscellaneous archives of the various offices. It was thought by the committee, and will doubtless be thought by the Commission, that those archives that cannot be distributed with reference to the locality to which they particularly apply, as for instance the vouchers in the Auditor's office that apply to the public institutions, allowing them to be distributed with reference to the locality of the institution. And there are many other matters that can be similarly disposed of. But after all that is distributed there still remains a considerable body of stuff which applies to the Territory at large. My suggestion would be that these various records can be grouped into lots. For instance, there are the original bills as introduced in the various sessions of the Legislature, the files of which are nearly complete, and those things should constitute one lot. They apply exclusively to neither section. And there are enrolled bills and official copies. There are some of these which could be locally distributed, as for instance, the charters of cities and matters pertaining to the organization of individual counties. And, as I say, they can be locally distributed. But after all that is done there would remain a considerable part of the statutes that would be undisposed of, and my suggestion would be this: That these various things be grouped into lots; there be a formal list made, and that then the representatives of the respective sections should agree that lots should be drawn for the first choice out of these groups; that the section that secures the first choice should make a selection of one group, and then the other section should make a selection of the next group, and by that means all the archives of the Territory would be formally disposed of, and there would not be anything left without any custodian. And I would move you Mr. CHAIRMAN, that the various records, which it shall be determined cannot be distributed with reference to any locality to which they particularly apply, shall be arranged in groups or lots, and that selection of them shall be made alternately by the representatives of North Dakota and South Dakota respectively, and that the first choice shall be determined by lot.

Mr. SCOTT. I second the motion of Mr. PRICE.

Mr. CAMP. Mr. CHAIRMAN: It seems to me that, perhaps, at

this stage it is hardly necessary to refer the matter back to the committee. It seems as though we might take up this matter. I was about to move we consider the report, but this I cannot make as an amendment to this motion.

Mr. KELLAM. I understand the question under discussion is the motion for adoption of the report. Mr. PRICE suggested he would withdraw it, but it could hardly be withdrawn without the consent of the Commission. I don't care what particular question is considered.

Mr. CAMP. Then I will offer an amended motion that we proceed to consider the report so we can get in these various amendments as we go along.

Mr. SCOTT. I understand that was the report that was referred to the Commission.

Mr. CALDWELL. That is unquestionably the case, Mr. CHAIRMAN. The discussion now is upon the motion to adopt the report.

Mr. PRICE. I am not particular at all. The object of my motion was to have it referred back to the committee, and have them report instead of having speeches made here. Brother CALDWELL has gone on and made his speech already. I am not captious at all. If the committee thinks this is the best way, with the consent of everybody I will withdraw my motion.

Mr. NEILL. Take up this report, and after we have expressed our views on each subject, refer it back to the committee for their disposal. I suggest we take up this matter.

Mr. KELLAM. I consider it is now for discussion, and if any views are developed here from which we regard it advisable to refer back, we can refer it back with instructions, but that the whole matter is before us now.

Mr. CALDWELL. This committee has made a report, and made a recommendation in regard to certain things, and in regard to other things has referred it to the Commission, and now I have made the motion which I have. It is perfectly regular.

Mr. CAMP. I would like to ask Mr. CALDWELL what records will be needed for immediate use by the State, we will say of South Dakota, before the first Legislature can meet.

Mr. CALDWELL. Well, I should say those for immediate use and which would be absolutely necessary that each State should have, would be a copy of the last appropriation ledger in the office of the Auditor, and the cash book, ledger and journal in

the Treasurer's office containing a statement of the condition of the accounts at this date. Is there anything else that you think of Mr. HARRIS?

Mr. PURCELL. Might want the reports from the different institutions. I presume they are printed.

Mr. CAMP. Mr. CHAIRMAN: In thinking of this before the Commission met, I had formulated a little statement, reduced to writing, but do not have it in my pocket. It is this, that this Commission should report and recommend to the Constitutional Conventions that they adopt a clause something like this: That all the public records referring exclusively to South Dakota should be delivered to the proper authorities of South Dakota; and the records pertaining exclusively to North Dakota should be left at the Capital of North Dakota, and that South Dakota should have the power to say what other records it should have copied, and the expense of copying them should be borne equally; and that for the purpose of dividing the records the first Legislatures of each State should appoint a committee of two or three who should assemble here and divide the records; and if the North Dakota committee could not agree with the South Dakota committee that a particular record pertained exclusively to North Dakota or South Dakota, then they should have the power to say that record should be copied, and North Dakota should bear half the expense. My idea is this: If this Commission goes into the labor of actually going into the archives of the Secretary's office and dividing those bills, and then goes into the Auditor's office and goes through the labor of dividing the vouchers, it is going to detain us; and it seemed to me we should recommend a *basis* of division, and that the particular act of division could be done for us by a committee appointed for that purpose. But, of course, we should provide for copying such records as Mr. CALDWELL just stated are needed for the immediate use of the separate States. I don't know how that will strike the Commission, but I believe it would save us a good deal of time.

Mr. PURCELL. What is the resolution adopted the other day?

Mr. KELLAM. It strikes me that that this report covers more ground than that resolution did. Will the Secretary read the resolution?

The Secretary read as follows:

Resolved, That it is the sense of this Joint Commission that in execution of the duty imposed upon it by the act of Congress under which it was created,

relating to the disposition of the public records of the Territory, it should provide for copies of such records as will in its judgment be required and necessary for the proposed States of North Dakota and South Dakota to inaugurate and continue such States respectively in their several departments.—

Mr. PURCELL. Just there. That would simply apply to the records.

Mr. CALDWELL. I think there is some others.

Mr. PURCELL. Would it be well to have the assessment roll?

Mr. CALDWELL. The assessment roll is entered upon the books of the Treasurer we speak of. These books show what the claim of the Territory is against the several counties, and what assessment was made.

Mr. PURCELL. Would these books you have just mentioned cover that part of his resolution?

Mr. CALDWELL. That was my idea it would. So it would become possible for either side to commence business.

Mr. HARRIS. If I am not mistaken there is an assessment roll in the Auditor's office, and a duplicate in the Treasurer's office, and I think we can divide by North Dakota taking one copy and South Dakota the other.

Mr. PURCELL. I was going to suggest, as far as you have mentioned only those books which would perhaps show the amounts that would be due to the proposed States, would it not be well, also, to take such as would show the indebtedness?

Mr. CALDWELL. Some books show both. They are just the same as books of a firm. When a firm uses a new set of books, it brings over all the old balances. The details, of course, remain in the old books, and balances come over.

Mr. PURCELL. You might read the balance of it now. Mr. CAMP was not here when that was put through.

The Secretary reading:

And that an agreement be made by this Commission as to the disposition of both original and copies. And that such agreement shall be reported to the committee from North Dakota and South Dakota to their respective Conventions, with the recommendations that the same be made a part of the Schedule and Ordinance, to be submitted with the proposed constitutions for ratification by the people of North Dakota and South Dakota respectively.

Mr. PURCELL. I think that should cover it.

Mr. SCOTT. I think the best plan to pursue is Mr. NEILL's, and then the actual manual labor can be performed in the manner suggested by Mr. CAMP.

Mr. CALDWELL. When we come to a consideration of these several items we can allot it to this general basis. When you take up a single item you can tell what comes next.

Mr. CAMP. I think we could determine a general principle, and leave it to the Legislature to do the work.

Mr. PURCELL. Of course, as I understand it now, it is to make some disposition of these records that the States will have to have at once, and the balance can be left to the Legislature.

Mr. SCOTT. We ought to be able to determine who shall have each record, to-day, and then the actual labor of the division can be made at any time.

Mr. HARRIS. I think we should determine to-day what is necessary to be copied, because the copying should be done. It takes time.

Mr. MCGILLYCUDDY. Would it not be necessary to determine and settle upon some basis for dividing? If it is the intention of this Commission to settle on a basis and let the Legislature appoint a committee to carry it out, it would require a joint commission on the part of these Legislatures, and do our work over again.

Mr. NEILL. How would it be if this Commission should start in and agree what should be copied?

Mr. HARRIS. That is my idea, to make a disposition of those the States need at once.

Mr. CALDWELL. I believe that is what is under consideration.

Mr. HARRIS. Seventeen volumes Domestic Incorporation Records. Would it be necessary that those be copied?

Mr. CALDWELL. I doubt whether it would be necessary now.

Mr. HARRIS. My idea was, if it was absolutely necessary for them to be copied sometime, that now is the time to do it.

Mr. PURCELL. Is there many containing powers and privileges that have become extinct?

Mr. CALDWELL. Yes, sir, because the life of a corporation is twenty years. Some of these extend back thirty-two years ago.

Mr. PURCELL. It seems to me we ought to in some way leave out those obsolete.

Mr. HARRIS. The difficulty is to determine what is obsolete and what is not necessary.

Mr. PURCELL. Let the Legislature make some disposition.

Mr. CALDWELL. That would be my idea. Let them appoint a commission. And then there is another consideration, and that is this, that there are really two records in the Secretary's office; there is the original charter as filed by the corporation, and then there is a copy as recorded in these books. So one side are temporary books and the other side original files. This is not the case, however, with reference to the articles of incorporation of insurance companies. They are merely filed in the office of the Auditor.

Mr. PRICE. Mr. CHAIRMAN: It seems to me the gentlemen of this Commission are talking directly the opposite they talked the other day. It was decided then that it was the privilege of this Commission to make disposition of these records. Now, the tenor of the remarks made to-day is this, by gentlemen who took the other decision in this, we must refer this to the next Legislatures. We are practically saying this Commission has no business to make disposition, but leave it to the Legislatures of the new States. I cannot recede from the position I took at that time; and it seems to me if the object is to leave it to the Legislatures to avoid expense, that we are saddling an additional expense upon the States, because, as has been intimated here, it is absolutely certain that if this Commission does wind its business up and dispose of it as they think of deciding to-day, the new States will have nothing to commence business with when they come into the Union. We have decided it is our prerogative to make this disposition, and it seems to me we ought to go ahead in a business like manner and do it.

Mr. CALDWELL. At least so far as I am concerned there has not been the least intimation or intention of intimating any recession from the position taken the other day. Not a thing I have suggested here to-day is in the least degree contrary to the resolution which was adopted. This resolution says: "It is the sense of this Joint Commission that in execution of the duty imposed upon it by the act of Congress under which it was created, relating to the disposition of the public records, they should provide for copies of such records as will, in its judgment, be required and necessary for the proposed States of North Dakota and South Dakota to inaugurate and continue such States respectively in their several departments." Now, the suggestion of Mr. CAMP, which I think is fair and wise, is that we shall provide for such copies as would be necessary for either State to take and turn over to its ap-

propriate officers to commence the business and the affairs of the respective commonwealths. There are a whole lot of things, while they are indispensable to the State and have been a part of the records of the Territory, are not at all necessary for inaugurating and continuing anything pertaining to any department of the government of either State; as for instance, these corporation records. What in the world have they to do with the business of these States? Not a thing. Take a whole lot of the records of these various offices—have they anything to do with the business we have devolved upon these States? The only thing in my judgment that really pertains to the business with these States is the records of which I have spoken, which show the accounts to date—accounts of the various debtors of the Territory, and, of course, it will be necessary to cover those in order that the State may commence business. But these very things have no reference whatever with the business of the States, and I say, therefore, there has been no recession made.

Mr. PRICE. I don't want to prolong this discussion. If the theory advanced by Mr. CALDWELL is true, then we have no business dividing the Public Library. We have no business taking into consideration any of the property of this Territory. Why? Simply because the Legislature can hereafter decide to whom this property shall go, and which State shall have it.

Mr. CALDWELL. It no—

Mr. PRICE. That is the suggestion of Mr. CAMP, and you indorse the suggestion. It seems to me this Commission should be just what the Omnibus Bill says it shall be; and the object and intention of the Omnibus Bill was, undoubtedly, to avoid expense in the future, and this Commission should make disposition of the property. Gentlemen, it seems to me while we are here to do business we should do it.

Mr. GRIGGS. (Who came in after the Commission was called to order.) As I understand you, Mr. CALDWELL, you want to take what books are needed so the States can go ahead? Your view is, it would take too long to transcribe the whole of them.

Mr. CALDWELL. It not only would take too long, but does not come under that resolution introduced the other day.

Mr. MCGILLYCUDDY. I suggest that we get down to business, and have this committee report what books it is necessary to copy to permit the States to go on with their business. Next, the necessary books of the Auditor's office will have to be copied for

future use, and make some disposition of the records that don't have to be copied. We keep dodging around.

Mr. GRIGGS. How would you ascertain that fact?

Mr. MCGILLYCUDDY. The committee should know what should be copied to enable us to start in.

Mr. NEILL. I think the way to do business is to keep to our text. The committee has reported certain measures; what records are to be copied. It is simply necessary for this Commission to go on now and finish this work. Now we have something to work on, and I am in favor of keeping right on with this and finishing it.

Mr. PRICE. Why can't we agree to copy those recommended by the committee, and that the officers proceed to copy them—those that will be necessary?

Mr. HARRIS. We discussed this matter of corporation records, fully. The sixteen books relating to domestic incorporation records, we decided it would be necessary to have them copied. The only thing we are driving at now is the time when to copy. My impression is, if they are to be copied at all, the time to copy them is while we are copying the other books. The Secretary of the Territory, who is now in custody of the office, can put men to work and have these records copied now much more conveniently than he, or the Secretary of State, or someone else who may have the custody of this office. If it is necessary to copy these seventeen volumes and the ten volumes of foreign corporation records, I think we should make provision for their copying now. That this is what this Commission is for; and if we decide it is necessary to have them copied, that it should be done now.

Mr. CAMP. Mr. CHAIRMAN: The question in my mind is the question of *power*. I believe we are exceeding our power when we provide for the copying of any of these records but those which it is absolutely necessary to copy. So far I am willing to go; but I am not willing to strain our power any further, because we cannot here make an agreement as to copying these records which will be binding upon the States—upon either State.

Mr. PURCELL. The resolution contemplates we shall arrive at an agreement and submit it.

Mr. CALDWELL. It provides, also, we shall ourselves order the copying commenced.

Mr. PURCELL. Only those which are needed.

Mr. CAMP. My suggestion which I have now reduced to writing, was this:

Resolved, That all records pertaining exclusively to South Dakota be turned over to South Dakota; that all records pertaining exclusively to North Dakota be left at the Capital of North Dakota. That so much of all other records, not above provided for, be copied as South Dakota shall demand copies of; the expense of such copying to be borne equally by the two States. That the first Legislatures of North Dakota and South Dakota appoint a committee of three from each Legislature who shall meet at the Capital of North Dakota and divide the records as above provided, and for copying as above provided of any records as to which a majority of both committees cannot agree that they relate exclusively to South Dakota, and which the committee from South Dakota shall require to have copied.

Mr. MCGILLYCUDDY. You provide in there for the disposition of those records not necessary to be copied? As Mr. CALDWELL explained, there is a large matter that does not apply to any section.

Mr. CAMP. I am willing to add, that all other records not copied and not pertaining exclusively either to North or South Dakota, shall be divided into lots determined by the committee.

Mr. KELLAM. Gentlemen, the question is still upon the adoption of the report of this committee.

Mr. PURCELL. It seems to me the resolution of Mr. CAMP was covered by the other resolution.

Mr. KELLAM. I guess you have come in since the passage of that resolution, Mr. GRIGGS?

Mr. HARRIS. He was here when the resolution was originally offered.

Mr. CALDWELL. Mr. CHAIRMAN: I move you that the committee to which was referred this matter of securing a list of the books and records, be requested to suggest to the Commission such books as are absolutely necessary should be transcribed in order that either State should be in possession of the originals or copies, in order that it may inaugurate business, and that it be requested to suggest an agreement as to distribution of other records.

Mr. CAMP. I second that motion.

Mr. PRICE. I second that motion, too.

Mr. KELLAM. Let us see what condition we are in. The question before the House is the adoption of the report of this committee. Do you offer your motion as an amendment?

Mr. CALDWELL. As a re-amendment of this report.

Mr. KELLAM. If it is a motion to recommit, of course, it will be in order.

Mr. CALDWELL. Yes.

Mr. KELLAM. The question is to recommit this to the committee, that they suggest in writing to this Commission the books and records that are necessary to be transcribed or copied, and furnished to each of the new States, in order to start the business of the States respectively.

Mr. CALDWELL. Together with the suggestion as to the distribution of other books and records not covered by this motion.

Mr. KELLAM. Gentlemen, this is now the question before the Commission.

Mr. SCOTT. Mr. CHAIRMAN: Now, we have a list of the property which is necessary to make a disposition of. That list is before us. If it is recommitted we will have to go over it again. We can take up this, item by item, and say whether they are the only ones or not. We can see what copies it will be necessary to make a record of as we go over these items, and we can see what pertain exclusively to North or South Dakota, and what is not necessary to make disposition of. We can arrive at a settlement of the whole as soon as the sub-committee can, and then it will have to come back here again. If we come to a conclusion it is necessary to copy them, there is no question but what it will be ratified and accepted by the people; and I don't know what's the use of re-committing and having it come back to the Commission.

Mr. CALDWELL. Mr. CHAIRMAN: The report of this committee in its present condition is—merely states that there are in the Treasurer's office five cash books, and in the Auditor's office seven warrant registers, and such a matter. Now, there is not before this Commission and there could not have been before the committee anything without an examination. It seems wise that they should take some action as to which of those registers or cash books would be necessary in order that the States could be in position to go ahead with their business. And this the committee can take and examine, having had the light of this discussion, and very readily, it seems to me, suggest something that can be acted upon by this Commission.

Mr. NEILL. I am opposed to the re-committal of this report for the reason that we can much more readily dispose of the mat-

ter by keeping the report before us, and check up these matters by amendment, and dispose of them as we see fit under motion for adoption. The principle I am very much opposed to, and shall never vote for so far as the work of this kind can be completed and referred to our Conventions, and through them for ratification. I am willing to carry it out and take the responsibility for it, and I never want to go home to my constituents and be forever damned. I want to see these records disposed of now, according to our best judgment, and I am satisfied our people will be satisfied with the result. We have a list of all those different records. If we had gone on and discussed them, I venture to say two-thirds would have been disposed of now. Just so long as we keep discussing the matter in this Convention, we will never reach a conclusion. It has got to be brought down to a basis. Let us provide for what records must be needed immediately—those that are necessary to be copied can be copied, and the others can be disposed of now as well as by any future Legislature. I am opposed—

Mr. PRICE. I am not afraid of being politically damned, or anything else. But it seems to me it has been demonstrated that this cannot be straightened under the plan suggested by Mr. NEILL. Now, it seems to me that this resolution offered by Mr. CALDWELL is very plain, indeed; that it instructs this committee just what to do. Then we will be prepared to offer amendments to it. Their report will come in in such shape we can offer amendments to it. I believe that it is the business of this Commission to make disposition of these records. I don't think there is any tangible report there.

Mr. CALDWELL. Of course it has to be presumed that the committee that has actually gone and looked up these books, will have a better idea as to the wants involved in the matter of distributing them, than those who have not had such an examination.

Mr. PRICE. That is the point, and this committee was not certain as to what the idea of this Commission in regard to many things was, and to have gone to work and made a lot of suggestions here that the Commission could not have had before it, was clearly wrong. I think after having the matter discussed here, the purpose of my motion was merely that this committee, having in a sense been instructed by this Commission, could now go to work and definitely suggest that it would be still necessary that the original resolution should be carried out.

Mr. SCOTT. We have got the list of these books and we can inquire of you.

Mr. CALDWELL. I could not tell without further examination.

Mr. PRICE. When you make up your final agreement if it is incorrect it will have to be——

Mr. CALDWELL. The circumstances were these: That we could not go into the Treasurer's office until the meeting of this committee. We didn't understand then that we could have the time to examine and see that only certain records were necessary in order that the business of the States should be inaugurated.

Mr. CAMP. I certainly hope that the motion will prevail, because the matter having been discussed, the committee can agree upon it in good shape.

Mr. CALDWELL. Will the stenographer read the motion?

"I move you that the committee to which was referred this matter of securing a list of books and records, be requested to suggest to this Commission such books as are absolutely necessary should be transcribed in order that either State should be in possession of the original copies, in order that it may inaugurate business, and that it be requested to suggest an agreement as to distribution of other records."

Mr. PURCELL. That seems to be all right.

Mr. KELLAM. It seems to me the only difficulty that we encounter now, we encountered from the start, and it will be constantly with us--the original question as to what is the power and duty of this Commission in the distribution of the public records. It seems to me as a starting point we ought to determine whether, in our judgment, the duty imposed upon us by the Omnibus Bill is to make a complete distribution and agreement as to disposition of *all* the public records of the Territory; whether that imposition of duty is large, covering all the records of the Territory, or whether we propose to dispose of this question upon the ground of necessity, and not upon the ground that it is a duty imposed upon us by act of Congress. Mr. CAMP has suggested that he has grave doubts as to the power of this Commission to provide for the copying of any records at all; and that he only consents to it on the ground that it is a necessity in order to inaugurate the new State government, and to consent only so far as such necessity is apparent. My own judgment is that it becomes the duty of this Commission to dispose, by agreement, of this entire question of

the public records, just as much as of the entire question of any other public property. And if that should be the judgment of the Commission then, of course, we will not discharge that duty by simply providing for the immediate necessities of the new States. If it is the judgment of the Commission that what we do with reference to preparing copies of these records is simply the outgrowth of the necessities of the situation, then, of course, the more closely we confine ourselves within those necessities, the better and wiser it will be for us. But if we do it under the provisions of sections five and six of the Omnibus Bill, then I think we should go at it and dispose of the whole question. And it seems to me this is the fundamental question we should determine in our judgment before we can intelligently dispose of this question. If we don't, we will get a little too far, and then undertake to recede a little, and then, as we get into it further, recede again, and it will be working back and forth until we come to a conclusion upon the basis upon which we are acting. We ought to recognize the fact that we can violate our powers a little, and we can a good deal. I think brother CAMP'S notion is we have no legal power to make disposition of these records; but, from the necessities of the situation, we will go a little way beyond our power, but restrain ourselves as much as we can. In my own judgment, it is the duty of this Commission to provide for *all* these matters, and that it is the duty of this Commission to do so instead of deferring and leaving it to future legislators. I think we can do it as economically, intelligently and as legally. Still there is a doubt in both sections of this Commission as to what is our power with reference to these records under the Omnibus Bill, and it seems before we can intelligently pass upon these questions, that we should determine amongst ourselves how much power we have with reference to the distribution of these records, and whether that power to dispose involves the reproduction of the records.

The CHAIRMAN. The question is upon the motion of Mr. CALDWELL to recommit this report. Are you ready for the question? The Clerk will call the roll.

Puicell, yes; Sandager, yes; Scott, no; Spalding, (absent); Kellam, no; Brott, no; Caldwell, yes; Elliott, no; McGillycuddy, yes; Neill, no; Price, yes. South Dakota four noes, three yes. North Dakota three yes, two noes.

Mr. KELLAM. The motion under the rule would be lost.

Mr. PRICE. I would like to have some gentleman go ahead and tell us how to get out of it.

Mr. KELLAM. My own judgment is that this motion should be recommitted, upon the basis that we all agree upon as the proper motion. The report of this Committee is indefinite as Mr. PRICE suggested. There is really nothing that a motion to adopt will confirm. The report is so indefinite that should we adopt it, I don't know what we would adopt. I am in favor of sending this back to this Committee for a more definite report and recommendation, but I am not in favor of referring it with the restricted instructions that Mr. CALDWELL'S motion covers.

Mr. CALDWELL. Mr. CHAIRMAN: Of course, any report made by this Committee, or what has been reported, could not be the definite action of this Commission. Between these two reports there will be certainly sufficient information—there would have been in the report—to bring the matter definitely step by step before the Commission, and if there was any suggestion of the committee which the Commission did not see fit to confirm, it could vote it down. If any way it seemed to restrict the powers of this Commission, it could be enlarged.

Mr. SCOTT. Why not dispose of our powers here, now? I have the opinion we have the power to make full disposition, and that it is necessary to make disposition of the records. We certainly can do it as well as the Legislature. For my part, I am in favor of taking this matter in hand and making full disposition of it.

Mr. PRICE. That is what I supposed we were disputing upon.

Mr. CALDWELL. There was nothing in my motion contrary to any such idea.

Mr. KELLAM. Then I didn't get the correct idea of the motion. I thought you said such papers and records as were absolutely necessary.

Mr. CALDWELL. That there should be a report of this Commission under the resolution as originally adopted, and that there should be, also, a disposition of those other records. Let the committee report what is regarded as necessary to copy, in order that the Commission might have before it the necessary information, and could definitely act and handle it, that this information should be before it, and my idea in making such motion was nothing but that.

Mr. PURCELL. I offer the following resolution:

Resolved, That we make a complete and certified copy of all the records in their respective departments.

Mr. PRICE. I want to offer an amendment.

Mr. PURCELL. Except those records pertaining exclusively to North Dakota or South Dakota.

Mr. PRICE. I will offer the following:

Resolved, That the report of the committee on disposition of public records be referred back to said committee with instructions to report to the Joint Commission what records should be copied, together with a suggestion as to what disposition should be made of other books, records and files in the several Territorial offices.

Mr. CALDWELL. That covers everything. I presume there are some matters in these offices that are not necessary to be copied for either State.

Mr. KELLAM. Mr. PRICE offers as a substitute to Mr. PURCELL's resolution, the following:

Resolved, That the report of the committee on disposition of public records be referred back to said committee with instructions to report to the Joint Commission what records should be copied, together with a suggestion as to what disposition should be made of other books, records and files in the several Territorial offices.

The CHAIRMAN. The question is upon the adoption of the substitute. Are you ready for the question?

Question. Question.

Mr. KELLAM. The question is upon the adoption of the substitute. The clerk will call the roll.

Camp, yes; Griggs, yes; Harris, yes; Purcell, yes; Sandager, yes.

Mr. SCOTT. I would ask for information, whether this referring to this committee, whether it is to go with the idea, with the understanding that only those books will be recommended for copying for immediate use, or refer all the books that in their judgment will necessarily have to be copied, whether for immediate or ultimate use?

Mr. PRICE. That is my object, for immediate and ultimate use.

Mr. HARRIS. Everything that in the judgment of this committee, will have to be copied; and that we are to report all the books in our judgment will be necessary to be copied, books, vouchers, records, papers of all kinds; and also recommend the disposition of the balance.

Mr. SCOTT. I vote yes. Spalding, (absent); Kellam, yes; Brott, yes; Caldwell, yes; Elliott, yes; McGillicuddy, yes; Neill, yes; Price, yes. South Dakota, seven yeas. North Dakota, six yeas; one absent.

Mr. KELLAM. The next thing is the next committee that is ready to report. There are several other committees appointed—I don't recollect what they were. Have you any reports, Mr. SECRETARY?

The Committee on Miscellaneous Property submitted the following report.

BISMARCK, D. T., July 23, 1889.

TO THE JOINT COMMISSION. GENTLEMEN: Your committee to whom was referred the matter of listing the property belonging to the various Territorial offices beg leave to make the following report:

Public Examiner, North Dakota.....	\$ 16 50
Territorial Veterinarian, as per statement.....	10 00
Railroad Commissioners, Watertown, South Dakota.....	45 00
Board of Health, South Dakota.....
Board of Agriculture, North Dakota.....
Board of Agriculture, South Dakota.....
Adjutant General, as per statement, South Dakota.....	95 00
Commissioner of Immigration.....	175 00
Railroad Commission.....	150 00
Desks, third floor Capitol (old).....	50 00
Treasurer's office—safe.....	500 00
Treasurer's office, scales, measures, etc.....	300 00
Auditor's office, type writer and caligraph.....	110 00
Secretary's office, desk and safe.....	130 00
Board of Pharmacy.....	14 00
Superintendent of Education, North Dakota.....	187 00
Superintendent of Education, South Dakota.....	125 00
South Dakota Fair, per statement.....	60 00
	\$1,967 50

Respectfully submitted,

HENRY NEILL, } Committee.
E. W. CAMP, }

Mr. PURCELL. What was the purpose of the committee?

Mr. HAYDEN. To ascertain the value of any other property not enumerated in those assigned to other committees.

Mr. KELLAM. Have you the Adjutant General's statement?

Mr. CAMP. Ninety-five dollars. We have his statement here and we took the amount from his statement.

Mr. BROTT. I move the adoption of the report.

Mr. KELLAM. In these returns did the several staff officers inventory the property or give the value of it.

Mr. CAMP. They inventoried it.

Mr. KELLAM. It is not material. The only thought I had was we could then determine each item.

Mr. NEILL. They are all listed.

Mr. KELLAM. Gentlemen, the motion is upon the adoption of the report of this committee. As many as are of the opinion the motion should prevail, say aye. The motion is carried.

Mr. KELLAM. There was also a committee on the Library.

Mr. SCOTT. I would say in reference to the report of the Committee on Library, that we have made no written report. We have here a list of the books in the Territorial Library, including all public records and documents. We didn't take into consideration the reports of the various departments of the United States Government which are there, the reports of the various State governments which are there, and State Session Laws and public documents of the State. We simply inventoried the law books in the Library together with any miscellaneous books that were in the Library of any value. We have not been able to put a value upon them for the reason that we have only two complete sets of law reports in the Library, Equity Reports and the other, I believe, is the Kansas Reports, and the balance are in this shape: Alabama, volumes from 45 to 87 inclusive; Mississippi, 48, 49, 51, 52, 53, 54, 55 and 56; Arkansas, from 22 to 45; Illinois, 1 to 123 inclusive. We find there is on hand sixty-two old volumes in worn condition. They are of very little or no value to any State Library. There are also 581 volumes Compiled Laws on hand, and the committee recommend that those be divided between the respective States; and, also, we have on hand a number of the Session Laws of 1889, and we recommend that they be divided between the respective States of North Dakota and South Dakota. And so far as the Library is concerned, we recommend that North and South Dakota place its own value upon that Library and that whichever wants it the worst and is willing to pay the most for it, pay one-half of the value placed upon it to the other State.

Mr. PURCELL. That report includes those books in Yankton?

Mr. SCOTT. No.

Mr. MCGILLYCUDDY. Appoint a committee to hunt them up.

Mr. NEILL. How would it do to make Yankton a present of the library?

Mr. SCOTT. I would say the Secretary made a statement to us, which I didn't agree with him, that is that any person has a right to come to the Library and take a volume out of the Library by merely leaving his receipt for it. It does not seem to me that is the intent. They can come here and look up the authorities, but not take the works outside of the Capitol building.

Mr. PRICE. I guess we better take some with us.

Mr. CALDWELL. I would ask upon what basis these books—Compiled Laws—shall be distributed. Equally to each section?

Mr. SCOTT. That is what we recommend.

Mr. KELLAM. I thought the 1889 Session Laws had been distributed under the provisions of the law.

Mr. PRICE. I move the adoption of the report.

Mr. NEILL. I second the motion.

Mr. KELLAM. I was going to suggest to Mr. SCOTT we have a little more time in detail. I don't know any other way than before we get through with this work for each party to put in a sealed bid (as we understand what that means) for the Library; the one section giving the most for it, it should go there. Of course, by fixing it in that way they should put the full value upon the Library, and the one placing the highest value upon the Library, should have it by paying one-half of the value.

Mr. CAMP. I suggest the report be reduced to writing.

Mr. SCOTT. I presume the Stenographers have it.

Mr. KELLAM. The question is upon the adoption of this report.

Mr. CAMP. I move it be deferred until reduced to writing. The motion was lost.

The report was adopted.

Mr. MCGILLYCUDDY. The Committee on Militia Property is not ready to report. We could get no information from the Adjutant General's office. We could get no report. Would say the following telegram has been addressed to the Adjutant General:

OFFICE JOINT COMMISSION,
BISMARCK, DAK., July 22, 1889.

J. E. HUSTON, ADJUTANT GENERAL, REDFIELD, DAKOTA:

Please have report made by mail without delay, covering all ordnance stores, arms, ammunition, etc., pertaining to military organization Dakota, property of United States or Territory. Indicate where property is stored, names of officers or individuals responsible for same, and estimated value.

V. T. MCGILLYCUDDY, } Committee.
A. SANDAGER. }

We have received no answer, I don't suppose it will be over three or four days. There is no way of getting anything here.

Mr. PURCELL. There are some guns out here.

Mr. MCGILLYCUDDY. I don't know who they belong to. I don't know who is responsible for those arms.

Mr. SCOTT. I suggest the committee report if they ascertained where there is anything due from the United States Government. I understand there is an appropriation of \$6,000 coming to the Territory so long as it remains a Territory, for military purposes.

Mr. KELLAM. This committee reports progress and asks for further time.

Mr. HAYDEN. Committee on Claims—Mr. PRICE and Mr. SPALDING—is the next one on the list.

Mr. PRICE. Will state I saw Mr. SPALDING immediately after the adjournment of the session and indicated to him I was ready to commence the labor of the committee, but he went home the day previous and had been eating string beans, and indicated he was not feeling well enough to discharge his duties, and I told him I would act on his pleasure. And I have not seen him since. I will state further, gentlemen, that I organized myself into a committee of one and have made an expedition. I find there may be a good many unliquidated claims against the Territory, but there is no record in the Auditor's or other offices, and it occurred to me it might be well to act on the suggestion of the Auditor, inasmuch as there are a great many claims unliquidated, and that would be to recommend to our respective Conventions the appointment of a joint commission of the Legislatures of the respective States to pass upon these unliquidated claims. I don't think it would be within the scope or within the power of this Commission to say that these unliquidated claims should be paid, but we might recommend action by the respective States. I find Brother GRIGGS has a claim against the Territory, and Smith, of Huron; and Mr. Long has a claim against the Territory for publishing Long's Hand Book. Of course we are not a legislative body, and I don't think we could take any action for the payment of these claims. We could, however, refer them to the respective States, and they could then be referred to a commission appointed by the Legislators. This is only a partial report. I saw Brother SPALDING to-day, and we will present, perhaps, a written report at the next session.

Mr. CALDWELL. Mr. CHAIRMAN: I believe it has been set-

tled as a fundamental principle pertaining to the powers and duties of this Commission, that it must make an absolute, definite and final disposition of all these things; and it would seem to me that the suggestion in reference to the subsequent commission would be in contravention of what has been fixed as the principle that would be necessary to adopt.

Mr. PRICE. I want the Commission to understand that this was not my suggestion, but the suggestion of the gentleman who occupies the same position Mr. CALDWELL did at one time. It seems the minds of some are for referring things to future Legislatures. Really, this committee has absolutely nothing to do. In my judgment we cannot report anything. While there is a lot of things against the Territory, as I before stated, there is no record. There is nothing that properly comes before this committee.

Mr. CALDWELL. Mr. CHAIRMAN: I have here one of the provisions of the Enabling Act, section six. I believe that this Commission must adjust and agree upon the amount of debts and liabilities of the Territory.

Mr. PRICE. Let me suggest this: There is no claim properly filed. I submit there is nothing for us to take action upon.

Mr. PURCELL. Mr. PRICE's theory is he is not going to run around this country and find out claims. He has got claims against the Territory.

Mr. PRICE. The Auditor informed me when a claim is rejected it is returned and no record made of it.

Mr. HARRIS. With regard to Mr. Long's claim, he gave me a copy of the bill and copy of act passed last winter by the Legislature, and, while I will not be certain, I think that it was passed and was allowed to go into the "soup" by the Governor of the Territory. The record is there. I handed it to Mr. SPALDING, who has it.

Mr. PURCELL. Why would it not be well to make a report of those claims we can tell, existing against the Territory. For instance, the claim of Mr. Long, Mr. Smith or Mr. GRIGGS, and what other claims we can find.

Mr. PRICE. I am still with Brother SPALDING, and ask for time.

Mr. NEILL. I would like to inquire what the status of a claim would be if the claim should be presented after the Territory had been divided. Where would they come in?

Mr. PRICE. For fear I might be on the bench I decline.

Mr. SCOTT. They would be in the same position as copartners; they could recover of North or South Dakota.

Mr. KELLAM. Could not get service.

Mr. SCOTT. Present it to the Legislature.

Mr. KELLAM. Perhaps we can settle it.

Mr. PURCELL. Of course, the claim of Mr. Long is no better than the others. My idea is those claims we could ascertain should be brought before us, and we could then decide what to do with them.

Mr. KELLAM. I think the suggestion of Mr. PURCELL is a good one, that so far as this committee can get information about existing claims it would be well to present them to this Commission, so we can have some idea of what they are, and then if we want to make any recommendation in regard to consideration of the claims hereafter we can do it.

Mr. PRICE. Very well, we will make a written report.

Committee on Federal Appropriations—Messrs. PURCELL and ELLIOTT.

Mr. PURCELL. I believe we were to look up the Federal Appropriations. I desire to say we have been at work very hard. We have come to the conclusion we cannot make a detailed report without taking a trip to Washington and examining the records there, and see what appropriations have been made, and if the Commission feel like making provision for transportation, we would go to fully complete this report. But we ran across a little book to the Governor, and from that we are compelled to make our report. There was \$15,000 appropriated by the United States to the Government Experimental Station at Brookings. There has been \$9,126.17 of that expended for permanent improvements, as I figure it. The items of this calculation are as follows:

Teams and harness.....	\$	899	30
Horticultural implements and tools.....		706	60
Seeds, trees and plants.....		702	60
Hot beds, marking targets, etc.....		134	13
Plant house.....		3,000	00
Library books, periodicals and cases.....		1,391	13
Office furniture.....		283	00
Chemical supplies and apparatus.....		1,141	15
Meteorological instruments.....		58	85
Entomological supplies and apparatus.....		391	37

Making in all \$9,126.17 of the \$15,000 which has been used just as has been indicated by the appropriation. Besides, I am informed

there was a donation of 640 acres of land to the Insane Asylum at Yankton; and there are some other donations, I am informed, that I am unable, at present, to give any satisfactory information in regard to. It is particularly difficult to ascertain these things, because there seems to be no record made of them, and what we got is simply from this small report.

Mr. ELLIOTT. Our duty simply pertained to the Brookings institution, under the motion.

The following letter was now read:

DAKOTA AGRICULTURAL COLLEGE,
BROOKINGS, SOUTH DAKOTA, July, 19 1889.

HON. J. H. DRAKE, SECRETARY JOINT COMMISSION:

DEAR SIR: Thinking something more in detail may be needed than I was able to telegraph you in answer to yours of this afternoon, I write this line and send you some documents. The United States funds are for the maintenance of a United States Agricultural Experimental Station for Dakota. By the act of March 2, 1887, organizing those stations, \$3,000 the first year may be used for building, and \$750 each year thereafter. In the two years of our existence we have used these sums; \$3,750 for buildings. We have also used about \$1,500 for library and chemical apparatus, and a few hundred for sundry other permanent improvements. The balance due has been used for such current expenses of maintenance as seed, labor, salaries, printing and distributing bulletins, alike for the two Dakotas. I enclose copy of Congressional Act, and of first annual report. Trusting these will be satisfactory and sufficient,

I am respectfully,

LEWIS McLOUTH,
President of College and Director of Experimental Station.

P. S.—It is possible on a close classification that \$7,000 may be counted for permanent improvements. It is a little difficult to draw the line.

L. M. McL.

Mr. CALDWELL. The language of the act would indicate that this property is not, to any extent, whatever the property of the Territory, nor would it become the property of South Dakota. It remains the property of the United States; and upon the division of the Territory of Dakota into two States, the State of North Dakota could at once procure from the United States precisely these same appropriations which South Dakota has had; so that it would seem to me that it could not be a claim to any extent whatever, that South Dakota should be required to account to North Dakota for whatever it may have received in the way of permanent improvements, furnishing or maintenance of this experimental station, which as I said before, is distinctly the Federal Station.

Mr. PURCELL. I don't see how you can consider it in that way. It is not a separate and distinct institution. It shall be allowed to use one-fifth of any other appropriation at any time for permanent improvements in connection with the College.

Mr. BROTT. That has reference to the Station.

Mr. SCOTT. I presume that will come up for discussion.

Mr. PURCELL. The sum of \$15,000 of appropriations is made to the State or Territory. This Station is made in connection with the institution already established in the State or Territory, and I believe is run in connection with the College.

Mr. CALDWELL. Certainly, but it may be as I understand it—if there be——

Mr. HARRIS. Mr. CHAIRMAN: As this question will come up in connection with the public institutions, I move the report of this committee be accepted and adopted.

The motion was seconded.

Mr. KELLAM. The motion is upon the adoption of the report of this committee.

Mr. PURCELL. I ask leave that the report be put in writing. The Major and I will get together and draft it.

Mr. HARRIS. I withdraw the motion then. I move you we adjourn.

Mr. CAMP. Now, gentlemen, how long will it take to finish up this sub-committee business?

Mr. CALDWELL. I should say probably four or five hours.

Mr. HARRIS. I think so; we will have to go into the offices and examine more carefully. We were to meet at 2 o'clock yesterday, and a matter came up in our Convention in which we were interested where the vote was 31 to 31, and the Chairman had the deciding vote. It was a matter in relation to counties and county seats which, if it had carried, would have made it possible to relocate and move any county seat in North Dakota, and it was necessary for us to be there. And I don't know but something of the same kind may come up this afternoon. Now, the continuation of that same part of the Constitution will come up this afternoon, and if we could fix that up in time for this sub-committee to report, and fix them up this evening——

Mr. CAMP. We will be through with the work by 3:30 o'clock.

Mr. HARRIS. Make it then, 3:30 o'clock. I want to get through with this work as soon as possible.

Mr. CALDWELL. I would suggest consideration of the fact

that the Convention of South Dakota is lingering along, simply awaiting the result of the work of this Commission. It is approaching harvest time down there, and many of our members of our Convention with us are agriculturalists and want to be at home, and anything that can be done to hasten our getting away would be particularly acceptable on that account. Of course, there are some things down there—matters in which members of this Commission are quite interested in, and that we are necessarily away from there. It seems to me it might be possible for the gentlemen in the matter that has been referred to by Mr. HARRIS, to pair with some members of the Convention, who would be upon the other side with regard to the questions that would arise.

Mr. SCOTT. Can we do anything this afternoon, anyway, until the reports are made? I have a suggestion to offer—I don't know whether it will be acceptable. Supposing each Commission prepares an offer as to basis of lump settlement of the division of the Territorial assets, covering everything but the records. For instance, let us make a proposition covering the whole business in a lump.

Mr. CALDWELL. That could not be of any value unless it should go quite largely into the details as to consideration by which the respective parties had arrived at a conclusion.

Mr. SCOTT. You can state the reasons which induced you to arrive at your conclusion.

Mr. KELLAM. I would favor the suggestion; I would favor the idea of each side preparing what it regarded as a fair and natural basis, a fair plan to dispose of these questions, save the public records, making it as a proposition to be considered by the other side in Joint Commission.

Mr. MCGILLYCUDDY. I am in favor of that.

Mr. KELLAM. The details would be discussed. We would develop the fact we could agree easier, or we could not at all.

Mr. CAMP. Can't we have a meeting this evening at 7:30 o'clock.

Mr. PURCELL. We have a meeting of the Legislative Committee at that time.

Mr. CALDWELL. There is Ordway's reception.

Mr. HARRIS. That is to-morrow night.

Mr. HARRIS. If this proposition of Mr. SCOTT is looked upon favorably, it seems to me perhaps we would make as much headway by adjourning until to-morrow morning at 10 o'clock.

Mr. HARRIS. Make it 9 o'clock.

Mr. PRICE. Any time after 7 o'clock in the morning would suit me. I move you——

Mr. KELLAM. If we meet at any time before 9.30 we will have to meet at your rooms. It is to be understood that each side will get down to a candid, actual business proposition, not merely to make a proposition for the sake of doing up the other side particularly. It seems to me that would be a very fair way of starting the thing. Now, in regard to some of the matters, I would not be prepared to give my consent to another basis than the one I have already suggested.

Mr. SCOTT. If any proposition is made it should be business.

Mr. CALDWELL. So my idea would be, for instance, each side make a sort of a general proposition covering all these things; each side making a proposition in regard to the various lump items. We will say, here are the public institutions, let there be a proposition in regard to them. Then a proposition with regard to the division of other indebtedness of the Territory, which will necessarily arise before division can take place. It will be necessary for the Territorial Government to negotiate a loan which will have to be taken care of. And another consideration has been urged here, the rebate of taxes paid by these various North Dakota counties, which cases are now in the Supreme Court, and things of that kind; and so the necessity of making it broad to cover all these things. It seems to me the proper way would be to make a proposition in regard to the various items.

Mr. KELLAM. My idea would be with the view that each side has come here for the same purpose, and that is to make a reasonable and fair settlement of these matters, and that all these matters have been pretty thoroughly discussed, and now the speediest way we can settle, if we can settle at all or not, and if we can, upon what basis, will be sooner developed by each side formulating its idea of what a fair settlement would be, than in any other way. Of course, this proposition would have to be in departments. They might have to be in sections.

Mr. CALDWELL. Be in departments so it can be considered in detail.

Mr. SCOTT. We have now discussed each particular detail of this and have got facts and figures. My idea was to suggest a proposition which would cover these things as a whole. Each

side could say how they arrived at their conclusion, and see, whether or not, the reasons were good ones and whether or not, the proposition as a whole was, under the circumstances, the easiest way out of it, and add all these matters into one proposition.

Mr. KELLAM. Of course, that would necessarily—

Mr. PURCELL. The proposition should go into detail.

Mr. CAMP. You take up the Library and make a proposition in regard to that.

Mr. CALDWELL. For instance, proposition with regard to the public indebtedness of the Territory. A proposition with regard to the other property than that included in the public institutions.

Mr. HARRIS. I don't think that was Mr. SCOTT's idea—his idea was a general idea of settlement. These different things, of course, would have to go in the detail—to be in one proposition or settlement. There might be details that would be referred to by South Dakota we might object to. There might be details the other side might object to. There might be details not objected to by either party, and in that way we can arrive at a settlement.

Mr. PRICE. It was my original idea we ought to settle one thing at a time, but I don't know but what this is a pretty good plan.

Mr. CALDWELL. Each side to arrange. This proposition, of course, does not bind anybody to anything, but would be a help toward promoting the purpose for which we are assembled, and if Mr. SCOTT makes that as a motion I would second it.

Mr. SCOTT. I am in favor of anything that will assist a speedy settlement. If this will do it I am in favor of it. If not, I am not in favor of it. I am inclined to think it will.

Mr. SANDAGER. It seems to me there are some important questions on which we have not been able to get anything definite to start, for instance the military.

Mr. KELLAM. It will develop what points of difference there is.

Question.

Mr. KELLAM. The only thing I would like to have discussed, if it is necessary, is that both sides get about the same idea what shape this proposition is going to take.

Mr. SCOTT. My idea is this. We will take the difference. On one account you are indebted to us so much; on another you

are indebted to us; the total between those accounts would be so much. We say—here, you have your institutions, we have ours; you assume yours, we assume ours, as settlement in full; we take our personal property, you taking yours; you are indebted to us so much, we are indebted to you so much.

Mr. HARRIS. I second the motion of Mr. SCOTT.

Mr. KELLAM. The motion of Mr. SCOTT is that each section of this Commission submit, at the next joint session to-morrow morning, a proposition of settlement involving all matters except the distribution of the archives and records of the Territory. The question is upon this motion. Are you ready for the question?

Question.

Mr. KELLAM. The Clerk will call the roll.

All members voted in the affirmative. Messrs. SPALDING and NEILL absent.

Mr. KELLAM. The motion is carried.

Mr. HARRIS. I move we adjourn until 9:30 o'clock to-morrow morning.

The motion was seconded and carried, and
The Commission adjourned.

N I N T H D A Y.

BISMARCK, *Thursday, July 25, 1889.*

The Commission met at 10 o'clock a. m. E. W. CAMP in the Chair.

Mr. CAMP. The Clerk will call the roll.

All members present except Messrs. HARRIS and SPALDING.

Mr. CAMP. There were to be two propositions submitted this morning—one from North and one from South Dakota.

Mr. McCLARREN, Clerk of the South Dakota Commission read the following proposition of the South Dakota Commission, as follows: