

## AFTERNOON SESSION.

Members all present, with Mr. Camp in the chair.

The time was employed in the discussion of the respective propositions.

Convention adjourned until 9.30 a. m., July 26th.

BISMARCK, July 26.

Commission was called to order with Major Kellam in the chair. Members were all present except Messrs. Spalding and Sandager.

Moved by Mr. Caldwell that the chairman of the respective commissions be requested to confer and report a plan of settlement.

Which motion prevailed.

At the afternoon session Messrs. Kellam and Camp were instructed to prepare in writing a basis for settlement of all matters to come before the commission except the public records.

Adjourned to 9.30 a. m., July 27.

BISMARCK, July 27th.

Commission was called to order with Mr. Camp in the chair.

Mr. Griggs presented proxy for Mr. Purcell.

All members were present except Messrs. Sandager and Spalding.

Messrs. Kellam and Camp of special committee presented the following report.

GENERAL PLAN OF AGREEMENT PROPOSED AND RECOMMENDED.

PUBLIC INSTITUTIONS.

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

All other items of personal property and miscellaneous effects belonging to the territory, except the territorial library, and the territorial records and archives, shall be divided as nearly equally as possible between North and South Dakota. The State of South Dakota shall pay to the State of North Dakota \$42,500, on account of excess of territorial appropriations for the permanent improvement of territorial institutions which under this agreement will go to South Dakota, and in full settlement of unbalanced accounts, and of all claims against the territory, of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of Northern Pacific Railroad lands, and the payment of said amount shall discharge and exempt the State of South Dakota from all liability for or on account of the several matters hereinbefore referred to, nor shall either State be called upon to pay or answer to any portion of any liability hereafter arising or accruing on account of transaction heretofore had, which liability would be a liability of the Territory of Dakota had such territory remained in existence, and which liability shall go out of matters connected with any public institutions of the territory situated or located within the boundaries of the other State.

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

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

If on investigation it appears that the militia property is divided between North and South Dakota companies in proportion nearly equal, then the property is to remain within that State within the limits of which it now is; otherwise it is to be divided as nearly equally as possible. The final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid to the public institutions located within the boundaries on account of the current appropriations since the same became available; and South Dakota charged with all sums paid to public institutions located within its boundaries on the same account and during the same time. Each State to be charged with one-half of the general expenses during the same time. That all moneys paid into the treasury during this period from about March 11, to the time of final adjustment, from North Dakota shall be credited to North Dakota, and all such sums paid from South Dakota for the same time shall be credited to South Dakota, except that all railroad taxes paid into the territorial treasury since date above mentioned for years prior to 1889 (that is, the part thereof going to the territory) shall be equally divided between North and South Dakota, and the railroad tax for 1889 shall be distributed as already provided by law, except that so much of said tax as goes to the territorial treasury shall be divided as follows: North Dakota shall have so much thereof as is paid by railroads in North Dakota and South Dakota so much thereof as is paid by railroads in South Dakota.

If there shall be an indebtedness at the time of the final division each shall assume its share as determined by the amount paid to each section in excess of the receipts from each section, and if there shall be a surplus at the time of such division, each shall be entitled to the amount it has paid in over and above the amounts it stands charged with.

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

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

Each State shall succeed to all rights of the territory upon contracts for public works within such State or bonds to secure the completion of such contracts. Each State shall receive all unexpended balances of the bonds which it is to pay whether such balances have been covered back into the treasury or not.

A. G. KELLAM,  
E. A. CAMP,  
Committee.

Mr. Elliott moved the adoption of the report.

After full discussion of the motion Mr. Griggs moved that the report be amended by inserting in lieu of \$42,500 the sum of \$50,000.

Which amendment was lost.

The original motion was then carried unanimously.

Mr. Price moved that the chairmen of the respective commissions be appointed a committee to draw up the final agreement in accordance with the proposition already adopted.

Which motion prevailed.

The Committee on Public Records presented the following report:

BISMARCK, July 24, 1889.

*To the Joint Commission of North and South Dakota:*

GENTLEMEN: Your sub-committee appointed to suggest an agreement for disposition of the archives, records and books of the territory, as provided in sections 5 and 6 of the Enabling Act, would respectively recommend.

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

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

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

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

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

### RECORDS TO BE TRANSCRIBED.

#### SECRETARY'S OFFICE.

Two Volumes Railroad Deeds, Mortgages and Leases.  
Twenty-seven Volumes Foreign and Domestic Incorporation Records.  
Three National Commission 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.

#### TREASURER'S OFFICE.

Three Cash Books.  
One Journal.  
Two Ledgers.  
Two old books—Journal and Cash book and Ledger.  
One Bond Register.

#### GOVERNOR'S OFFICE.

One Requisition Record.  
One Executive Record.

#### ADJUTANT GENERAL'S OFFICE.

Record Books.

#### SUPREME COURT RECORDS

Record Books.

### TO BE DISTRIBUTED ACCORDING TO LOCALITY.

#### SECRETARY'S OFFICE.

Election Returns—Constitutional Conventions and Local Option.  
Application Bonds, Notarial Commissions.  
Enrolled Bills, Local, Application.  
Application for Pardons.  
Articles of Domestic Incorporation.  
Papers Relating to the Organization of Counties.

## AUDITOR'S OFFICE.

Vouchers of Local Application.  
One Bond Register, County Bonds, South Dakota.

## TREASURER'S OFFICE.

One Warrant Register, to go to North Dakota.  
Letters to be Divided by Counties, and Vouchers and Receipts the same.  
Bonds Coupons Paid.  
Railroad Report of Gross Earnings.  
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.  
Requisition Papers.

## COMMISSIONER OF IMMIGRATION.

Nothing.

## TO BE DIVIDED BY LOT.

## SECRETARY'S OFFICE.

- No. 1. Correspondence, including letter files and letter books.
- No. 2. Bills introduced in Legislature to date. House and Council Journals and Bill Books.
- No. 3. Enrolled Bills of General Application.
- No. 4. Application and Affidavits of Foreign Loan and Building Associations.
- No. 5. Proclamations of Governors.
- No. 6. Oath of Office, Commissioner of Deeds.
- No. 7. Oaths and Bonds of Territorial Officials.
- No. 8. Articles, Foreign Incorporations.
- No. 9. Articles not specified.

## GOVERNOR'S OFFICE.

- No. 8½. Two Volumes Visitor's Registers.
- No. 9½. Official Correspondence, letter files and letter books.
- No. 10½. Lincoln Memorial.
- No. 11½. Articles not specified.

## AUDITOR'S OFFICE.

- No. 10. Warrant Register.
- No. 11. Warrant Stubs and Redeemed Warrants.
- No. 12. Vouchers other than those of local origin.
- No. 13. Six Volumes Insurance Records.
- No. 14. Letter Files and Letter Books.
- No. 15. Abstract of Assessment Roll (one copy is with Auditor and the other is with Treasurer).
- No. 16. Annual Statements and Correspondence with Insurance Companies.

## TREASURER'S OFFICE.

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

## ATTORNEY GENERAL'S OFFICE.

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

## VETERINARY SURGEON.

- No. 22. Letters and Papers.

## RAILROAD COMMISSIONERS.

- No. 22. Letters and Papers.

## BOARD OF HEALTH.

- No. 23. Letters and Papers.

## ADJUTANT GENERAL'S OFFICE.

- No. 24. Correspondence, Etcetera.

Respectfully submitted.

HARVEY HARRIS,  
 E. W. CALDWELL,  
 Committee.

Action on the report was postponed until Monday morning and was referred back to the committee with instructions to report as to what books are necessary to be copied.

The respective sections of the Joint Commission proceeded to prepare sealed bids for the Public Library which, when opened by the secretaries, were as follows:

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

A. G. KELLAM,  
 Chairman.

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

EDGAR CAMP,  
 Chairman.

Commission adjourned to meet meet Monday, July 29.

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 BISMARCK, July 29.

Commission was called to order by Mr. Camp.

The Committee on Final Agreement was not ready to report and the Commission adjourned to meet at 10 a. m., July 30.

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 BISMARCK, July 30.

Commission met with Major Kellam in the chair.

All members were present.

The Committee on Records made the following report according to instructions of July 29: