

Page 313 of this excerpt from Volume VI of the 1904 book "The Province and the States" shows that Emanuel B. Korn participated in a preliminary South Dakota constitutional convention at Huron in 1883.

THE
Province and the States

A HISTORY OF THE PROVINCE OF LOUISIANA UNDER
FRANCE AND SPAIN, AND OF THE TERRITORIES
AND STATES OF THE UNITED STATES
FORMED THEREFROM

IN SEVEN VOLUMES

ILLUSTRATED WITH NUMEROUS MAPS AND PORTRAITS

Weston Arthur Goodspeed, LL. B.

Editor-in-Chief

VOL. VI

MADISON, WIS.
THE WESTERN HISTORICAL ASSOCIATION
1904.

CHAPTER VI

Dakota Territory, Division and Admission

FREQUENT mention of attempts to secure the division of the territory of Dakota and admission into the Union as two separate states has been made in the preceding pages. But no general interest was fully aroused in the matter until 1883. To briefly recapitulate the efforts prior to that year: In 1871 a memorial to congress asking for a division on the forty-sixth parallel, passed the territorial legislature unanimously. Similar memorials with four negative votes passed in 1872; in 1874 another with one negative passed; in 1877 another was unanimous; in 1879 a protest against the admission of Dakota as one state was passed; in 1881, a memorial praying for division into three states was adopted; in the winter of 1881-82, more than a hundred citizens of South Dakota went to Washington to urge congress to pass a law dividing the territory and admitting the southern part as a state. These citizens succeeded in having bills favorably reported to both branches of congress, but that was the extent of their success.

Connected with this first attempt to secure the admission of South Dakota, is an event which happened ten years before, but which played an important part in the struggle for statehood. In 1872 the great need of Southeastern Dakota was improved means of transportation. There was no legal way by which counties or municipalities could extend aid to railroads. To remedy this situation a special session of the legislature was called in April, and an act to enable organized counties to vote aid to any railroad and to provide means of payment for the same was passed and approved on the 21st of that month. A petition asking that aid be given a railroad company, known as the Dakota Southern, to extend its line from Sioux City to Yankton was soon

afterward filed with the commissioners of Yankton county. A special election was ordered held September 2, 1871, and the voters of Yankton county carried the proposition to issue two hundred thousand dollars worth of twenty-year bonds, bearing eight per cent interest per annum, payable semi-annually, to aid in the construction of the road.

The legality of these bonds being questioned, congress passed an act, May 27, 1872, for the purpose of making the Dakota Southern Railroad Company a legal corporation, and in this act it was provided that the railroad company should issue, to any county voting aid to the railroad, paid up certificates of stock to the amount of the aid voted by said county. The bonds authorized by the voters of Yankton county, were duly executed in July, 1872, and the proceeds were turned over to the railroad company, the commissioners receiving stock certificates to the amount of two hundred thousand dollars in return. One of the tax payers of Yankton county brought suit to enjoin the commissioners from levying a tax to pay the interest on the bonds. The territorial supreme court, in deciding this case, held that the special session of the legislature, in the spring of 1871, was illegal, because the organic act, erecting the Territory of Dakota, provided that the legislature should meet biennially and that no session should last more than forty days. The regular session had adjourned, January 13, 1871, after having been in session forty days, and no legal session could be held for two years. It was also held by the court that the two hundred thousand dollars voted by Yankton county was a free donation, and that the issue of stock certificates was not in harmony with the will and intent of the electors. This decision was rendered at the December term in 1875, by Judge Bennett, with Judge Barnes concurring and Chief Justice Shannon dissenting.

Again in October, 1880, the question came before the court—this time in a suit brought by the First National bank of Brunswick, Me., against the commissioners of Yankton county, to enforce the payment of two or three installments of interest that had been defaulted. Finally the case was taken to the supreme court of the United States, where it was decided the bonds were binding on the county, inasmuch as the act of congress of May 27, 1872, was equivalent to a direct grant of power to issue them. Regarding these bonds Governor Ordway, in his report to the secretary of the interior, in 1881, said:

“The members of one of the early legislative assemblies were called together in direct violation of law, and aided to load upon

the people of Yankton county two hundred thousand dollars of ten per cent bonds for the construction of a railroad which would soon have been built without any subsidy; and to this debt is added the accumulated defaulted interest, thus entailing upon one of the most populous counties an unjust debt of nearly three hundred thousand dollars."

While the bills providing for a division of the Territory were pending in congress during the winter of 1881-82, the bank at Brunswick, Me., prepared an elaborate protest against the admission of South Dakota, and placed it in the hands of Senator Hale, of Maine, who introduced it in the United States senate, March 21, 1882, and gave notice that when the bill for the admission of Dakota came up, he would offer an amendment postponing admission until the county of Yankton purged itself of the charge of repudiation. In the meantime the *Dakota Herald*, of Yankton, contained the following article, bearing on the subject:

"There are a good many strong hints to sundry people in Yankton county, in the following telegram, started in Chicago, and sent all over the country Wednesday. There is nothing to deny in the dispatch, and there is no occasion for comment in regard to it." The telegram referred to was as follows: "Chicago, Feb. 8, (1882). Some holders of bonds of Yankton county, Dak., have prepared a protest against the admission of Dakota as a state, which will be forwarded shortly to Washington. The allegations therein contained, if true, show a remarkably bad record for the citizens of that county. It is set up that in 1872 the county issued two hundred thousand dollars in bonds to aid the Dakota Southern railroad, under the act of Congress; that these bonds are widely distributed; that under the lead of some of the men now pushing on the matter of admission at Washington, the county stopped the interest upon these bonds and tried to repudiate them, but after several years litigation the United States Supreme Court, in May, 1880, decided that they must be paid. Since then, by various disreputable expedients, aided by the Territorial legislature, they have, the bond-holders assert, avoided payment of the interest, which now amounts to one hundred fifty thousand dollars. One expedient was a law permitting county commissioners to resign immediately by filing a paper. By so resigning the commissioners escaped service last summer, and when the affairs of the county demanded some attention new commissioners were appointed on Monday morning, who met secretly, transacted some business, and resigned before daylight to avoid process. That this trick was approved by the voters, who

re-elected them, but they feared to qualify. Finally two of them did qualify, secretly transacted some business, and then resigned, leaving the bonds in *statu quo*. In view of this condition of affairs, the bondholders will protest that Dakota is not fit for self-government, and that the federal power which authorized the bonds should protect the holders, and not encourage repudiation."

This article, which went the rounds of the press, embodies the statements as set forth in the protest, introduced by Senator Hale. The protest was a voluminous document, and it is quite certain that it wielded considerable influence to prevent the passage of the bills providing for the admission of the Dakotas.

Thus matters rested until the meeting of the Dakota legislature in 1883. In his message to that legislature, Governor Ordway, in referring to the subject, said:

"The failure of the officers of Yankton county to meet the requirements of two hundred thousand dollars of bonds issued to aid in the construction of a railroad, has caused severe criticism and unfavorable comment during the discussion of the bills for the admission and division of the Territory. . . . The people of Yankton county, previous to the last election, inaugurated a movement to refund or liquidate these outstanding bonds, bearing a high rate of interest, by the issuance, under congressional authority, of a well guarded low rate of interest bond which the revenues of the county could meet as the interest and principal should fall due."

Toward the close of the legislative session of 1883, a bill to enable the people of South Dakota to call a convention and form a constitution was passed almost unanimously. For the reason that the expense was to be paid out of the public funds, the bill was withheld by the governor, and prevented from becoming operative. Although he was in sympathy with the movement, and would not openly veto the measure, he argued that, as the southern part of the territory was to be the beneficiary of the bill, that portion of the territory should pay the expenses of the convention.

The governor was severely criticised for his action in withholding the bill, though from his point of view he was unquestionably in the right. The failure of the bill had the effect of inciting the advocates of division to greater exertion. Added to this was the bill authorizing the removal of the capital, and the general impression that the new capital was likely to be located north of the 46th parallel.

In this exigency the Dakota Citizens League came to the res-

cue. When the convention at Canton adjourned, in June, 1882, it was to meet at Huron when called by the executive committee. The committee got together in the latter part of March, 1883, and issued a call for a convention to meet at Huron, on the 19th of June, "for the purpose of determining upon the advisability of calling a constitutional convention." This call met with general approbation. Meetings were held all over the Territory to select delegates to the Huron convention: The people of Huron went to work and erected a wigwam especially for the accommodation of the sessions of this convention. On Tuesday, June 19, the convention assembled in this wigwam. There were 188 delegates from 34 counties, as follows:

Aurora—S. L. Baker, L. S. Cull, E. W. Robey, J. C. Ryan, E. H. McIntosh.

Beadle—Karl Gerner, S. A. Armstrong, John Blair, Fred Grant, John Cain, A. B. Melville, L. S. Hazen, S. C. Nash, E. A. Morse, J. W. Shannon.

Brown—N. T. Hauser, M. J. Gordon, S. H. Junper, John J. Drake, W. B. McShesney, E. A. Bowers, A. O. Titus, W. Winters.

Brookings—H. H. Natwick, C. A. Kelsey, Geo. A. Mathews, C. H. Stearns, L. P. McClarren, Page Downing, S. G. Mayland, H. P. Finegan, D. J. Darrow, S. W. Lockwood, Charles Davis, E. E. Gaylord, C. W. Williams, J. O'B. Scobey, Frank Adams, Ole Knudtson.

Buffalo—E. A. Herman.

Brule—A. G. Kellam, John H. King, F. M. Goodykoontz, D. Warner, L. W. Lewis, Charles Cotton, S. W. Duncan, E. J. Wells.

Bon Homme—M. H. Day, F. M. Ziebach, Robert Dollard, C. T. McCoy, John L. Turner, Joseph Zitka, F. A. Morgan, T. O. Bogart, C. T. Campbell, Peter Byrne, John Todd, J. H. Stevens, C. S. Rowe, Robert Kirke, O. Richmond, Frank Trumbo, John C. Memmner, J. C. Klemme.

Campbell—S. S. Bassett.

Clark—S. H. Elrod, S. J. Conklin, E. F. Conklin, Don R. Frazier.

Clay—E. B. Dawson, C. G. Shaw, J. Kimball, A. L. Newton, J. E. White, H. Newton, John R. Whiteside, C. E. Prentis, Ben Collar, Jared Runyan, A. H. Lathrop, G. S. Agersborg.

Codington—H. R. Pease, L. D. Lyons, D. C. Thomas, E. M. Dennis, E. D. Wheelock, T. A. Kingsbury, A. D. Chase, Oscar

Kemp, O. E. Dewey, Wm. M. Pierce, Geo. A. Edes, C. C. Wiley, L. D. F. Poore, W. O. Frazer, W. H. Donaldson.

Davison—H. C. Green, S. D. Cook, S. F. Goodykoontz, J. D. Fegan, S. W. Rathbun, R. F. Allerton, John Pease, E. S. Johnson, George S. Bidwell, John Foster, Douglas Leffingwell, W. H. Blackman.

Day—E. R. Ruggles, M. Moulton, O. A. James, B. F. Stringham.

Douglas—W. E. Tipton, George H. Woolman, J. J. Devy, F. E. Lawrence.

Faulk—J. H. DeVoe, J. A. Pickler, L. VanHorne.

Grant—A. B. Smedley, A. Wardall, J. W. Bell, A. J. Blesser, P. E. Skaken, A. H. Lewis, Wm. M. Ecans, S. S. Lockhart, O. J. Scheile, J. B. Whitcomb, John Buzzell, A. H. Nash, J. R. Eastman, J. C. Drake, A. C. Dodge, J. C. Knapp.

Hand—W. H. Kephart, B. F. Payne, R. T. Smith, E. S. Voorhies, C. E. Cort, C. O. Hutson, G. W. Livingstone, C. A. Wheelock, S. L. Sage.

Hanson—W. S. Arnold, L. P. Chapman, A. J. Parshall, F. B. Foster.

Hughes—H. J. Campbell, C. D. Mead, W. S. Wells, H. R. Horner, V. E. Prentice, C. W. Richardson, Wm. Stough, H. E. Dewey.

Hutchinson—A. Sheridan Jones, L. L. Eisenman, Henry Heill, David Ballou, Karl Winter, S. M. Daboll, John Chamber.

Hyde—M. G. Sinon, E. O. Parker, L. E. Whitcher.

Kingsbury—P. Lawrence, Thomas H. Ruth, Thos. Reed, J. E. Risendorph, I. A. Keith, M. A. Brown, A. Whiting, J. A. Owen, D. C. Kline, L. F. Dow, J. C. Gipson, J. J. Sweet.

Lawrence—G. C. Moody, B. G. Caulfield, S. P. Romans, Porter C. Warner, W. L. Hamilton, S. B. Smith, A. J. Knight, G. G. Bennett, W. H. Parker, W. R. Steel, D. Corson, A. J. Harding, John R. Wilson, C. F. Tracy, W. H. Riley, M. H. Gregg, T. E. Harvey, H. O. Anderson, D. K. Dickinson, W. J. Larimer, Dolph Edwards, J. O. Gunsully, Geo. F. Robinson, J. W. Garland, John H. Davey, Thomas Hartlan, John C. Ryan, Joseph Ramsdell.

Lincoln—L. Hensley, A. Boynton, J. W. Taylor, E. B. Peterson, B. C. Jacobs, A. R. Wheelock, W. K. State, Lars Hilme, Robert Pierce, Elling Opsal, Thomas Wright, O. D. Hinkley, Wm. Bradshaw, A. P. Dizon, George Conklin, Wm. M. Cuppett.

McCook—J. E. Rutan, J. T. McKee, J. M. Bayard, E. Thomas, E. H. Wilson, John F. Norton, D. S. Pond, H. G. Miller.

Miner—S. H. Bronson, Mark Harris, G. A. Martin, J. P. Ryan, M. A. Moore, H. Weddy, F. Britain, W. G. James.

Minnehaha—R. F. Pettigrew, E. W. Caldwell, C. W. Hubbard, J. Schaetzel, Jr., Melvin Grigsby, J. R. Jackson, John Langness, W. W. Brookings, C. H. Winsor, T. H. Brown, D. R. Bailey, B. F. Campbell, G. A. Uline, S. Wilkinson, D. S. Glidden, C. E. McKinney, A. C. Phillips, T. S. Free, W. A. Wilkes.

Moody—H. M. Williamson, A. G. Bernard, Wm. Ramsdell, T. E. Carter, Roger Brennan, L. W. Sherman, F. E. Whalem, N. Vance, C. D. Pratt, John Hobart, A. P. Allen, Phil Clark.

Potter—O. L. Mann.

Sanborn—C. H. VanTassel, H. E. Mayhew, N. B. Reed, Wm. McFarland, Geo. Lawrence, W. F. Kenfield, F. W. Thaxter, O. H. Jones.

Spink—E. C. Marriner, C. H. Seely, C. N. Keith, M. Moriarty, F. W. Rogers, J. H. Allen, J. J. Cushing, C. H. Reedan, R. B. Hassell, E. W. Foster, J. M. Miles, C. D. Friberg, C. T. Howard, **E. B. Korns**

Sully—J. A. Meloon, J. M. Moore, B. P. Hooven.

Turner—L. Newell, J. B. Currens, J. A. Hand, J. P. Coffman, A. T. Cathcart, G. W. Perry, Rev. Mr. Harmaling, Rev. Mr. Warnshuis, Jackson Davis, G. L. Douglass, Joel Fry, N. Tychsen, J. B. Beebe, T. H. Judson, S. F. Andrews, Mr. Parr.

Union—J. V. Himes, C. F. Mallahan, Halvor Knudson, C. H. Walworth, Geo. B. Freeman, J. C. Cittel, Geo. Ells, Jesse Akin, N. A. Kirk, Henry Kiplinger, Joseph Yerter, M. W. Sheafe, Adam Scott, Howard Mosier, J. G. Merrill, Thomas Roman.

Yankton—Bartlett Tripp, Joseph Ward, Geo. Brown, C. J. B. Harris, G. W. Kingsbury, John R. Gamble, Wilmot Whitfield, Newton Edmunds, J. R. Hanson, Fred Schnauber, Maris Taylor, E. Miner, Geo. H. Hand, I. E. West, S. A. Boyles, S. H. Gruber.

Wilmot Whitfield of Yankton, chairman of the executive committee of the Dakota Citizens League, called the meeting to order. Prayer was offered by Reverend Doctor Hoyt, after which the convention was regularly organized. B. G. Caulfield of Lawrence county was temporary and afterward permanent chairman, and Philip Lawrence of Kingsbury county, secretary.

The work of the convention consisted in the adoption of a resolution favoring a division of the Territory; the issuance of an address to the people; the selection of an executive committee of thirty-six members, with ex-Governor Newton Edmunds as chairman, and calling a second convention to meet at Sioux

Falls, Tuesday, September 4, 1883, to form a state constitution, preparatory to admission into the Union. A committee of forty-five, with Bartlett Tripp as chairman, was appointed to draw up a memorial to congress. This committee prepared a strong array of reasons for division and admission, which paper was presented to congress the following winter, and so concisely and logically were the claims of Dakota to statehood set forth in this memorial, that it was again laid before the first session of the 38th congress in 1886.

One of the most enthusiastic advocates of division was Hugh J. Campbell, United States attorney for Dakota. He issued a pamphlet on "How to Form the State of Dakota," in which he favored independent action. At the meeting at Yankton, July 21, 1883, to select delegates to the Sioux Falls convention, he offered the following resolution, which was unanimously adopted:

"Resolved, That it is the sense of the people of Yankton county, and we so advise to delegates today nominated, that it is the unquestioned and lawful right of the people of Dakota, south of the 46th parallel, to at once establish for themselves a state constitution and a state government, and that we recommend the constitutional convention at Sioux Falls to submit to the people for election, at the same time that the constitution is submitted, a full list of officers for a complete state government, a state legislature, and a representative in Congress."

Ex-Chief Justice Shannon and others counseled moderation, but the unanimity with which the resolution was adopted was indicative of the humor of the divisionists.

In pursuance of the call issued by the Huron convention, the first constitutional convention of South Dakota met at Sioux Falls on the 4th of September. John R. Gamble of Yankton, acting for ex-Governor Edmunds, called the convention to order, and upon a roll call of the delegates the following responded:

Aurora—S. L. Baker, T. C. Kennelly, Frank P. Baum.

Beadle—A. B. Melville, C. J. Shefler, Charles Reed, George F. Lane.

Bon Homme—C. T. McCoy, John L. Turner, Robert Dollard, F. M. Ziebach.

Brookings—G. S. Clevenger, B. J. Kelsey, A. S. Mitchell, T. R. Qualey.

Brown—M. J. Gordon, W. C. Houghton.

Brule—A. G. Kellam, S. W. Duncan, G. E. Schwindt.

Buffalo—E. A. Herman.

Charles Mix—A. B. Lucas.

- Clark—S. J. Elrod, C. G. Sherwood.
 Clay—J. P. Kidder, J. R. Whiteside, J. Kimball, E. B. Dawson.
 Codington—A. C. Mellette, Wm. Pierce, E. D. Wheelock, R. B. Spicer.
 Davison—A. W. Hager, A. J. Waterhouse, John C. Tatman, John M. Pease.
 Day—E. R. Ruggles, M. M. Moulton.
 Deuel—P. A. Gatchell, H. B. Monaghan.
 Douglas—J. F. Callahan.
 Edmunds—H. A. Day.
 Faulk—P. E. Knox.
 Grant—J. C. Elliott, N. I. Lothian, W. T. Burman, B. P. Murphy.
 Hamlin—John Hayes, J. P. Cheever.
 Hand—B. R. Howell, Chas. E. Cort, Henry Miller, W. N. Brayton.
 Hanson—Frank B. Foster, L. P. Chapman, H. W. Peek.
 Hughes—W. A. Lichtenwallner.
 Hutchinson—A. Sheridan Jones, Karl Winter, S. M. Daboll, Mathies Schlimgen.
 Hyde—Eli Johnson.
 Jerauld—C. W. McDonald.
 Kingsbury—Philip Lawrence, John B. Smith, Knute Lewis, Chas. B. McDonald.
 Lake—M. W. Daley, R. A. Murray, R. Wentworth.
 Lawrence—G. C. Moody, B. G. Caulfield, Porter Warner, Dolph Edwards.
 Lincoln—O. S. Gifford, A. Boynton, A. B. Wheelock, J. W. Taylor, J. B. Conklin, M. E. Rudolph, A. Sherman.
 McCook—J. E. Rutan, W. S. Brooks.
 Miner—S. H. Bronson, M. W. White, Geo. R. Farmer.
 Minnehaha—R. F. Pettigrew, Melvin Grigsby, John Bippus, B. F. Campbell, W. W. Brookings, W. C. Lovering, Albion Thorne, G. C. Banister.
 Moody—H. M. Williamson, C. S. Wellman, A. P. Allen, J. E. Whalen.
 Pennington—R. C. Lake, C. L. Wood.
 Sanborn—Alonzo Converse.
 Spink—E. W. Foster, Thomas Sterling, D. N. Hunt, C. N. Keith.
 Sully and Potter—Edmund W. Eakin.

Turner—Joseph Allen, Christian Epple, Orange Still, A. Bertelson.

Union—C. F. Mallahan, Ole Gunderson, Jesse Akin.

Yankton—John R. Gamble, Hugh J. Campbell, George H. Hand, Joseph Ward, Bartlett Tripp, C. J. B. Harris, C. E. Brooks.

After prayer by the Rev. J. N. McLoney of Sioux Falls, Arthur C. Mellette, of Codington county, was unanimously elected temporary chairman, and C. H. Winsor, of Sioux Falls, temporary secretary. On the second day Bartlett Tripp of Yankton was elected permanent chairman by a unanimous vote, and Mr. Winsor was made permanent secretary, with H. M. Avery of Sioux Falls and T. A. Kingsbury of Watertown, assistants. After being in session fourteen days they agreed upon a constitution which, by a provision contained in it, was to be submitted to the people for popular approval at the regular election in November. At that election returns from forty-two counties showed 12,336 votes for this constitution, and 6,814 against it. While this convention was in session, another met September 12, at Fargo, in the northern part of the Territory, and protested by resolutions against the acts of the Sioux Falls convention.

It must be borne in mind that this first constitutional convention had no official sanction whatever. It was the outgrowth of a spontaneous demand for statehood. But so carefully and conscientiously did the delegates do their work that this first constitution contained many of the essential features of that finally adopted in 1889.

During the winter of 1882-83 the question was again taken up in congress. Up to this time the proposition had been to divide Dakota on the forty-sixth parallel. An examination revealed the fact that a division on this parallel would divide nearly every farm along the line, making it necessary for the farmers to pay taxes in both states. To obviate this difficulty, the seventh standard parallel was substituted for the forty-sixth parallel of north latitude, and this line was finally adopted as the boundary line between North and South Dakota. For the information of those not fully acquainted with the system of United States land surveys, a brief explanation of the standard parallels may be appropriate. There are about thirty different meridians upon which the surveys of public lands are based. The sixth principal meridian runs through Kansas, Nebraska and Dakota. Its principal base line forms the northern boundary of Kansas. But the meridians converge at the poles. This convergence equals

about ten feet per mile. To correct the error thus caused, new parallels are established every twenty-four miles, from which new corners for townships and sections are located. The base line, from which these standard parallels are reckoned in Dakota, forms the northern boundary of Iowa. The seventh standard parallel north of this base line is the one selected upon which to divide the Territory. By making the division on this line instead of on the forty-sixth parallel, the lands were divided according to survey, and though foreign geographers may wonder at the establishment of this arbitrary line, the farmers, surveyors and tax collectors of Dakota realize the advantages resulting from its selection.

Soon after the legislature of 1885 was convened, a joint committee of five members of the council and seven from the house, was appointed to draft a memorial to congress. On the 2d of February this committee reported a memorial asking for the passage of the bill then pending in the national house of representatives, dividing the territory on the seventh standard parallel. The United States senate had passed a bill, in December previous, providing for the admission of that part of Dakota south of the forty-sixth parallel, the northern portion to remain a territory, upon which the name of Lincoln was conferred. On the 9th of March, Governor Pierce approved a bill authorizing a constitutional convention for South Dakota, to be held at Sioux Falls, September 8. By the provisions of this bill 111 delegates were to be elected on the 30th of June; each delegate to receive two and one-half dollars per day for a period not to exceed thirty days, and five cents per mile, to be paid from the territorial treasury upon warrants from the auditor. An appropriation of twenty thousand dollars to pay the expenses of the convention was made at this time. Agreeable to the provisions of this bill delegates were elected in forty-three counties on the 30th of June. Five counties included in the bill, viz: Day, Douglas, Fall River, Moody and Davison, failed to send delegates. J. H. Teller, territorial secretary, called the convention to order promptly on time, September 8, and read the following list of delegates as having been certified to him by the various counties:

Aurora—H. F. Fellows, Matt. A. Ryan.

Beadle—J. H. More, J. L. P. McCallum, F. F. B. Coffin, S. C. Weatherwax, J. M. Baker.

Bon Homme—Robert Dollard, Geo. W. Snow, Daniel Wilcox.

Brookings—Miles Write, Warren M. Wright, R. C. Walton.

- Brown—J. D. Mason, C. J. Macleod, George R. Laybourne,
J. T. Dow.
- Brule—A. G. Kellam, C. J. Maynard, C. M. Gregory.
- Buffalo—Robert J. Brown.
- Butte—H. J. Grant.
- Campbell—Frank Alexander.
- Charles Mix—Thomas Elfes.
- Clark—John E. Bennett, R. A. Proudfoot.
- Clay—John M. Cleland, J. M. Schultz.
- Codington—S. G. Updyke, I. M. Westfall.
- Custer—Stephen M. Booth.
- Deuel—Charles S. Lowe.
- Edmunds—S. H. Cranmer.
- Faulk—E. M. Jessup.
- Grant—Henry Neill, N. I. Lothian.
- Hamlin—C. E. Andrus.
- Hand—M. E. Williams, H. M. Smith, L. W. Lansing.
- Hanson—W. H. Murphy, Isaac Gray, Sr.
- Hughes—James A. Ward, Samuel Miller, Wm. A. Lichten-
wallner.
- Hutchinson—David Belton, Wm. Harding, C. Buechler.
- Hyde—George G. Crose.
- Jerauld—S. H. Huntly, Albert Gunderson.
- Kingsbury—John A. Owen, H. H. Sheets.
- Lake—Geo. L. Wright, Wm. McGrath.
- Lawrence—G. C. Moody, D. Corson, Kirk G. Phillips, Frank
C. Ayers, W. H. Parker, John Johnson, Leo H. Weeden, Alpheus
E. Frank.
- Lincoln—Jeremiah Geehon, J. W. Taylor.
- McPherson—Frank Gault, Sr.
- McCook—T. H. Conniff, W. H. Goddard.
- Miner—John H. Patten, S. A. Jones.
- Minnehaha—W. W. Brookings, E. P. Beebe, A. J. Berdahl,
C. S. Gifford, J. B. Goddard, E. T. Oaks.
- Pennington—J. W. Fowler, W. H. Mitchell.
- Potter—Willis C. Stone.
- Roberts—W. G. Ashton.
- Sanborn—Theodore D. Kanouse, Robert Dott.
- Spink—J. B. Churchill, F. I. Fisher, C. H. Myers, G. C. Brit-
ton, George Boyer, F. H. Craig.
- Sully—C. M. Reed, H. F. Pendleton.
- Turner—A. Haines, Joseph Allen, N. C. Tychsen, R. C. Tous-
ley.

Union—H. H. Blair, K. P. Kendall, John Dall.

Walworth—B. B. Potter.

Yankton—A. J. Edgerton, Joseph Ward, J. R. Hanson, Hugh J. Campbell.

Alonzo J. Edgerton, of Mitchell, was chosen president, and John Cain of Huron, secretary, by unanimous vote. H. M. Avery of Sioux Falls was assistant secretary, and M. B. Kent of Elk Point, sergeant at arms. A constitution was adopted after sixteen days of deliberation, and on September 25, a committee, appointed for that purpose, issued an address to the people of Dakota, in which the work of the convention was summed up in the closing paragraph:

“We summarize for you in a short recapitulation the advantages which you will derive by adopting this constitution and forming a state government: 1, Low taxation; 2, Economy in appropriations and expenditures by legislatures; 3, Checks on county and municipal indebtedness; 4, Lower salaries for your state officers than you are now paying the corresponding territorial officers; 5, Protection of school land and funds; 6, Receipt of revenue from school lands and diminishing of your school taxes; 7, Checks on the power of corporations to influence legislation and to discriminate unjustly against individuals or places; 8, Opening of Indian reservations and the settlement of those large tracts of country which now separate eastern from western Dakota; 9, The advance of railroads across these reservations, and the increase of immigration; 10, The bringing of your State government closer to the people and making it more responsible to them; 11, Advance in all values of properties and an increased stability of state, municipal and individual credit; 12, Independent, complete self-government; 13, An escape from the enormous taxation that will be necessary to complete the territorial capitol at Bismarck. All of which is respectfully submitted to the people of Dakota for their consideration. By order of the convention. (Signed) Hugh J. Campbell, of Yankton county; W. W. Brookings, of Minnehaha; Frank Gault, of McPherson; Theo. D. Kanouse, of Sanborn; Samuel Miller, of Hughes.—Committee on Address.” A committee of five, consisting of Gideon C. Moody of Lawrence, Stephen M. Booth of Custer, J. H. More of Beadle, S. G. Updyke of Codington, and George R. Laybourne of Brown, was also appointed to prepare a memorial on the work of the convention to lay before the next session of congress.

It was provided by the convention that the constitution should be submitted to popular vote on the 3d of November, and that

the election of state officers should take place at the same time. A Republican convention was held at Huron, October 21, and a full state ticket was nominated, to-wit: For governor, A. C. Mellette, of Codington; for lieutenant-governor, A. E. Frank, of Lawrence; for secretary of state, H. S. Murphy, of Brookings; for auditor, Frank Alexander, of Campbell; for treasurer, D. W. Diggs, of Grant; for attorney general, Robert Dollard, of Bon Homme; for superintendent of public instruction, A. S. Jones, of Hutchinson; for commissioner of school and public lands, W. H. H. Beadle; for supreme judges, Dighton Corson of Lawrence, A. G. Kellam of Brule, John E. Bennett of Clark; for congress, Oscar S. Gifford of Lincoln and Theodore D. Kanouse of Sanborn.

No other ticket was placed in the field. At Mitchell the Democrats held a meeting at which the action of the Sioux Falls convention was denounced as revolutionary, and a series of reasons for their opposition closed with this declaration: "We believe that the interests of the people of Dakota will be best subserved by awaiting the proper action of Congress in passing our enabling act, authorizing the holding of a State Convention to frame a State Constitution embracing such territory as the people, not the politicians shall determine. We believe this action will be taken by the Congress soon to assemble. We therefore, as a committee, decline to call a Democratic Convention for the nomination of officers for the proposed State, believing, as we do, that the whole proceeding will prove a gigantic farce, and recommend that the Democrats of Dakota and all law abiding citizens generally decline to take any part whatever in the proceedings."

At the election, November 3, the constitution was ratified by the people by a vote of 25,226 to 6,565. At the same time the Republican candidates for state officers were elected, Mellette for governor, receiving 28,994 votes and the other candidates about the same number. Huron was chosen as the temporary capital, and, in accordance with the provisions of the new constitution, the legislature met there on the second Monday in December, listened to the reading of Governor Mellette's message, and completed the organization of the provisional state government by the election of Gideon C. Moody and Alonzo J. Edgerton United States senators, after which they adjourned without attempting to pass any laws.

On December 7, certified copies of the Sioux Falls constitution and the memorial from the constitutional convention were

sent to President Cleveland and United States Senator Benjamin Harrison, of Indiana. On December 15, General Harrison introduced a bill in the United States senate providing for the admission of that part of Dakota south of the forty-sixth parallel. This bill was referred to the committee on territories, which reported adversely. General Harrison then offered a substitute, January 11, 1886, that met with the approval of the committee, passed the senate February 5, and was sent to the house. At the same session of congress no less than eight bills, relating to statehood for part or all of Dakota, were introduced in the house. Five of these reached a second reading, two were reported adversely from the committee on territories, and one was referred to that committee on first reading, but none passed.

On December 15, 1886, the constitutional convention, which had been kept alive for emergencies, met at Huron, and remained in session two days. About the only thing the convention did at this meeting was to pass a proviso for the election, in November, 1887, of a full quota of state, legislative and judicial officers, to take the places of those elected in 1885, most of whose terms expired in two years. In response to the demand of the more radical divisionists, the convention also provided that the executive committee might, at the same election, submit to a vote the question, "Shall the State Government go into full operation?" The purpose of this was to leave the whole question to the executive committee, who might submit the question to the people or not as they thought best.

By a law passed by the territorial legislature in March, 1887, the voters of the whole Territory were to express their opinion on the subject of division at the November election of that year. The division, if favored by the voters, was to be made on the seventh standard parallel. Two divisionist conventions were held, one in South Dakota, July 13, at Huron; and one in North Dakota, July 23, at Fargo. At these conventions strong resolutions favoring division were adopted, and plans for conducting a campaign were outlined.

Out of 62 counties in South Dakota 34 voted for division, while north of the line, out of 50 counties only two—Ramsey and Grand Forks—were in favor of it. The opponents of division, encouraged by this vote, called a convention to meet at Aberdeen, on December 15, to memorialize congress for admission into the Union as one state. A petition had been circulated, and the call for this convention was signed by more than 15,000 citizens. H. C. Preston of Davison county was made temporary chairman,

and George Rice of Moody county, who had served as speaker of the house in the legislature of 1885, was chosen permanent chairman. In his address to the convention he referred to the Huron and Sioux Falls conventions of 1883, and the attempt to set up a state government in 1885 as authorized, and expressed a hope that the early action of congress would settle the question. A committee of fifteen was appointed to draft a memorial for admission as one state. Ex-Governor John L. Pennington, of Yankton county, was made chairman of this committee. Associated with him were S. F. Goodykoontz of Davison; Budd Reeve of Traill; F. G. Wright of Minnehaha; E. W. Lowe of Brown; N. C. Nash of Lincoln; J. A. Frye of Stutsman; W. O. Keyser of Spink; W. W. Cornwall of McPherson; W. H. Becker of Cass; S. B. Van Buskirk of Codington; F. P. Smith of Faulk; George P. Garrod of Richland; H. J. Mallory of Dickey; C. C. Newman of Sargent.

Another committee, consisting of three members at large, and two from each judicial district, was appointed to present the memorial to congress. The members at large were L. G. Johnson, Brown; M. L. McCormack, Grand Forks, and W. E. Dodge of Cass. For the 1st district, Granville G. Bennett, Lawrence, P. B. McCarty, Pennington; 2nd district, John L. Pennington, Yankton, Robert H. McBride, Davison; 3rd district, W. E. Purcell, Richland, Anthony Garnett, Pembina; 4th district, C. H. Winsor, Minnehaha, F. A. Gale, Lincoln; 5th district, C. T. McCoy, Brown, J. A. Lee, Day; 6th district, William Thompson, Burleigh, J. A. Frye, Stutsman.

A letter from Congressman W. M. Springer, of the committee on territories, who had joined in a report, in May, 1886, opposing the admission of South Dakota was read. In this letter, after stating the reasons for his position, he said: "I have earnestly desired and still desire, the admission of Dakota into the Union as one State; but have opposed, and will continue to oppose, her dismemberment. While some of her citizens, perhaps interested in localities that may be affected by division, may criticise my course at this time; yet I feel assured that hereafter those who have insisted on single admission will be regarded as the benefactors of the Territory. I therefore bid you Godspeed in the work of the convention of the 15th of December and trust that its labor will result in the early admission of Dakota as a State of the Union." This letter was dated at Washington, December 6, and addressed to L. G. Johnson, who had been active in the work of calling the convention.

Efforts to discredit the work of this convention were made by the divisionists, because it had been held without official sanction, and therefore represented nothing. To this it was retorted that the Aberdeen convention was called by as good authority, and represented as much as the Huron convention of 1883; that the vote for delegates to the Sioux Falls convention—13,000 out of 77,000—did not represent the will of the majority quite so well as the 15,000 signers to the call for the convention at Aberdeen. The presence of representatives of these two contending elements in Washington during the session of congress, in the winter of 1887-88, had a tendency to hinder, rather than to help, legislation favorable to the admission of either all or part of Dakota.

During the campaign of 1888, the question was made the leading issue of the territorial campaign. Lessons had been learned from the experiences of the previous winter, recriminations ceased, and the final and successful endeavor for statehood received general support. Party conventions declared in favor of division and admission as two states. On the 10th of July a non-partisan convention was called at Huron in the interest of the movement that had now become almost universal. This was followed, on the 12th, by conventions of farmers and business men, declaring in favor of division. The election of General Harrison to the presidency encouraged the people of the Territory. While a member of the United States senate, he had been a consistent advocate of admission. But before President Harrison was inaugurated, congress passed the enabling act which was approved February 22, 1889. By the provisions of this act constitutional conventions were to be held in both North and South Dakota, beginning on the 4th day of July. The convention in North Dakota was to meet at Bismarck, that of South Dakota at Sioux Falls. Delegates to these conventions were to be elected May 14. Each convention upon assembling was to appoint not less than three of its members to serve on a joint commission, to meet at Bismarck to agree upon the division of all property belonging to the Territory; the disposition of all public records; the adjustment of all territorial debts and liabilities; the agreement of this joint commission to be incorporated in the constitution of each State, which, by the adoption of the constitution, obligated itself to pay its proportion of such debts and liabilities. The work of the joint commission was not a difficult one. Public buildings had been located with a view to division; each State now assumed the payment of the bonds issued for the benefit of the public institutions within its limits. Copies of certain terri-

torial records were provided for, and each State was to bear its share of the expense of making the same. These provisions, with a few minor details, constituted the work of the joint commission, and the agreement was included in the constitution of each State as required.

Alonzo J. Edgerton was chosen president of the South Dakota convention by a unanimous vote, and F. A. Burdick, of Yankton, was elected permanent secretary. The convention was in session thirty-two days and adopted the constitution of 1885, modified and amended as required by the enabling act. Seventy-five delegates were authorized by the act of congress, these were R. C. Anderson, I. Atkinson, A. J. Berdahl, Christian Buechler, S. F. Brott, L. T. Boucher, C. G. Coats, E. W. Caldwell, D. Corson, H. T. Craig, P. Couchman, George H. Dulver, T. F. Diefendorf, T. H. Davis, J. Downing, J. G. Davies, W. G. Dickinson, William Elliott, A. J. Edgerton, E. G. Edgerton, H. W. Eddy, J. A. Fowles, H. T. Fellows, O. S. Gifford, W. H. Goddard, C. J. B. Harris, C. A. Houlton, M. R. Henninger, H. A. Humphrey, David Hall, S. F. Huntley, C. G. Hartley, L. H. Hole, John L. Jolley, S. D. Jeffries, J. Kimball, A. G. Kellam, T. W. P. Lee, R. F. Lyons, W. H. Murphy, V. T. McGillicuddy, William McKusick, W. H. Matson, A. B. McFarland, Henry Neill, W. S. O'Brien, Sanford Parker, C. H. Price, S. S. Peck, A. O. Ringsrud, S. A. Ramsey, John Scollard, M. P. Stroupe, William Stoddard, Thomas Sterling, C. G. Sherwood, I. R. Spooner, R. A. Smith, C. M. Thomas, F. W. Thompson, William Van Epps, C. H. Van Tassell, S. B. Van Buskirk, H. M. Williamson, W. T. Williams, C. L. Wood, S. A. Wheeler, C. R. Westcott, J. V. Willis, J. F. Wood, J. F. Whitlock, F. G. Young, Joseph Zitka.

In North Dakota the convention was organized by the election of Frederick B. Fancher, of Jamestown, president. As in the case of South Dakota the same number of delegates had been apportioned to North Dakota by the enabling act, and the seventy-five men who met at Bismarck to frame a constitution for their State, were: Roger Allin, J. M. Almen, A. F. Appleton, T. W. Bean, James Bell, Richard Bennett, L. D. Bartlett, W. D. Best, Charles V. Brown, David Bartlett, Andrew Blewett, William Budge, E. W. Camp, E. W. Chaffee, John E. Carland, Charles Carothers, Horace M. Clark, W. J. Clapp, J. L. Colton, James A. Douglass, Elmer E. Elliott, George H. Fay, A. D. Flemmington, J. B. Gayton, B. R. Glick, Enos Gray, Alexander Griggs, A. P. Haugen, M. F. Hegge, H. L. Holmes, M. N. Johnson, Harvey Harris, A. W. Hoyt, W. S. Lauder, Addison Leech, Jacob Lowell,

Martin V. Linwell, E. H. Lohnes, M. K. Marrinan, T. H. Mathews, O. G. Meacham, John McBride, H. F. Miller, S. H. Moer, J. D. McKenzie, P. McHugh, V. B. Noble, Knud J. Nomland, James F. O'Brien, C. P. Parsons, A. S. Parsons, E. M. Paulson, M. M. Peterson, R. M. Pollock, John Powers, Joseph Powles, W. E. Purcell, William Ray, R. B. Richardson, A. D. Robertson, E. S. Rolfe, William H. Rowe, Andrew Sandager, John Shuman, J. W. Scott, J. F. Selby, Andrew Slotten, B. F. Spalding, R. N. Stevens, Ezra Turner, E. D. Wallace, A. O. Whipple, J. Wellwood, E. A. Williams.

South Dakota adopted the constitution, at the election of October 1, by a vote of 66,411 to 3,247. In North Dakota the vote was 27,444 for the constitution to 8,107 against it. The state officers elected for South Dakota were as follows: A. C. Mellette, governor; J. H. Fletcher, lieutenant governor; A. O. Ringsrud, secretary of state; L. C. Taylor, auditor; W. F. Smith, treasurer; Robert Dollard, attorney general; G. L. Pinkham, superintendent of public instruction; O. H. Parker, commissioner of school and public lands; D. Corson, A. G. Kellam, John E. Bennett, judges of the supreme court; Oscar S. Gifford and J. A. Pickler were elected representatives in congress, and the legislature met at Pierre, which had been made the temporary capital, on the 15th of October, and two days later elected R. F. Pettigrew and Gideon C. Moody United States senators. Both the senators elected by this legislature had been for several years fully identified with the interests of Dakota.

Richard Franklin Pettigrew was born at Ludlow, Vt., in July 1848. In 1854 his parents, Andrew and Hannah B. Pettigrew, removed to Evansville, Rock county, Wis. After attending the Evansville academy and Beloit college, he took a course in the law department of Wisconsin university. In 1869 he went to Dakota as a surveyor with the United States deputy surveyor. Impressed by the resources and prospects of Dakota he located at Sioux Falls where he was engaged as a surveyor until 1872, when he entered upon the practice of law. He was a member of the Dakota legislative council from 1877 to 1881; a member of the first constitutional convention in 1883; again in the council of 1884-85; was elected United States senator in 1889; was re-elected and served until 1901 when he was succeeded by Robert J. Gamble.

Gideon Curtis Moody was born at Cortland, N. Y., in 1832. Here he received an academic education, after which he studied

law in Syracuse. At the age of twenty he removed to Indiana and was admitted to the bar. Two years later he was elected prosecuting attorney of Floyd county. In April, 1861, he enlisted in the Ninth Indiana volunteer infantry and rose to the rank of colonel. He located in Dakota in 1864, where he served successively as member and speaker of the house of representatives in the territorial legislature; associate justice of the supreme court for five years; member of the constitutional convention in 1883 and again in 1885. He was chairman of the committee to draft a memorial to congress, from the convention of 1885, and was elected United States senator under the constitution adopted that year; but did not enter upon the duties, because congress failed to admit the State. He was delegate to the Republican national conventions of 1868, 1888, and 1893. His term as senator expired in 1891 when he was succeeded by Rev. J. H. Kyle.

In North Dakota the officers elected were: John Miller, governor; Alfred Dickey, lieutenant governor; John Flittie, secretary of state; L. E. Booker, treasurer; John P. Bray, auditor; William Mitchell, superintendent of public instruction; George F. Goodwin, attorney general; A. L. Carey, commissioner of insurance; H. F. Helgesen, commissioner of agriculture and labor; George S. Montgomery, D. Bartlett, F. S. Underhill, railroad commissioners; Guy C. H. Corliss, Joseph M. Bartholomeu, Alfred Wallin, judges of the supreme court; H. G. Hansbrough, representative in congress. On November 19, the legislature met at Bismarck, and the next day ex-Gov. Gilbert A. Pierce and Lyman R. Casey were chosen United States senators, thus consummating the last act necessary to form two distinct state governments in what was before the largest territory in the American republic.

Lyman R. Casey was born at York, N. Y., in 1837. The greater part of his education was obtained in the public schools and the York academy. In 1861 he was married to Miss Harriet M. Platt, of Buffalo, N. Y., and for several years after his marriage was engaged in manufacturing and mercantile business in Detroit, Mich. During the years from 1872 to 1879 he traveled extensively both at home and abroad. The possibilities of North Dakota as a wheat growing country attracted his attention, and in 1882 he removed to the Territory, where he has since been engaged in the management of the Carrington & Casey Land Company, which cultivates thousands of acres of wheat every year. When Foster county was organized in 1883, he was

a member of the first board of county commissioners, and was elected United States senator upon the admission of the State, the term for which he was elected expiring March 4, 1893.

Eighteen years had elapsed since the first memorial went to congress asking for a division of the Territory. During that eighteen years the question had never been permitted to rest long at a time, and at last success crowned the efforts of those who had kept up the agitation. Although some opposition found expression at times, division was inevitable. As it existed prior to 1889 the Territory was too large, too unwieldy, to be governed as a single state.

The Indian word "Dacotah," from which the name of these two States is derived, signifies "allied," being the name applied to the confederated bands of Sioux, or Dacotah Indians. The name has a peculiar significance in connection with the two States of North and South Dakota. Though separated by an act of legislation there is still much in common between them. Hand in hand they entered the Union of states on the 2nd day of November, 1889, each having a political existence of its own, yet each strongly allied to the other in the nature of its wants, the character, the hopes and the aspirations of its people.