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Helena Montana February 9, 1884

First Day

In pursuance of a Joint Resolution adopted by the Thirteenth (13th) Legislative Assembly of the Territory of Montana the Constitutional Convention therein provided for was called to order at twelve (12) o'clock pm, January fourteenth (14th) 1884 at the City of Helena by Mr. W.J. McCormick, a member elect thereof, and On motion of Mr. S.W. Langhorne, Mr. McCormick was elected Temporary President and thereupon assumed the chair.

On motion by Mr. Hedges, Mr. James B. Wells was elected secretary pro. tem.

On motion of Mr. Pemberton, Mr. W.J. Lippincott was elected temporary stenographer.

On motion of Mr. Langhorne, a committee of credentials consisting of one (1) member from each county, as follows, was appointed.

From
Gallatin County Mr. S.W. Langhorne, Chair
Yellowstone " " F.L. Greene
Choteau " " T.E. Collins
Custer " " W. Van Gasken
Gallatin " " G.O. Eaton
Lewis and Clark " " J.K. Toole
Missoula " " W.J. Stephens
Dawson " " J.F. Maloney
Jefferson " " N. Merriman
Madison " " H.S. Howell
Meagher " " James Fergus
Beaverhead " " R.B. Smith
Deer Lodge " " E.B. Waterbury
Silver Bow " " W.Y. Pemberton **** 3 ****

First Day (cont.)

On motion of Mr. Eaton, a committee of five (5) of which the Chairman was to be a member was appointed to confer with the Secretary of the Territory relative to procuring a large hall for the accommodation of the convention; as follows;

From	
Lewis and Clark.	Mr. C. Hedges
Deer Lodge	"J.H. Mills
Gallatin	"R.P. Vivion
Lewis and Clark	"T.C. Power

On motion of Mr. Smith, Mr. Sam Alexander was elected temporary Sergeant at Arms.

On motion of Mr. Collins Stonewall Rowe, was elected temporary Page.

On motion of Mr. Calloway John Porter was elected temporary Fireman.

On motion of Mr. Proctor the Convention adjourned until two (2) o'clock P.M. this day.

Jas. B. Wells

Temporary Secretary ** 4 **

First Day cont. PM Session

Convention met pursuant to adjournment at two (2) o'clock P.M.

Mr. President pro. tem. In the chair.

The following report of the Convention Credentials was received: Mr. President: We your committee on credentials beg leave to report that the following named gentlemen are entitled to serve in this convention

Beaverhead County		Joseph A. Browne
		Robert B. Smith
Choteau	"	T.E. Collins
		W.H. Hunt
Custer	"	C.W. Savage
		Wm. Van Gasken
		S.R. Douglas
Dawson	"	J.F. Maloney
Deer Lodge	"	J.C. Robinson
		E.B. Waterbury
		Joaquin Abascal
Gallatin	"	R.P. Vivion
		G.O. Eaton
		F.D. Pease
		Ed. F. Ferris
		S.W. Langhorne
Jefferson	"	E. McSorley
		N. Merriman
Lewis and Clark	"	Matt. Carroll
		J.K. Toole
		C. Hedges
		George Steel
Madison	"	H.S. Howell
		J.E. Calloway ** 5 **

First Day Cont. P.M. Session

Missoula County		John B. Catlin
		W.J. McCormick
		R.A. Eddy
		W.J. Stephens
Meagher	"	J.F. McClintock
		Jas. Fergus

Silver Bow	"	W.F. Haase Thos. L. Napton W.A. Clark W.Y. Pemberton Marcus Daly J.C.C. Thornton Francis Medhurst
Yellowstone	"	F.M Proctor F.L. Greene
First Judicial District		Walter Cooper Andrew F. Burleigh
Second	"	W.W. Dixon James H. Mills
Third	"	W.B. Hundley T.C. Power

Which we herewith respectfully report
S.W. Langhorne
Chairman

On motion of Mr. Proctor the above report was adopted.

On motion of Hedges a Committee of Three (3) consisting of Messrs Hedges, Hundley & Burleigh, was appointed to wait upon the Chief Justice of the Territory and request his presence before the Convention to administer the oath prescribed for members. ** 6 **

First Day Cont. P.M. Session

The Committee having returned and reported the following Oath of Office was now administered to the members of the Convention, by His Honor, Chief Justice Wade.:

Territory of Montana County of Lewis & Clark ss.

I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Organic Act of the Territory of Montana; and that I will discharge the duties of my office with fidelity; that I have not paid or contributed or promised to pay or contribute either directly or indirectly any money or valuable thing to procure my nomination or Election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of the Territory or procured it to be done by others on my behalf; that I will not knowingly receive directly or indirectly any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office other than the compensation allowed by law

Robt. B. Smith	Beaverhead
Timothy E. Collins	"
William H. Hunt	Choteau
Wm Van Gasken	"
S.R. Douglas	Custer
J.F. Maloney	Dawson ** 7 **

First Day Cont. P.M. Session

E.B. Waterbury	Deer Lodge
J. Abascal	"
R.P. Vivion	Gallatin
G.O. Eaton	"
F.D. Pease	"
S.W. Langhorne	"
E. McSorley	"
Nathaniel Merriman	Jefferson
Matt Carroll	Lewis and Clark
J.K. Toole	"
Cornelius Hedges	"
John B. Catlin	Missoula
R.A. Eddy	"
W.J. McCormick	"
W.J. Stephens	"
James Fergus	Meagher
J.F. McClintock	"
Thos. L. Napton	"
Wm A. Clark	
W.Y. Pemberton	
Marcus Daly	
F.M. Proctor	
F.L. Greene	
Walter Cooper	
Andrew F. Burleigh	
WW Dixon	
James H. Mills	
T.C. Power	
WB Hundley	

Sworn to before me and subscribed in my presence this 14th day of January AD 1884

Decius S. Wade

Chief Justice of Montana ** 8 **

First Day Cont. P.M. Session

On motion of Wm Hundley a note of thanks was now tendered to the Chief Justice for his services in administering the above oath.

The following communication was received.

"Territory of Montana Secretary's Office Helena Jan 14th 1884

Hon W.J. McCormick

Sir, I have the honor to inform your Committee that the Trustees of the Methodist Church South have been seen, and they answer that their Church Building is leased to the Baptist Society who declines to surrender its use. Very Respectfully

John S. Tooker
Secretary of Montana"

The following resolution was received,

"Resolved: That a Committee of Five (5) be appointed by the Chair to draft an ordinance on resolution providing for and designating the necessary officers to transact the business of this Convention and to fix the amount of pay such officers shall receive; and that such Committee be instructed to report at the earliest practicable hour
Calloway" ** 9 **

First Day Cont. P.M Session

To the above resolution the following amendment was offered by Mr. Stephens.

"Amend the resolution by having the Committee select only the President and Secty. And that no other officers be selected by said Committee now."

On motion of Vivion the above Resolution together with the amendment thereto was postponed indefinitely.

The following Resolution was offered by Proctor

"Resolved: That the permanent officers of this Convention be a President, a Secretary, one (1) assistant Secretary, one (1) Journal Clerk, one Sergeant at Arms, one Assistant Sergeant at Arms, who shall be ex. official doorkeeper or watchman, two pages and one official reporter. Resolved: that the President, the Secretary, assistant Secretary, Journal Clerk, and Official Reporter be elected by the Convention; that the Pages be appointed by the President and the Watchman by the Sergeant at Arms."

On motion of Mr. Pemberton the above resolution was postponed until after the permanent organization should effected. ** 10 **

First Day Cont. P.M. Session

The following resolution was now offered:

"Resolved, that this convention do now proceed to the election of a permanent President of this Convention and a Secretary.
N. Merriman.

The motion of Howell to adjourn until tomorrow was amended on motion of Dixon and the Convention adjourned until 7 P.M. this day.

Jas B. Wells,
Temporary Secretary ** 11 **

First Day Cont. Evening Session

Pursuant to adjournment the Convention met at seven (7) o'clock P.M.

Mr. President pro. tem. In the chair

Roll called, absent : Collins Daly, Douglas, Hunt & Hedges.

On motion of Waterbury Call of House ordered and the Sergeant at Arms instructed to seek absentees
Absentees Hunt, Daly & Hedges in their seats

On motion of Pemberton further proceedings under call were suspended

Mr. President pro. tem announced as first order of business the election of Permanent Officers

Mr. Dixon placed in nomination Mr. W.A. Clark.

Mr. Hedges placed in nomination Mr. James H. Mills

On motion of Mr. Proctor the Secretary was instructed to call the roll each member rising in his seat,
and thereupon announcing his vote.

Mr. Mills asked that his name be withdrawn, but no action was taken on the request.

The ballot for Permanent President as announced was ** 12 **

First Day Cont. Night Session

For Mr. W.A. Clarke [*sic*] 25 votes

“ Jas. H Mills 4 “

Excused from voting 5

The President pro tem. Having declared Mr. Clarke [*sic*] elected, appointed Messers Mills and
Langhorne, a Committee to escort him to the chair.

The President in the Chair.

Mr. President having announced the next order of business to be the election of a Permanent Secretary,

Mr. Hundley nominated Mr. P.L. Van Cleave of Yellowstone and there being no other nominations, Mr.
Van Cleave was on motion of Mr. McCormick elected Secretary by acclamation.

Mr. Van Cleave being absent Mr. Wells was on motion of Mr. Proctor chosen Secretary pro. tem. Until the
Permanent Secy. Should arrive and qualify.

The following resolution was offered by Mr. Toole, as an amendment to the Resolution in relation to
Officers.

“Be it Resolved by this Convention that in addition to the officers of President and Secretary of
the Convention there be and is hereby created the following Officers. One Assistant Secretary,
One Engrossing Clerk ** 13 **

First Day Cont. Night Session

“One sergeant at Arms. One Fireman.
 Two Stenographers and
 Two Pages, who shall receive the following compensation per diem

Assistant Secretary,	Eight (8) Dollars
Engrossing Clerk	Eight (8) “
Sergeant at Arms	Five (5) “
Firemen	Four (4) “
Stenographers, each	Fifteen (15) “
Pages	Four (4).

And be it further resolved that each Standing Committee of this Convention be and is thereby empowered to appoint a Clerk of such Committee who shall be entitled to receive a compensation Five (5) dollars per diem.”

On motion of Mr. Dixon the Resolution was referred to a Committee of Five (5) consisting of Dixon, Carroll, Collins, Vivion and Maloney.

The following Resolution was presented.

“Resolved: the Territorial Secretary be requested to have printed at his earliest convenience, One Hundred (100) copies of the Enabling Act on Resolution passed at the last Legislature for the call of this Convention, Entitled “House Joint Resolution providing for a Constitutional Convention”

“N. Merriman” ** 14 **

First Day night Session

~~On motion of Dixon the Resolution was referred to a Committee of Five consisting~~¹

Mr. Mills offered as a Substitute to the above Resolution

that the Secretary be requested to furnish the Convention with Twenty Five (25) copies of the paper bound laws of the 13th Legislative Assembly.

Mr. Calloway moved to amend by substituting 45 copies instead of 25, and the Substitute for the Amendment to the Resolution was adopted.

The following Resolution was offered.

“Resolved, that the following be declared the Standing Committee of this Convention said Committees to be composed of such members, as the Convention may hereafter determine:

- | | |
|-------------------------------------|--|
| 1. On rules | 8. Distribution of Powers: Pardons and Militia |
| 2. On Elections and Qualifications. | 9. Education |
| 3. On Bill of Rights. | 10. State Institutions and Public Buildings |
| 4. Elective Franchise. | 11. Cities, Towns and Counties. |
| 5. Legislative Department | 12. Corporations |
| 6. Executive Department | 13. Revenue and Taxation |

¹ Marked “Error” and strikethrough in original

7. Judicial Department.

14. Water and Water Rights

**** 15 **** First Day Night Session

- 15. State and Municipal Indebtedness.
- 16. Land and Homestead Exemptions: and Amendments to the Constitution
- 17. Miscellaneous Subjects and Boundary.
- 18. Schedule.

Burleigh.

Mr. Burleigh having moved the adoption of the above Resolution;

Mr. Stevens moved to refer the same to a Committee of Five (5),

Mr. Hunt's motion to amend by making the Committees Seven (7) instead of Five, was further amended by Eaton proposing to make the Committees Thirteen (13) instead of Seven (7).

The Amendment to the amendment having been adopted, the original motion was² and the Resolution referred to a Committee of Thirteen (13) to be appointed by the Chair.

The following Resolution was offered:

Resolved, that the privileges of the floor of the Convention be extended at all times during the Session to the Governor and Ex Governors of Montana; to the Secretary of the Territory, to the Chief Justice, and the Judges of the Supreme Court, and the US Marshal, and that the Secretary of the Convention Notify them accordingly –

Hunt **** 16 ****

First Day, Night Session.

On motion of Calloway the above Resolution was adopted and the Secretary instructed to acquaint such officials with the action of the Convention.

The following resolution was offered:

Resolved; that the Secretary of Montana be requested to have the Hall time pieces of this Convention set to the true meridian time of Helena, and that the meeting of sessions shall conform thereto

Mills

On motion the above Resolution was adopted.

On Motion of Burleigh a Committee of Five (5) to provide Rules for the Government of the Convention was appointed by the Chair as follows – Messrs. Burleigh, McCormick, Mills, Langhorne and Toole.

Mr. McCormick, Chairman of the Committee to provide better Accommodations for the Convention reported inability to secure other rooms, and asked to be discharged On motion of Dixon, the

² Indiscernible word, looks like "sat" or "pal"

Committee was given further time and was also instructed to consider practicability of altering the arrangement of the room now occupied. ** 17 **

First Day Night Session.

On motion of Calloway the Convention adjourned until eleven (11) oclock a.m. tomorrow.

Jas B Wells
Temporary Secretary

A.M. Session Helena Montana Jany 15, 1884
Second Day

The Convention met pursuant to adjournment at Eleven (11) oclock a.m.

Mr. President in the Chair.

Roll called – all present.

Journal of preceding day, read, corrected and approved.

The Report of the Committee to whom was referred the matter of the Officers of the Convention and their Compensation having been received, the same was on motion of Mr. McCormick, re-referred to such Committee under instructions to amend such report by inserting therein proper compensation for President and Secretary of the Convention.

The motion of Mr. McCormick to reconsider the vote by which the Resolution of Mr. Burleigh, providing for the number and construction of Standing Committees had been referred to a Committee of ** 18 **³ Thirteen (13) to be appointed by the Chair, and to refer such Resolution to the Committee on Rules increased by the addition of Two (2) members having been adopted the Chair appointed Messrs Pemberton and Hunt as such additional members.

Mr. Pemberton withdrawing in favor of Mr. Proctor, the Chair appointed that Gentleman in his place.

On motion of Maloney a Committee of Three to consider the matter of the mileage of members was appointed, consisting of Messrs. Maloney, Daly and Catlin.

The Following Resolution was offered:

Resolved:
That the Secretary of the Territory be and is hereby requested to furnish the Secretary of this Convention one thousand (1000) printed roll calls for the use of the Convention.
Greene.

On motion of Mr. McCormick the above resolution was adopted.

The following Resolution was presented by Mr. Burleigh. ** 19 **

Second Day A.M. Session.

³ Second Day A.M. Session in margin

Be it Resolved, and ordained that in the opinion of this Convention the office of President is one of honor, and should not have a pecuniary compensation; that the compensation of the Secretary of this Convention be and hereby is fixed at Ten (10) dollars per day.

On motion of Mr. McCormick the subject of the above Resolution was referred to the Committee having in charge the Number and Compensation of Officers of the Convention.

The motion of Mr. McCormick to adjourn until three (3) oclock P.M. this day was lost.

On motion of Mr. Langhorne the Convention adjourned until Two (2) oclock P.M. this day
Jas. B. Wells
Temporary Secretary

Afternoon Session.

The Convention met pursuant to adjournment.
Mr. President in the Chair.
Roll called. Quorum present.

On motion of Mr. McCormick a recess was taken for twenty (20) minutes to enable Committee on Rule to make Report.

** 20 **

Second Day P.M. Session

Two twenty (2:20) oclock p.m. the Convention resumed,
Mr. President in the Chair.

The following communication from the Governor was received.

“Territory of Montana
Executive Office
Helena Jany 15th 1884
Jas. B. Wells Esq.
Secretary Pro Tem of the Constitutional Convention.

My Dear Sir

I am receipt of your Communication of this date conveying the Resolution adopted by the Convention granting me the privileges of the Room during the session and in reply I beg you to thank the gentlemen of your Honorable body for this courtesy extended to the Executive of the Territory

Very Respectly
Jms Schuyler Crosby
Governor"

Mr. Maloney, chairman of the Committee on Mileage of members presented the Report of said Committee which on motion of Mr. Langhorne, was recommitted to same Committee for amendment.

The following Report was received: – ** 21 **

Second Day P.M. Session

"Mr. President,

Your committee to whom was referred the matter of the Officers in addition to President and Secretary necessary for the Convention and their compensation and the Resolution introduced in reference thereto, respectfully report the following resolution as a substitute for the Resolution referred, and recommend its adoption to wit; –

Be it Resolved and ordained by this Convention that besides a President and Secretary the officers of the Convention shall be as follows, and they shall be entitled to receive for their services the compensation hereinafter mentioned that is to say, one assistant Secretary at Eight dollars per day

Three (3) clerks for general clerical work as directed by the President of the Convention (including Committee work) at six dollars per day each.

Two stenographers (who shall take and preserve full stenographic notes of all proceedings of the Convention and write out in longhand such portion thereof as directed by the Convention) at Fifteen dollars per day each.

One Sergeant at Arms at Seven dollars per day.

One assistant Sergeant at Arms, (who shall also be doorkeeper) at Five dollars per day. ** 22 **

Second Day P.M. Session

One Fireman at Four (4) dollars per day

Two Pages at Four (4) dollars per day each.

All of which is respectfully submitted.

January 15 1884

WW Dixon

Chairman Committee

Mr. President

The above report having been referred back to your Committee with instructions to report further as to the matter of Compensation to be allowed to the President and Secretary of the Convention, the Committee was respectfully report and recommend the adoption of the following resolution in addition to the resolution contained in their former report. To wit: –

Be it resolved and ordained by this Convention that the Compensation of the President of the Convention shall be Twelve (12) dollars per day, and the Compensation of the Secretary shall be Ten dollars per day.

All of which is respectfully submitted
Jany 15 1884
W.W. Dixon
Chairman Com.”

** 23 ** The President of the Convention declining to receive the compensation contemplated in the above report, on motion of Toole the report was amended, by striking out so much thereof as referred to any compensation to the President.

The following amendment was submitted:

Resolution, so as to read as follows, Two stenographers who shall preserve full stenographic notes of all proceedings of the Convention from day to day and write out from day to day in longhand such portion thereof as directed by the Convention.

W.J. Stephens

Which amendment on motion having been adopted the following amendment was also submitted.

Amend by striking out of report of Committee and insert as pay of the several officers as follows,

For Secretary	8.00 per day	
“ asst “	6.00 “	“
“ Clerks	5.00 “	“
“ Pages	3.00 “	“
“ One Stenographer	17.50 “	“
“ One Clerk	6.00 “	“

Calloway.

The call of the Ayes and Noes, the amendment was lost by the following vote ** 24 **

Ayes: Burleigh, Collins, Calloway, Collins, Douglass, Eaton, Hunt, Hedges, Howell, McSorley, Merriman, McClintock, Pease, Power, Van Gasken.
Total 15.

Noes: Abascal, Carroll, Cooper, Dixon, Daly, Eddy, Fergus, Greene, Hundley, Langhorne, McCormick, Mills, Maloney, Napton, Pemberton, Proctor, Smith, Stephens, Toole, Vivion, Waterbury, Mr. President, [Total] 22.

Absent: None.

On motion of Hedges the report of the Committee relative to the number and compensation of the Officers of the Convention, was subdivided, and the further motion of Hedges to accept that part of the report providing for one Assistant Secretary was adopted.

On call of the "ayes" and "noes" Hedges motion to amend the Report by fixing the compensation of the assistant Secretary of six dollars instead of eight was lost by the following vote.

Ayes: Burleigh, Calloway, Catlin, Cooper, Douglass, Eaton, Fergus, Hedges, Howell, Langhorne, Merriman, Mills, McClintock, Pease, Van Gasken.

Total 15.

Noes. Abascal, Collins, Carroll, Dixon, Daly, Eddy, Greene, Hunt, Hundley, McCormick, McSorley, Malone, Napton, Pemberton, Proctor, Power, Smith, Stephens, Toole, Vivion, Waterbury, Mr. President.

Total 22. ** 25 ** ([Second]⁴ Day P.M. Session)

Absent none.

The report of Mr. Vivion to accept that part of the Report allowing Eight dollars as compensation to the Assistant Secretary was adopted.

On call of the Ayes and Noes Mr. Burleigh's motion to strike from the Report of Committee so much as referred to Clerical assistants was lost by the following vote:

Ayes: Burleigh, Calloway, Catlin, Douglass, Eaton, Fergus, Hunt, Hedges, Hundley, Merriman, Pease, Pemberton, Power, Van Gasken.

Total 14.

Noes: Abascal, Collins, Carroll, Cooper, Dixon, Daly, Eddy, Green, Howell, Langhorne, McCormick, McSorley, Mills, McClintock, Napton, Proctor, Smith, Stephens, Toole, Vivion, Waterbury, Mr. President.

Total 22.

Maloney, Absent 1.

The motion of Waterbury to accept that part of the Report, providing for three clerks was adopted.

⁴ Original document incorrectly labeled "First Day"

The motion of Vivion to adopt that part of the Report fixing the compensation of the Clerks at six (6) dollars having been amended on motion of Langhorne to strike therefrom the words "six dollars," and insert in lieu thereof the words "five dollars," was now adopted.

The "Ayes and Noes" having been called on the motion of Hedges to further amend the report by providing ** 26 ** (Second Day P.M. Session)

For one Stenographer instead of two, the vote thereon was as follows:

Ayes: Burleigh, Catlin, Collins, Carroll, Daly, Douglass, Eaton, Fergus, Hunt, Hedges, Howell, Hundley, McSorley, Merriman, Pease, Power, Van Gasken.

Total 14.

Noes: Abascal, Cooper, Calloway, Dixon, Eddy, Greene, Langhorne, McCormick, Mills, Napton, Pemberton, Proctor, Smith, Stephens, Toole, Vivion, Mr. President.

Total 14.

Absent: Maloney, McClintock and Waterbury.

Total 3.

Mr. Calloway having moved the reconsideration of the vote, by which the motion had been lost, the motion of Mr. McCormick to lay the same upon the table was lost on call of the "Ayes and Noes" by the following vote.

Ayes: Abascal, Carroll, Cooper, Eddy, Greene, Langhorne, McCormick, McSorley, Merriman, Pemberton, Proctor, Smith, Stephens, Toole, Vivion, Waterbury, Mr. President.

Total 17.

Noes: Burleigh, Collins, Calloway, Catlin, Dixon, Daly, Douglass, Eaton, Fergus, Hunt, Hedges, Howell, Hundley, Mills, McClintock, Pease, Power, Van Gasken.

Total 18.

Absent: Maloney and Napton.

Total 2. ** 27 **

The motion of Mr. Calloway to reconsider the vote, now being put, was lost.

The adoption of that part of Committees Report, providing for two stenographers now being moved by Mr. McCormick, the motion prevailed.

The motion of Mr. Hedges to agree to that part of the Report fixing the compensation of Stenographers at Fifteen (15) dollars was adopted.

The motion of Mr. McCormick to adopt that part of the Report providing for a Sergeant at Arms, was agreed to.

Mr. Vivion moving to fix the compensation of such officers at Seven (7) dollars per day, Mr. Langhorne, moved to amend by making such compensation Five dollars (\$5) instead of Six dollars (\$6).

On call of the "ayes and noes" the amendment was lost by the following vote.

Ayes: Burleigh, Callaway, Catlin, Douglass, Eaton, Fergus, Hunt, Hedges, Hundley, Langhorne, Merriman, Mills, Pease, Power, Van Gasken.

Total 15.

Noes: Abascal, Collins, Carroll, Cooper, Dixon, Daly, Eddy, Greene, Howell, McCormick, McSorley, McClintock, Napton, Pemberton, Proctor, Smith, Stephens, Toole, Vivion, Waterbury, Mr. President.

Total 21.

Absent: Maloney.

[Total] 1. ** 28 **

Mr. Toole moving the adoption of Committees Report relative to compensation of Sergeant at Arms. Langhorne moved an Amendment fixing such compensation at Six (6) dollars per day, instead of Seven (7) dollars.

The motion made by Mr. McCormick to lay said amendment upon the table was lost by the following vote.

Ayes: Abascal, Carroll, Dixon, Daly, Eddy, Greene, Howell, Hundley, Langhorne, McCormick, McSorley, McClintock, Napton, Power, Smith, Toole, Vivion, Waterbury.

Total 18.

Noes: Burleigh, Collins, Calloway, Catlin, Cooper, Douglass, Eaton, Fergus, Hunt, Hedges, Merriman, Mills, Pease, Pemberton, Proctor, Stephens, Van Gasken, Mr. President.

Total 18.

Absent: Maloney.

[Total] 1.

The amendment proposed by Langhorne, now being submitted was carried.

On motion of Calloway, the adoption of the Report of Committee as to additional officers of the Convention was agreed to.

The following Report was received.

Mr. President:

Your Committee on Rules, report the following Rules for the government of the Convention and respectfully recommend their ** 29 ** adoption.

Andrew F. Burleigh
Chairman of Committee

No. 1. *President.* – The President shall take the chair at the time to which the convention stands adjourned, and the convention shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the convention.

In case the President is absent, or fails from any cause to take the chair, the convention shall appoint a president pro tem.

No. 2. *Quorum.* – Upon the appearance of a quorum, which shall consist of a majority of the whole number of members, the journal of the preceding day shall be read by the Clerk, and any mistakes therein may be corrected by the convention.

No. 3. *Order.* – The President shall preserve order and decorum, and shall decide question of order subject to an appeal to the convention.

No. 4. *President Shall Vote.* – The President shall vote on all questions taken by yeas and nays, and in all elections and divisions called for by any member.

No. 5. *Members shall remain Seated.* – When the convention adjourns, the members shall keep their seats until the President announces the adjournment.

No. 6. *Proper Decorum.* – Every member, previous to speaking, shall rise from his seat and respectfully address himself to the President.

No. 7. *Two or More.* – When two or more members rise at once, the President shall designate the member who is first to speak, but in all cases, the member who shall rise first and address the chair shall speak first.

No. 8. *Not to Speak More than Twice.* – No member shall speak more than twice on the same subject without leave of the convention, nor more than once until every member choosing to speak on the question pending shall have spoken.

No. 9. *Motions to be Seconded.* – No motion shall be debated or put, unless the same shall be seconded. It shall be stated by the President, and any such motion shall be reduced to writing, if the President or any member, shall desire it.

No. 10. *Motions in Possession of the Convention.* – After any motion shall be stated by the President it shall be in possession of the convention, but may be withdrawn at any time before amendment or decisions; but all motions, resolutions or amendments shall be entered upon the journal whether they are rejected or adopted.

No. 11. *Debate.* – When a question is under debate no motion shall be received, except: 1st, To adjourn; 2^d, To lay on the table; 3^d, For the previous question; 4th, to postpone to a day certain; 5th, To commit to a standing committee; 6th, To commit to a select committee; 7th, To amend;

8th, To postpone indefinitely; and these several motions shall have precedence in the order in which the stand arranged.

No. 12. *Adjournment*. – A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

** 30 **

No. 13. *Previous Question*. – The previous question shall be in this form: “Shall the main question be now put?” It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the convention to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and then upon the main question.

On a motion for the previous question, and prior to the vote being taken, one call of the convention shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14. *Same*. – When, on taking the previous question, the convention shall decide that the main question shall not now be put, the main question shall remain as the question before the convention, in the same stage of proceedings as before the previous question was made.

No. 15. *Incidental Question*. – All incidental questions of order, arising after a motion is made for the previous question was made.

No. 16. *Petitions*.—Petitions, memorials and other papers addressed to the convention, shall be presented by the President, or by a member in his place.

No. 17. *Voting*. – Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the conventions shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18. *When the Question is being Put*. – When the President is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19. *Several Points*. – If the question in debate contains several points, any member may have the same divided.

No. 20. *Members Called to Order*. – A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat, until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise, and ask the chair to put his motion to the convention, whose duty it shall be to immediately comply; and the question shall be: “Shall the decision of the chair be sustained?”

No. 21. *Title and Numbering of Propositions and Resolutions.* – Propositions and resolutions proposing matter, to be incorporated in the constitution, shall be prefaced with the title, briefly indicating the subject to which they refer. They shall be in writing, on legal cap paper, or printed, and shall be numbered by the Secretary, in the order in which they are introduced.

No. 22. *Resolutions limited to one Subject, Reading and Reference of Same.* – Propositions and resolutions mentioned in the last foregoing rule shall embrace one subject. They shall be read once when introduced, and then referred without debate to an appropriate committee.

No. 23. *General File.* – All propositions and resolutions embracing matter proposed to be incorporated in the constitution, reported by a standing or special committee, shall be read when reported, and shall be placed on a general file, to be kept by the Secretary, in the order in which they are reported. They shall be taken from the file and acted upon in the order in which they are placed thereon, unless otherwise ordered by the convention: *Provided*, That engrossed propositions and resolutions shall be placed at the head of the file in the order in which they are received. One hundred copies of the file for each day shall be printed.

** 31 **

No. 24. *Committees Not to Sit During Session.* – No committee shall sit during the session of the convention without leave.

No. 25. *Committee of the Whole.* – In forming a committee of the whole convention the President may preside or appoint a member to preside. Propositions or resolutions relating to the constitution shall be submitted to a committee of the whole convention and shall be read and considered in committee of the whole, by sections. All amendments shall be noted and reported to the convention by the Chairman. After report the proposition or resolution shall again be subject to amendment before the final vote shall be taken.

No. 26. The rules of the convention shall be observed in committee of the whole, so far as they may be applicable, except for limiting the time for speaking, and except that the ayes and noes shall not be taken, and that the previous question shall not be moved.

No. 27. A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 28. *Orders, Resolutions, etc., which shall be considered in Committee of the Whole.* – Every order or resolution which proposes an alteration in the constitution, and all reports of committees appointed to consider the propriety and expediency of making any alteration therein, shall be considered in committee of the whole, before they are debated and finally acted on in convention.

No. 29. *Convention. Parliamentary Practice.* – The rules of parliamentary practice, embraced in Jefferson's Manual, shall govern the convention in all cases when they are applicable and in which they are not inconsistent with the standing rules and orders of the convention.

No. 30. *Convention. Suspend, Alter or Amend.* – No rule of the convention shall be suspended, altered or amended, without the concurrence of two-thirds of the members present, except rules 21, 22, 23, 24, 25, 26.

No. 31. *The Reading of Papers.* – When the reading of a paper is called for, except petitions and memorials, and the same is objected to by any member, it shall be determined by the convention without debate.

No. 32. *Papers to be Left with Secretary by Members Absent.* – Every member before availing himself of a leave of absence, shall deposit with the Secretary all papers belonging to the convention.

No. 33. *Extra Pay.* – No increase of pay, nor any extra pay, shall be allowed to any officer or attaché of the convention, by resolution or otherwise, except by unanimous consent.

No. 34. *Employment of Committee Clerks.* – No committee shall be permitted to employ a clerk at the expense of the Territory, without first obtaining leave of the convention for that purpose.

No. 35. *Order of Business.* –

1. Roll call.
2. Reading and approval of the Journal.
3. Reading and presentation of petitions and memorials, under which head shall include remonstrances, communications from individuals and public bodies.
4. Communications for Territorial officers – under which head shall be embraced also, communications from public officers and corporations, in response to calls for information.
5. Reports of Standing Committees, in the order in which they stand in the rules.
6. Reports of Select Committees.
7. Introduction of Resolutions and Propositions relating to the Constitution.
8. Unfinished Business.
9. Special Orders. ** 32 **
10. General Orders.
11. Miscellaneous Motions and Resolutions.

No. 36. *Reference of Resolutions, when Committees must Report.* – When a motion is made to refer any subject, and different committees should be proposed, the question shall be taken in the following order:

1. The committee of the convention.
2. The standing committee.
3. A select committee.

Every committee of the convention to whom a resolution or proposition has been referred, shall report the same to the convention within three days from the time in which it is received by the

chairman of the committee, unless further time to report is granted. Every proposition or resolution shall be referred to the appropriate standing committee, as indicated by its name herein.

No. 37 *Motion or proposition Different: No Amendment.* – No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

No. 38. *Time of Meeting.* – The hour of the daily meeting of the convention shall be 10 o'clock in the morning, until the convention directs otherwise.

No. 39. *Duties of Officers at the Close of the Session.* – The Secretary and Assistant Secretary at the close of the sessions of the convention, must deliver to the Secretary of the Territory, duly marked, labelled [*sic*] and arranged, all propositions, resolutions, petitions, memorials and other papers belonging to the convention, and also all books belonging to the same.

No. 40. *Substitutes.* – A substitute shall be deemed an amendment, and treated in all respects as such.

No. 41. *Standing Committees.* – The standing committees of the convention shall be as follows:

1. On Preamble and Bill of Right, to consist of five members.
2. Rights of Suffrage, to consist of three members.
3. On Legislative Department to consist of seven members.
4. On the Executive Departments, to consist of three members.
5. On Judiciary and Judicial Departments, including pardoning power, to consist of nine members.
6. On Military Affairs, to consist of three members.
7. On the finances of the State, public debt, the indebtedness of counties and municipalities, revenues, expenditures and taxation, and the restrictions to be place on the powers of the Legislature in respect thereto, to consist of nine members.
8. Education, to consist of three members.
9. State institutions and public buildings, to consist of five members.
10. On city, county and town organizations, to consist of three members.
11. Appointment and representation, to consist of three members.
12. Corporations (other than municipal,) to consist of five members.
13. Miscellaneous subjects and future amendments, to consist of three members.
14. On schedule, to consist of three members.
15. On mining, water and water rights, to consist of five members.
16. Agriculture, manufactures, commerce and immigration, to consist of five members.
17. Reporting and printing and mileage and contingent expenses, to consist of three members.
18. Privileges and elections, to consist of three members.
19. Engrossment and enrollment, to consist of three members. ** 33 **
20. Boundaries, Public lands and homestead exemptions, to consist of three members.

21. Revision, phraseology, and adjustment to consist of three members.
22. On ordinances five members.

The motion of Stephens to amend the above report by providing therein for a Committee on Chinese foreigners was lost.

The further amendment to said Report proposed by Proctor, providing a Committee on Ordinance, to consist of five members, was adopted.

On motion of Smith the Report as amended is thereupon adopted.

The following Resolutions were submitted:

Be it Resolved:

That there be added four more member to the Committee on Mines, Water Rights and Irrigation.
Merriman.

Resolved:

That the President designate two members, who with the President, shall constitute a Committee to report to the Convention such standing Committees as they shall deem proper.
Power.

The Resolution submitted by Power was on motion of Pemberton, laid upon the table.

The motion of Burleigh, amended by Mills, instructing the Secretary of the Convention to furnish the Territorial Secretary with a copy of the Rules adopted for the government of the Convention, and requesting that 100 copies be forthwith printed and furnished for the use of the Convention, was adopted. ** 34 **

On motion of Vivion the Convention was proceeded to the election of officers:

For the office of assistant Secretary, Mr. James B. Wells, was nominated by Hedges. Mr. Hayden E. Riddell was nominated by Collins and Mr. J.B. Walker was nominated by McCormick.

On motion of Calloway the vote by ballot was ordered.

Mr. President appointed as tellers Hunt and Smith.

The first ballot, resulting in no choice, as announced by the Chair was as follows:

Mr. Wells eleven votes, Mr. Riddle 14 votes, and Mr. Walker 8 votes.

The second ballot, resulting in no choice, as announced by the Chair, was as follows:

Mr. Wells 16 votes, Mr. Riddle 15 votes and Mr. Walker 5 votes.

McCormick withdrawing the name of Walker, the third ballot was as follows:

Mr. Wells 19 votes, Mr. Riddle 17 votes.

Mr. Well having received a majority of all votes, was thereupon declared elected by the Chair as Assistant Secretary.

For the position of Clerks.

Mr. J. B. Walker was nominated by McCormick.

Mr. W.R. Armstrong “ “ “ Langhorne

Mr. W.F. Wheeler “ “ “ Hedges.

There being no further nomination, these gentlemen were on motion of McCormick elected by acclamation.

For the offices of Stenographer.

Mr. W.I. Lippincott was nominated by Merriman ** 35 **

Mr. J. W. Imes was nominated by McCormick

and Donald Worthington was nominated by⁵

On motion by Langhorne the vote was taken by ballot and resulted as follows:

Mr. Lippincott received 35 votes

“ Imes “ 31 “

“ Worthington “ 5 “

Mr. Lippincott and Mr. Imes having received the great number of votes were thereupon declared elected by the chair.

For the office of Sergeant at Arms.

Mr. Samuel Alexander was nominated by Toole.

There being no other nominations, on motion of Langhorne, Mr. Alexander was thereupon declared elected by acclamation.

For the office of Fireman.

Hundley nominated Mr. Buck Diller.

No further nominations being made, on motion of Proctor, the election was made unanimous.

For the office of Assistant Sergeant at Arms, Mr. William Gibson, was nominated by Toole. In the absence of other nominations, Mr. Gibson was elected by acclamation on motion of Toole.

⁵ No member listed here

For the office of Pages, Stonewall Rowe and James Shannon were nominated by Vivion and Robt. O. Merriman by Hedges.

The vote being taken by ballot.

Rowe received 30 votes.

Shannon " 29 "

Merriman " 10 "

The largest number of votes having been cast for Rowe and Shannon they were thereupon declared elected.

On motion of Langhorne the Convention was adjourned until tomorrow at 10 am.

James B. Wells,
Temporary Secretary

** 36 **

Helena Montana Jany 16, 1884

Third Day

The Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

Roll called. Quorum present.

Absent McSorley and Toole.

On motion of Collins these absentees were granted leave of absence for one day, by reason of illness.

Journal of yesterday read, corrected and approved.

On motion of Collins, Mr. Jos. A. Browne, member elect having appeared, took the oath prescribed for members before the President of the Convention.

On motion of Langhorne, Merriman was excused from attendance at the session this day.

The following Resolution was presented.

Resolved:

That the privileges of the floor of this Convention are hereby tendered to members and representatives of the press.

Mills

Which resolution, on motion of Langhorne was adopted.

On motion of Langhorne, it was ordered that 100 copies of the order of business, as contained in the Rules adopted, be printed on card board for the use of members:

The following Report was received

Mr. President: Your Committee on Mileage would respectfully report that the members of this Convention are entitled to the following mileage, to wit: ** 37 **

Andrew F. Burleigh	910
Walter Cooper	200
W.W. Dixon	200
Jas. H. Mills	100
W.B. Hundley	-
T.C. Power	-
Jos. A. Browne	270
Robt. B. Smith	316
T.E. Collins	300
W.H. Hunt	300
R.S. Edwards	-
C.W. Savage	-
Wm. Van Gasken	910
J. F. Maloney	1066
J.C. Robinson	-
E.B. Waterbury	210
Joaquin Abascal	220
R.B. Dunham	-
R. Vivion	200
Ed. W. Ferris	200
S.W. Langhorne	200
F.D. Pease	252
E. McSorley	76

N. Merriman	52
J.K. Toole	-
Matthew Carroll	-
Cornelius Hedges	-
Geo Steele	-
H.S. Howell	250
J.E. Calloway	250
J.F. McClintock	160
Jas. Fergus	450
Wm. Haase	-
W.J. Stevens	280
A. Eddy	280
W.J. McCormick	280
Wm. B. Catlin	340
W. A. Clark	200
T.L. Napton	200 ** 38 **
Marcus Daly	200
W.Y. Pemberton	200
J.C.C. Thornton	-
F.M. Proctor	500
F.S. Greene	500
G.O. Eaton	492
S.R. Douglass	910
[Total]	11474
Maloney	
Chairman	

The report of the Committee on Mileage having been previously read, further reading, was on motion of Maloney dispersed with, except in so far as corrections had been therein made.

The Secretary under instructions now inserting the mileage due Jos. A Browne, the report was on motion of Maloney adopted.

The following Resolution was received

Be it Resolved: As expressive of the sense of this Convention in recognition of the dignity of labor, its importance to the individual in promoting good morals and personal independence: its fundamental importance to the Commonwealth as a source of prosperity and security against vice and crime, that the proper Committee shall engraft in Constitution to be framed a provision to be enforced by appropriate legislation, that every boy before reaching his majority shall have some useful trade, art profession or occupation whereby he can maintain himself and a family – and that every girl before reaching the age of eighteen shall know how to cook, keep house and do plain sewing.

Hedges ** 39 **

The motion of Langhorne to refer the above resolution to the committee on Internal Improvements was amended on motion of Burleigh to refer the same to a special Committee of three.

The Chair as such Committee appointed Burleigh, Pemberton and Langhorne.

The following Resolution was received:

Resolved: That a Committee of three be appointed to wait upon the Governor, and inform him that the Convention is now organized and ready for business, and to ascertain from him if he has any communication to make to this convention.

Proctor.

Smith moving the adoption of the above resolution. Calloway moved to lay the same upon the table, which upon call of the "ayes and noes" was lost by the following vote:

Ayes: Abascal, Calloway, Dixon, Daly, Douglass, Eaton, Eddy, Fergus, McCormick, Merriman, Mills, Maloney, Van Gasken, Waterbury, Mr. President.

Total 15.

Noes: Burleigh, Browne, Collins, Carroll, Catlin, Cooper, Green, Hunt, Hedges, Howell, Hundley, Langhorne, McClintock, Napton, Pease, Pemberton, Proctor, Power, Smith, Stephens, Vivion.

Total 21.

Absent: McSorley and Toole

[Total] 2.

On motion of Dixon the original motion of Smith to adopt was indefinitely postponed.

On motion of Burleigh the Secretaries, Stenographers, Clerks, and attaches were now in a body, sworn by the President to a faithful performance of their duty, as officers of the Convention.

** 40 **

Leave of absence for one week having been requested by Daly, the same was on motion of Calloway granted.

On motion of Calloway the Committee appointed to procure suitable accommodations for the sessions of the Convention were instructed to communicate with the Chairman of the Board of County Commissioners of Lewis and Clarke [sic] County to the end that the Court House or other suitable hall might be secured.

On motion of Eaton the Convention adjourned until 10 a.m. to-morrow.

P.L. Van Cleve

Secretary

** 41 ** Helena, Montana Jany. 17, 1884

Fourth Day

The Convention met pursuant to adjournment at 10 a.m

Mr. President in the chair.

Roll called – Quorum present.

Absent: Burleigh, Calloway, Daly McCormick, Merriman, McClintock, Napton, Pemberton, Power, Smith, Toole, Vivion, Van Gasken.

Total 13.

On motion of Howell, the Convention adjourned to meet at Harmonia Hall at 2 P.m.

The Convention met pursuant to adjournment at 2 P.M.

Mr. President in the chair.

Roll called quorum present.

Absent: Calloway, Daly, Napton -

[Total] 3.

On motion of Langhorne, Calloway was excused for the afternoon.

Minutes of preceding meeting read corrected and approved .

A communication from N. McGuire was read and on motion of Dixon, referred to Committee of Executive Department.

A communication from A.C. Bolken was read and placed on file.

The following Resolution was offered.

Resolved: That the thanks of this body be and is hereby tendered to the Committee to whom was referred the matter of procuring a suitable hall for the accommodation of this Convention for the prompt, efficient and satisfactory manner in which their duty has been discharged, and that the same be discharged with thanks. Also that our hearty thanks be conveyed to the Hon. John S. Tooker Secretary of Montana Territory for ** 42 ** his ready and efficient co-operation in promoting the same.

Merriman.

On motion of Maloney the resolution was adopted.

A Resolution in the form of a memorial to Congress requesting certain land grants was offered by Douglass.

On Motion of Collins, the Resolution was ordered laid on the table until committees are appointed, and then referred to the proper committee.

A Resolution was presented by Smith, but on motion of Collins the reading of it was suspended until Committees are appointed.

The President announced his committees, with vacancies until absentees should arrive, which are as follows:

1. Preamble and Bill of Rights
McCormick, Napton, Power, Toole, Maloney.
2. Rights of Suffrage
Cooper, Collins, (one vacancy)
3. Legislative Departments
Langhorne, Merriman, Browne, Abascal, Pease.
4. Executive Departments:
Mills, Eddy, Hundley.
5. Judiciary and Judicial Departments including Pardoning Power
Dixon, Toole, Napton, McCormick, Calloway, Hunt, Vivion, Smith, Burleigh.
6. Military Affairs
Howell, Douglass, Eddy.
7. Finances of the State, public debt, the indebtedness of Counties and municipalities, revenues, expenditures and taxation, and ** 43 ** the restrictions to be placed on the powers of the Legislature in respect thereto:
Collins, Power, Browne, Eaton, McSorley, Proctor, Abascal, Howell, (one vacancy)
8. Education:
Hedges, Langhorne, Stephens.
9. State institutions and public buildings
Hundley, Waterbury, Douglass, McClintock, Daly.
10. City, County and town organizations
Vivion, Carroll. (one vacancy)
11. Apportionment and representation.
Calloway, McSorley, Pemberton.
12. Corporations other than municipal.
Pemberton, Smith, Hedges, Howell, Fergus.
13. Miscellaneous subjects and future amendments
Browne, Vivion, (one vacancy).
14. Schedule.
Greene, Waterbury, Catlin.
15. Mining, water and water rights.
Daly, Merriman, Eaton, Proctor, (one vacancy).
16. Agriculture, manufactures, Commerce and immigration.
Fergus, Carroll, Cooper, Catlin, Van Gasken.
17. Reporting and printing, and mileage and contingent expense:
McSorley, Mills, McClintock.

18. Privileges and elections.
Toole, Van Gasken, Pease.
19. Engrossment and enrollment.
Carroll, Maloney Hunt.
20. Boundaries, public lands and homestead exemptions.
Stephens, Greene, (one vacancy).
21. Revision, phraseology, and adjustment.
Smith, Burleigh, Dixon.
22. On Ordinances.
Proctor, Fergus, Eaton, McCormick, Greene.

On motion of McCormick the Secretary of the Territory was requested to print ** 44 ** 100 copies of the Standing Committees for use of the Convention carried.

Burleigh moved that the printed rules be referred back to the Committee on rules for amendment carried.

Toole offered the following resolution and moved its adoption.

Resolved: That a Committee comprising one member from each county be appointed by the President with instructions to propose a Constitution and submit the same for the consideration of this convention at the earliest practicable moment.

Toole.

Burleigh moved the following amendment, which was accepted by Toole.

Resolved: That it is the sense of this Convention that the Standing Committees of the Convention proceed at once to the work of preparing and reporting such provisions in articles and sections as they think should be incorporated in the Constitution, giving due consideration to all matters which may be referred to them by the Convention.

Dixon offered the following as a substitute which was adopted.

Resolved: That the several standing committees be directed to report to the convention as speedily as practicable, and without waiting for the reference to them of any resolutions introduced, such portions of the Constitution as relate to the matters which such committees are authorized to consider and which they recommend to be adopted.

Dixon ** 45 **

A communication from Judge Wade was received tendering the judiciary committee the use of the room now occupied by the territorial law library.

Mills moved that the committee on printing, mileage, and contingent expenses be authorized to incur such contingent expenses as were in their judgment necessary for the Convention.

Carried.

On motion of McCormick the Convention adjourned until 10 a.m. to-morrow.

P.L. Van Cleve

Secretary ** 46 **

Helena, Montana Jany 18,1884

Fifth Day

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

On motion of Howell leave of absence was granted Calloway for the day on account of illness.

Roll called, quorum present

Absent: Collins, McClintock and Pease – 3

Minutes of preceding day read and approved.

Ferris member elect having appeared took the oath before the President and subscribed to the same.

A communication from his Excellency, the Governor was read by the President, offering to the Committees the use of rooms in the executive building.

Mr. President added Mr. Ferris to Committees No. 2 . – the Committee on Rights of Suffrage, and Committee No. 20 – On Boundaries, Private Lands and Homestead Exemptions.

Smith's resolution relative to Judiciary was read and referred to the Judiciary Committee.

A resolution offered by Stephens relative to Revenue and Taxation was read referred to Committee on Territories of State, etc.

On motion of Hedges the Convention adjourned until 10 a.m. to-morrow.

P.L. Van Cleve

Secretary ** 47 **

Helena, Montana Jany 19,1884

Sixth Day

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

Roll called, quorum present

Absent: Hedges – 1

On motion of Pemberton leave of absence was granted McCormick until Tuesday morning.

On motion of Burleigh leave of absence was granted Pease until Monday.

Minutes of preceding day read and approved.

Burleigh, chairman of select committee reported as follows, and moved the adoption of the report, and that the committee on contingent expenses be instructed to provide for the expense of having the same printed.

Mr. President: Your Committee on Rules would respectfully report that they have adopted a substitution amendment for Rule No. 25, also for Rule 30, also that they have considered and adopted two additional rules, numbered 42 and 43, all of which are hereby submitted in printed form - the Committee having taken the responsibility of having the same printed, in order that there might be no delay. Your Committee recommended the adoption of the same, and that the Convention sanction the action of the Committee in having them printed. Your Committee further recommend that the word appointment in Rule 41, subdivision 11 read appointment.

Andrew F. Burleigh

Chairman of the Committee ** 48 **

Rule 25 as amended

No. 25 Committee of the Whole

In forming a committee of the whole the president shall appoint a member of the convention to preside. Propositions or resolutions relating to the constitution, shall be read and considered in committee of the whole, by sections. All amendments shall be noted and reported to the convention by the Chairman. After report the proposition or resolution shall again be subject to amendment before the final vote shall be taken.

Rule 30 as amended

Rule 30 Convention Suspended, alter or amend.

No rule of the convention shall be suspended, altered or amended without the concurrence of two-thirds of the numbers present; except rules 21, 22, 23, 24, 25 and 26, which shall not be suspended without unanimous consent

Rule 42 Yeas and nays.

The yeas and nays shall not be ordered unless demanded by two members. Except on the final passage of matters to be incorporated in the constitution; in which case the yeas and nays shall be had without demand.

Rule 43. Duties of Official Stenographers

Before receiving the compensation provided for the official stenographers of the convention, they shall, after approval by the president, deliver to the secretary of the Convention their full

short hand and extended notes of the proceedings to be by him delivered with other records to the Secretary of the Territory. ** 49 **

Pemberton moved to strike out that part of Rule 25 which reads, "Propositions or resolutions relating to the constitution shall be submitted to the committee of the whole convention, and shall be read and considered in committee of the whole by sections."

This motion was afterwards withdrawn.

Dixon moved as an amendment to Rule 30, to strike out the last clause, which motion was lost

The "ayes and noes" being called for the report of the committee was adopted by the following vote:

Ayes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Douglass, Eaton, Eddy, Ferris, Fergus, Greene, Hunt, Hedges, Howell, Langhorne, Merriman, Mills, Pemberton, Proctor, Power, Toole, Van Gasken, and Mr. President.

Total 25.

Noes: Browne, Dixon, Hundley, McSorley, Maloney, McClintock, Smith, Stephens, Vivion and Waterbury.

Total 10.

The reading of a memorial to Congress, introduced by Merriman, having been commenced by the Secretary, was declared out of order, as not relating to the Constitution.

A proposition submitted by Stephens, relating to Grand Jurors was referred to Committee on Judiciary.

A resolution related to juries introduced by Merriman was referred to the committee on judiciary.

A proposition relating to citizenship introduced by Stephens was referred to the committee on Rights of Suffrage.

The following resolution was introduced by Collins. ** 50 **

Resolved: That the Committee on Finance, Public Debt, Revenue, Taxation, etc. be and is authorized to employ a clerk at a compensation of five dollars per day for each day that he is actually employed.

Collins.

Howell moved to amend by instructing Mr. Armstrong to report to Mr. Collins for duty, carried.

Toole offered the following and moved its adoption

Resolved: That the privileges of the floor of this convention, during its sessions, be extended to the Speaker of the House of Representatives, the President of the Legislative Council and the

Attorney General of the Territory and that the Secretary notify them of the actions of this Convention.

Toole.

Carried.

The resignation of Mr. W.P. Gibson, assistant Sergeant at Arms was read, and on motion of Howell accepted.

On motion of Vivion, the Convention adjourned until 10. a.m. Monday

P.L. Van Cleave
Secretary ** 51 **

Helena, Montana
Jany 21, 1884

Eighth Day.

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

Roll called, quorum present

Absent: Browne, Collins, Carroll, Ferris, McClintock, Pease, Power, and Smith. 8.

Minutes of preceding day read and approved.

Medhurst, member elect, having appeared, took the oath of office before the president and subscribed the same.

The memorial to Congress introduced by Douglass, was read, and on motion of Hedges was referred to a special committee of three with Douglass as chairman.

The President appointed as such committee Douglass, Eddy, Waterbury.

A report was received from the committee on city and town organizations.

Report read and referred to committee on printing.

A resolution introduced by Douglass relative to compensation for the members of this convention, was referred to committee on finance of the state.

A proposition to be incorporated in the constitution relative to officers was introduced by Callaway, and referred to committee on Miscellaneous Subjects, etc.

Mr. President, Medhurst a member of Committee No. 7. On Finance of state, etc. and Committee No. 15 – on Mining, water and water rights.

Power moved that the members ** 52 ** be added to the committee on water rights.

Rules suspended on motion of Hedges, and Merriman moved to amend Power's motion and make the addition four members instead of two – carried.

Hundley with leave presented the report of the committee on state institutions etc. which report was read and placed on file.

The following resolution offered by Pemberton

Resolved: That the Territorial Auditor be requested to furnish for the use of the convention, an Abstract of the votes cast in each county of the Territory, at the last general election

Pemberton.

On motion of Browne the resolution was adopted.

Proctor moved to proceed to the election of an assistant Sergeant at Arms.

Hunt moved to lay the motion on the table. The ayes and noes being called for the motion was lost by the following vote.

Ayes: Dixon, Douglass, Fergus, Hunt, Hedges, Medhurst, Mills, McClintock, Napton, Power and Mr. President. Total 11.

Noes: Burleigh, Browne, Callaway, Catlin, Cooper, Eaton, Eddy, Greene, Howell, Hundley, Langhorne, McSorley, Merriman, Maloney, Pemberton, Proctor, Smith, Stephens, Toole, Vivion, Van Gasken and Waterbury. Total 22.

Mills moved the indefinite postponement of the motion, which motion was lost.

The original motion was then put and carried.

Hedges moved to adjourn until 2 P.M. Motion lost.

Eaton moved to adjourn until ** 53 ** 10 a.m. to-morrow. Which motion was declared out of order.

Nominations being now declared in order, Maloney nominated John B. Donley and McSorley nominated Wm. Sloan.

Eaton moved to elect by ballot – carried.

The chair appointed Maloney and Eddy teller.

Twenty eight votes having been cast, Mr. Sloan received 19 and Mf. Donley 9.

Mr. Sloan was declared elected, and on motion of Merriman took the oath of office before the President.

Hedges moved to adjourn until 2 P.M. which motion was amended by Eaton to 1 P.M. which amendment was carried.

Convention met pursuant to adjournment at 1 P.M.

Mr. President in the chair.

Roll called – quorum present.

Absent Eddy, Ferris, Maloney, Napton, Pease and Stephens

On motion of Burleigh the reading of the Journal for the forenoon session was suspended until to-morrow morning.

The President amended as additional numbers of committee on Mining and water rights Power, McClintock, Van Gasken and Abascal.

The report was received from the Committee on Military affairs, read and placed on file.

Report from the Committee on Education read and placed on file.

Callaway, by consent, introduced the following resolution and moved its adoption: ** 54 **

Resolved: That all resolutions and propositions relating to the constitution, that may be introduced and referred to the appropriate Committees, shall be returned by such Committee to the convention with their report, and be preserved by the Secretary.

Callaway.

Burleigh by consent, introduced a resolution relative to Revenue and Taxation, and moved that it be referred to the committee on Finance, carried.

On motion of Pemberton the Convention adjourned until 10 a.m. to-morrow.

P.L. Van Cleve
Secretary ** 55 **

Helena, Montana

January 22 1884

Ninth Day.

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

Roll called – quorum present.

Absent: Collins, Cooper, Ferris, Greene, Hunt, Hedges, Hundley, Maloney, McClintock, Pease, and Waterbury. 11Hour of preceding day read and approved.

Leave of absence was granted McCormick until to-morrow.

A report was received from the Committee on Corporations (other than Municipal) read and ordered placed on file.

Stephens, Chairman of Committee on Boundaries private land and homestead exemptions, submitted their report which was read and ordered placed on file.

Douglass Chairman of the Special Committee appointed by the President to memorialize Congress, submitted his report which was, on motion of Dixon, laid on the table.

Pemberton submitted a proposition relative to homesteads, which was on motion of Proctor referred to the committee on Judiciary.

Cooper introduced a resolution relative to forest fires, which was referred to the committee on Miscellaneous subjects.

Hunt introduced the following resolution and moved its adoption.

Resolved: That a select Committee of three be designated by the Chairman of this Convention for the purpose of framing an address to the people ** 56 ** of the Territory of Montana. – setting forth the more salient features of the Constitution when adopted, and urging its ratification by voters in 1884.

Hunt.

Collins moved to amend by making the committee five instead of three – carried.

On motion of Pemberton the Convention adjourned until 10 a.m. to-morrow.

P.L. Van Cleve
Secretary ** 57 **

Helena, Montana
Jany 23 1884
Tenth Day.

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

Roll called – quorum present.

Absent. Douglass, Ferris, Hedges, Maloney and Pease – 5.

On motion of Toole, leave of absence was granted Napton for five days.

C.W. Savage member elect, having appeared, took the oath of office for members before the President.

Minutes of preceding day read and approved.

The report of the committee on Rights of suffrage read and approved.

The report of the committee on Rights of suffrage was read and ordered placed on file.

The report of the committee on Executive departments was read and ordered placed on file.

The committee on Executive Department to whom was referred the Communication from Horatio N. Maguire, suggesting that the titles of President and Vice President for Governor and Lieutenant Governor, in designating the chief executive officers of the state of Montana, reported they deemed the adoption of the titles suggested, inexpedient.

The report of the Committee on Finances of State was read and ordered placed on file.

The report of Committee on Apportionment and representation was read and ordered placed on file.

The report of the Committee on Miscellaneous subjects to whom was referred Resolution No 8, introduced by Callaway, ** 58 ** was read and recommended that the resolution be not adopted.

Proctor moved that the report of the Committee be adopted.

Hedges moved that the report be referred to the Committee on Judiciary.

The ayes and noes being called for the motion was lost by the following vote:

Ayes: Abascal, Collins, Callaway, Cooper, Douglass, Eddy, Fergus, Hunt, Hedges, McSorley, Merriman, Mills, Pease, Power, Savage, Stephens, and Mr. President.
Total 17.

Noes: Burleigh, Browne, Carroll, Catlin, Dixon, Eaton, Greene, Howell, Hundley, Langhorne, Medhurst, McCormick, McClintock, Pemberton, Proctor, Smith, Toole, Vivion, Van Gasken, and Waterbury.
Total 20.

Collins moved to place the report on the General file and consider the same in a Committee of the whole. Carried.

The committee on Rights of Suffrage, to whom was referred Stephens' proposition in relation to citizenship, reported that in their opinion it was not expedient to grant to women general suffrage. The report was ordered placed on file.

The Committee on Miscellaneous Subjects, to whom was referred Cooper's proposition relative to forest fires, recommended the adoption of the same Report ordered placed on file.

Langhorne asked leave to submit the report of the committee on Legislative Department .

Proctor moved to suspend the rules and consider the report – read, ** 59 ** which motion was lost.

Leave of absence was granted Ferris until Monday.

The President announced that he had appointed as a committee to prepare an address to the people of Montana, setting forth the more salient points of the constitution as adopted – Toole, Hunt, Cooper, Callaway, and Pemberton.

The reading of the report of the Committee on Legislative Department, having been commenced –

Pemberton moved to adjourn until 2 P.M. Carried.

Afternoon session.

Convention met pursuant to adjournment at 2 P.M.

Mr. President in the chair.

Roll called – quorum present.

Absent, Greene, Langhorne, Medhurst, McCormick, McClintock, Pemberton and Vivion – 7.

The secretary commenced the reading of the report of the committee on Legislative Department. On motion of Collins, the rules were suspended and further reading was dispensed with and the report ordered placed on file.

The report of the committee on Mining and water rights was read and ordered placed on file.

The report of the Committee on Agriculture, manufactures etc was read and ordered placed on file.

The following resolution was introduced by Power.

Resolved: That no member be allowed to speak over five minutes on any ** 60 ** proposition unless a member yields his time for that purpose.

On motion of McCormick the resolution was referred to the Committee on Rules

The following was introduced by Mills.

Resolved: That it shall be the duty of the Assistant Secretary of this Convention to each day transmit by mail, to each newspaper in Montana a copy of each proposition or report for incorporation in the Constitution of Montana which shall have been printed, and furnished to the Convention, and that the Secretary of Montana be requested to furnish the stamps for the postage on the same.

Mills.

On motion of McCormick the resolution was adopted.

Toole offered the following resolution and moved its adoption:

Whereas: It is the sense [sic] of this Convention. That under the Joint resolution Calling for a Constitution Convention the right is reserved to it to contract its own printing, and that the

Secretary of the Territory is required to carry out the request of this Convention in that behalf
Therefore: be it resolved: That the Independent Publishing Company is hereby designated as the proper company to do the printing of this Convention, and that the Secretary hereof forthwith notify the Secretary of the Territory of the action of this Convention.

Toole.

Hunt moved to lay the resolution on the table. The ayes and noes being called for the motion was lost by the following vote.

Ayes: Burleigh, Callaway, Catlin, Dixon,** 61 ** Douglass, Eaton, Fergus, Greene, Hunt, Hedges, Medhurst, Merriman, Mills, Pease, Power, and Savage – 16

Noes: Abascal, Browne, Collins, Carroll, Cooper, Eddy, Howell, Hundley, Langhorne, McCormick, McSorley, Maloney, Pemberton, Proctor, Smith, Stephens, Toole, Waterbury, and Mr. President – 19.

Pemberton moved to suspend the rule, and make the resolution the special order for to-morrow at 11 am. which motion was lost.

On call of the ayes and noes, the resolution as introduced was adopted by the following vote.

Ayes. Abascal, Browne, Collins, Carroll, Cooper, Eddy, Howell, Hundley, Langhorne, McCormick, Maloney, Pemberton, Proctor, Smith, Stephens, Toole, Van Gasken, Waterbury and Mr. President – 19.

Noes: Burleigh, Callaway, Catlin, Dixon, Douglass, Eaton, Fergus, Greene, Hunt, Hedges, Medhurst, McSorley, Merriman, Mills, Pease, Power and Savage. – 17.

On motion of McCormick, the Convention adjourned until 10 am. to-morrow.

P.L. Van Cleve
Secretary ** 62 **

Helena Montana Jany [24]⁶ 1884

Eleventh Day.

Convention met pursuant to adjournment at 10a.m.

Mr. President in the chair

Roll called – quorum present.

Absent. Abascal, Catlin, Cooper, Hedges, Langhorne, Medhurst and Pease – 7.

Leave of absence until to-morrow was granted Merriman.

Leave of absence was granted Maloney until Tuesday.

⁶ Original says, “23,” but is incorrect.

Minutes of preceding day read and approved.

The majority and minority reports of the Committee on Judiciary were received and on motion of Proctor, the rules were suspended, and the reading of the same dispensed with, and the reports ordered placed on file.

The following report from the Judiciary Committee was received, and on motion of Langhorne adopted.

Mr. President,

Your committee on Judiciary and Judicial Departments, including pardoning power, to whom was referred Resolution No. 1 (an article on the Judiciary) Resolution No. 3. (As to disclosures by Grand Jurors) Resolution No. 4. (as to abolition of Grand Juries etc) and Proposition No. 10. (proposing that no incumbrances [*sic*] shall be created upon homesteads etc respectfully report that they have considered said Resolutions and propositions and hereby report the same back to the Convention.

Your committee have incorporated into the Judiciary Article for the Constitution reported by them, so much of Resolution No. 1 as they considered desirable, and ** 63 ** recommend their report as a substitute for said resolution.

Your Committee are of opinion that the matter embraced in Resolution No. 3, although perhaps a wise provision would more properly be embraced in a law than the constitution, and therefore recommend that said resolution be not made part of the Constitution.

As to Resolution No. 4. Your committee are of opinion that the matters to which it relates do not come properly within the province of the Judiciary Committee, but within that of the committee upon Preamble and Bill of Rights, and we recommend that said resolution be referred to said last named committee

Your committee recommend that Resolution No. 10 be not incorporated into the constitution.

Your committee further report that they have had under consideration the matter of the pardoning power referred to them – that they are of the opinion that said matter would be more properly included under the article of the Constitution relating to Executive Departments. – that such article has been reported by the Committee upon that subject, and contains a section (No. 8) providing for the exercise of the pardoning power and regulations the exercise thereof – that your committee have examined said section and approve the same, and recommend that said section be adopted as part of the article on Executive Department.

All of which is respectfully submitted.

W.W. Dixon

Chairman Com. On Judiciary, etc. ** 64 **

Convention resolved itself into Committee of the whole for the consideration of General orders.

Langhorne in the chair.

Convention resumed,
Mr. President in the chair.

The chairman of the committee of the whole, reported progress, and asked leave to sit again.

By consent, Hunt offered the following and moved its adoption.

Resolved: That a committee of three be designated by the chairman of the Convention to inquire into and report concerning the manner in which the stenographic work of the Convention is being done, and to direct that the stenographers be required to keep their notes fully extended from day to day and to make such other and further report in the premises as may be for the best interests of the Convention.

Hunt.

Carried.

The President appointed as such Committee, Hunt, Smith, and Catlin.

On motion of Waterbury the Convention adjourned until 2 P.M.

Afternoon Session.

Convention met pursuant to adjournment at 2 P.M.

Mr. President in the chair.

Roll called – quorum present.

Absent. Burleigh, Browne, Hedges, Pease, Savage, Van Gasken – 6

Leave of absence was granted Douglass until to-morrow.

The following report was received from the Special Committee of three ** 65 ** appointed by the President to inquire into the matter of stenographic reports, which was on motion of Hunt adopted.

Mr. President, Your committee to whom was entrusted the matter of inquiring into the stenographic reports of proceedings respectfully report.

That they find the report of Lippincott, stenographer, fully extended for each and every day or portion of day during which he reported and that his work is accurate and complete.

That they find that Imes, stenographer, is far behind, having up to now only turned over the proceedings of one afternoon, and that he has failed to insert in every instance, any single resolution or report as read in convention.

That your committee has called for the extended notes of the same portions of days upon which Imes was to report: but that he has not delivered to your Committee his extended notes, or any

extended notes so called for other than the incomplete notes of one half day, and your committee is credibly informed that his notes are not extended.

Your committee therefore believe and recommend that the best interests of the Convention demand that in order to preserve such stenographic extended notes as may be used hereafter for publication, the resignation of Imes, stenographer, be accepted, and that he be allowed compensation for such work as he ought to have performed up to now, whenever his full and extended notes, shall be delivered to the Secretary of the Territory.

And it is further recommended ** 66 **⁷ that Lippincott, stenographer, be retained to do all the work and make full and extended notes of all proceedings at a Compensation of \$30 a day.

Respectfully submitted
Hunt Chairman

On motion of McCormick the Convention resolved itself into a Committee of the whole for further consideration of General orders.

The President appointed Langhorne Chairman of such committee.

The Convention resumed
Mr. President in the Chair and on motion adjourned until 10am to-morrow.

P.L. Van Cleve
Secretary ** 67 **

Helena, Montana. Jany 25, 1884
Twelfth Day

Convention met pursuant to adjournment at 10. A.m. Mr. President in the Chair. Roll Called Quorum Present.

Absent – Burleigh, Eddy, Hedges, Howell, McClintock and Savage. 6.

The following communication was received.

Territory of Montana
Secretary's Office
Helena Jany 24, 1884

To the President and Members of the Constitutional Convention,

Gentlemen, I have the honor to acknowledge the receipt of a copy of Resolution passed by your honorable on the 23d wish, in relation to printing for the Convention, and in reply thereto respectfully say that I have carefully read the Resolution passed at the 13th Legislative Assembly, and have striven earnestly to carry out the letter and spirit of the instructions contained in

⁷ Microfilm duplicates pages 64 and 65 for no apparent reason

Section 5 of that Resolution which authorizes the Secretary of the Territory to procure and suitably furnish a hall , and procure all necessary printing to be done &c. for the use of the Convention.

After the organization of the Convention, you by resolution requested me to have certain printing ** 68 ** execute, not designating any particular printing office to perform such printing. In obedience to said resolution I called at the Herald office and arranged for the printing necessary to be done for the use of the Convention. As no complaint has come to me that the printing is not well and promptly executed I can see no good reason for countermanding the contract for printing.

Regretting that the Legislative Assembly did not relieve me of this responsibility by designating the office where printing should be executed, I have the honor to be

Very Respectfully

John S. Tooker

Secretary of Montana.

Langhorne, chairman of Committee of the Whole reported relative to General File No 1.

On motion of McCormick, the report was adopted.

Power offered the following amend which was adopted Section 9, as printed to conform with Section 10, as printed reference to number County Commissioners to four commissioners with County Jude.

Proctor moved to amend Section 10. As printing by striking out the whole sentences which commences in line three, that when the population &c. Carried. ** 69 **

Toole moved to amend section 9 as printed by substituting in line three the word three for the word two. Carried.

Pemberton offered the following amendment, amend Section 9 by striking out the words, "Provided that our Commissioner be elected every two years," commencing in second line as reported by Committee.

McCormick moved to amend by substituting the word two for the word one in the second line, carried.

Vivion offered the following and moved its adoption. Amend file 1, by adding one section as follows.

Sec. No. 15. No County, township, city or other municipality shall become a subscriber to the capital stock of any railroad, or other incorporation or association or make any appropriation or donation by subsidy or otherwise or loan its credit to or in and of such corporation, or association or to or in aid of any college or institution created for or controlled by the state or other, and no authority shall hereinafter be conferred for any of the purposes aforesaid by the Legislative Assembly of the State.

Vivion.

The ayes and noes being called for the amendment was lost by the following vote. ** 70 **

Ayes: Callaway, Catlin, Dixon, Douglass, Fergus, Mills, Pease, Pemberton, Power, Smith, Toole, Vivion, Van Gasken and Waterbury.

[Total]14.

Noes: Abascal, Browne, Collins, Carroll, Cooper, Eaton Eddy, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, McClintock, Proctor, Stephens, and Mr. President.

[Total]20.

Douglass offered the following amendment and moved its adoption.

General File #1.

Change Section 14 so as to read as follows:

The compensation of all County and precinct officers shall be a fixed salary, as may be provided by law: but all fees over and above said fixed salary shall be turned in to the County Treasury.

Douglas.

Upon a vote being taken the amendment was lost.

On motion of Pemberton the file as amended was adopted and referred to the Committee on Engrossment.

A resolution relative to Contagious diseases was introduced by Fergus and referred to the Committee on Agriculture.

A preamble proposed for the Constitution was introduced by Calloway and referred to the Committee on Preamble and Bill ** 71 ** of Rights.

On motion of McCormick the convention resolved itself into a Committee of the Whole for the consideration of general orders

Waterbury in Chair.

Convention resumed, Mr. President in the Chair.

The Committee of the Whole reported progress and asked leave to sit again.

Adjourned until 130 P.M.

Afternoon Session

The convention met pursuant to adjournment at 1.30. P.M.

Mr. President in the Chair.

Roll call. Quorum present.

Absent: Browne, Cooper, Pease, Stephens and Toole.

[Total] 5.

By the unanimous consent Merriman offered the following.

Resolved.

That the ladies of the Territory be and are hereby respectfully tendered the freedom of this Hall, during our deliberations.

Merriman

Mills amended by including all Territorial officers, members of the Legislature and Ex Secretary's which amendment was adopted.

By unanimous consent the Committee on Schedule presented ** 72 **their report.

On motion of Waterbury, reading of the report was dispensed with and it was ordered placed on file.

On motion of McCormick the convention resolved itself into a Committee of the Whole for further Consideration of General Orders,

Waterbury in the Chair.

Convention resumed Mr. President in the Chair.

On motion of Langhorne the Convention resolved itself into a committee of the Whole for the consideration of General File No. 3.

Howell in the chair

Convention resumed.

Mr. President in the Chair.

The Committee of the Whole report was referred to the Committee on Engrossment.

By consent the committee on Finances of State presented the following report. ** 73 **

Mr. President.

The Committee on Finance of the State &c respectfully report that proposed amendments No's 2, relating to "Revenue and Taxation" submitted by Mr. Stephens, No. 6. Entitled, "Legislature not prevented from granting a per diem." Introduced by Mr. Burleigh have considered by your Committee and the same have been reported back to the Convention with the recommendation that no further action be taken thereon.

The Committee respectfully submit seventeen (17) sections forming the Article on "Revenue and Taxation" herewith, and recommend that they be adopted.

T.E Collins
T.C. Power
Geo. O. Eaton
J. Abascal
Francis W. Hastings Medhurst
E. McSorley.
H.S. Howell
F.M. Proctor
Jos. A. Browne

On motion of Proctor the rules were suspended and further reading of the Report dispensed with and the report ordered placed on file.

A communication was received from Mr. S.T. Hauser inviting the members of the Convention to the Reduction Works ** 74 ** of the Helena Mining and Reduction Company at Corbin and Wickes.

On motion of Merriman the invitation was accepted and the President a Committee of three to make the necessary arrangements.

The President appointed as such Committee, Merriman Eddy and Fergus.

Leave of absence was granted Mills until Monday Evening.

On motion of Greene the Convention adjourned until 10. A.m. tomorrow.

P.L. Van Cleve
Secy. ** 75 **

Helena Montana
Jany 26, 1884
Thirteenth Day.

Convention met pursuant to adjournment at 10.a.m. Mr. President in the chair.

Roll called. Quorum Present.

Absent: Abascal, Collins, Callaway, Catlin, Hunt, Hedges, Medhurst, McCormick and Pease.

Total 9.

Leave of absence was granted to Browne until Monday.

Journal of preceding day read and approved.

Waterbury, chairman of Committee of the whole reported relative to General File No. 2.

On motion of Pemberton the report was referred back to the Committee for correction.

On motion of Langhorne the convention resolved itself into a Committee of the Whole for the consideration of General File No 4.

Toole, chairman.

Convention resumed

Mr. President in the Chair.

Toole chairman of the Committee of the whole reported progress and asked for leave to sit again.

By consent the Special Committee appointed by the President to arrange for the Excursion to the Reduction Works of Helena Mining and Reduction ** 76 ** Works, reported as follows.

Mr. President.

Your Select Committee to whom was conferred the duty of conferring with Mr. S.T. Hauser, as to what time the members should visit the Helena Mining and Reduction Works, at Clancy, Jefferson City, Corbinville and Wickes upon his courteous invitation to this House yesterday.

Beg leave to report that they have conferred with Mr. Hauser, who reports that he is ready to visit the aforementioned places, either on Saturday or Sunday the 2d or 3d proximo, leaving to your own discretion which of the dates, and the hour of starting you prefer of which he desires to know your decision at your earliest convenience

Merriman
Chairman

Proctor moved to accept the report and fix the date for the Excursion on the third, Vivion moved to amend by making the third the date and hour 10 a.m. convention time. Carried.

On motion of Eaton the Convention adjourned until 2 P.M. ** 77 **

Afternoon Session.

Convention met pursuant to adjournment,

Mr. President in the chair

Roll called. Quorum present.

Absent: Collins, Douglass, Howell, Medhurst and Vivion. [Total] 5.

A petition signed by numerous citizens of Custer County in regard to appropriating funds for Sectarian purposes was read.

McCormick moved to refer the petition to the Committee on Education.

Dixon moved to amend by referring it to the Committee of the Whole. Carried.

The following resolution was introduced and was adopted.

Resolved: That the Committee on Engrossment and Enrollment be assigned a Clerk to assist them in the performance of the duties pertaining thereto.

M. Carroll,
Chairman.

Waterbury, Chairman of Committee of the Whole submitted the report on File No. 2. The report was read and on motion of Toole, adopted.

Smith offered the following amendment. ** 78 **

“Amend Section, three, file No. 2. By striking out all after word changed in line 2 of Section 3.

Smith.

The Ayes and Noes, being called for the amendment was lost by the following vote.

Ayes: Hundley, Proctor, and Smith.

[Total] 3.

Noes: Abascal, Burleigh, Callaway, Cooper, Catlin, Carroll, Dixon, Eaton, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Langhorne, Medhurst, McCormick, McSorley, Merriman, McClintock, Pease, Pemberton, Power, Savage, Stephens, Toole, Van Gasken, Waterbury and Mr. President.
[Total] 29.

The following amendment was offered by Hedges and was adopted

In line 1 Section 5 instead of word “asylum” insert “asylums”

Pemberton moved to adopt the file as amended and refer it to the Committee on Engrossment. Carried.

On motion of Proctor, the Convention resolved itself into a Committee of the Whole, for further consideration of General File No. 4. ** 79 **

Toole in the chair.

Convention resumed.

Mr. President in the chair.

Toole chairman of Committee on whole, asked until Monday morning to prepare their report, which request was granted.

On motion of Burleigh the Convention resolved itself into a Committee of the Whole for the Consideration of General File #5. McCormick in the Chair.

Convention resumed

Mr. President in the Chair.

Greene moved to adjourn until 10. a.m. Monday, the Ayes and Noes being called for the motion was lost by the following vote.

Ayes: Abascal, Carroll, Callaway, Eaton, Eddy, Greene, Hedges, Hundley, McCormick, McSorley, Merriman, Pemberton, Proctor, Power, Toole, and Mr. President.

[Total] 16

Noes: Burleigh, Collins, Catlin, Cooper, Dixon, Douglass, Fergus, Hunt, Langhorne, Medhurst, McClintock, Pease, Smith, Savage, Stephens, Van Gasken and Waterbury.

[Total] 17.

Burleigh moved that the Convention resolve itself into a Committee of the Whole for the Consideration of General File #5.

Pemberton moved to adjourn until 10. a.m. Monday. ** 80 **

A point of Order being raised the President decided that a motion to adjourn was in order as no chairman had been appointed for the Committee.

The Ayes and Noes being called for the motion was carried by the following vote.

Ayes: Abascal, Carroll, Callaway, Eaton, Eddy, Greene, Hedges, Hundley, Langhorne, McCormick, McSorley, Merriman, Pemberton, Proctor, Power, Stephens, Toole, and Mr. President.

[Total] 18

Noes: Burleigh, Collins, Catlin, Cooper, Dixon, Douglass, Fergus, Hunt, Medhurst, McClintock, Pease, Smith, Savage, Van Gasken, and Waterbury.

[Total] 15.

P.L. Van Cleave.

Secretary. ** 81 **

Helena, Montana

Jan'y 28, 1884

Fifteenth Day.

Convention met pursuant to adjournment, at 10. a.m.

Mr. President in the Chair

Roll Called. Quorum Present.

Absent: Collins, Howell, Medhurst and Pease. [Total] 4.

Journal of Saturday read and approved.

Toole, chairman of the Committee of the Whole submitted their report relative to General File #4.

On motion of Proctor, the report was adopted.

Pemberton moved the following amendment which was adopted.

“Amend the Amendment to Section 14 in line 3 by striking from the amendment the words
“from the government””

Burleigh offered the following substitute which was adopted

“Amend Section 12 by substituting the following:

Section 12. At the first general election provided therefore there shall be chosen by the electors of the State nine regents of the University, who shall at their first meeting be so classified by lot that three shall hold office for two years, three for four years and three for six years, and every two years thereafter there shall be elected, three Regents whose term of office shall be six years except as otherwise provided in this Constitution. The Regents so elected and their successors shall constitute a body corporate to be known by the name & style ** 82 ** of “The Regents of the University of Montana”. Such officers shall receive no salary, but shall be allowed all actual and necessary expenses incurred in the discharge of their official duties.”

Callaway moved the following amendment.

Strike out in Sec 1. Line 1. The words “Believing that” and insert in lieu thereof the word
“Whereas”
Callaway.

Toole offered the following amendment which was adopted. –

Amend Section 1, by striking out all that portion of Section 1 preceding [sic] the word “is” on line 3.

On motion of Douglass the Convention resolved itself into a Committee of The Whole for consideration of General File No 5. McCormick in the Chair.

Convention resumed.

Mr. President in the Chair.

McCormick, chairman of the Committee of Whole asked until tomorrow morning to complete his report, which request was granted.

On motion of Greene the Convention adjourned until two PM. ** 83 **

Afternoon Session

Convention met pursuant to adjournment at 2: P.m.

Mr. President in the Chair

Roll called, Quorum present.

Absent: Collins and Pease. [Total] 2.

The Committee on Preamble and Bill of Rights submitted their report. On motion of Langhorne the rules were suspended and the reading dispensed with and the report ordered placed on file.

On motion of Smith the Convention resolved itself into a Committee of the Whole for consideration of General File No 6. Callaway in the Chair.

Convention resumed.

Mr. President in the Chair.

Callaway, chairman of the Committee of the Whole, asked for further time to make full report on General File No. 6.

On motion of Douglass the Convention resolved itself into a Committee of the Whole for the Consideration of General File No. 7.

Proctor in the Chair.

Convention resumed. Mr. President in the Chair.

Proctor, chairman of the Whole, having under Consideration File No. 7. Reported and was granted until tomorrow to complete their report.

On motion of McCormick the rules were suspended. General File No 10 was taken up out of its order, and the ** 84 ** Convention resolved itself into a Committee of the Whole for consideration of the same.

Hedges in the Chair.

Convention resumed.

Mr. President in the Chair.

Hedges, Chairman of Committee of the Whole, having under consideration General File No. 10. Reported progress and the Committee was granted leave to sit again.

Howell[']s motion to adjourn until 7 P.M. being carried, Merriman[']s motion to reconsider the vote was lost.

Leave of absence was granted Toole, Vivion, Medhurst, and McCormick, until tomorrow. ** 85 **

Evening Session.

Convention met pursuant to adjournment at 7. P.M.

Mr. President in the Chair.

Roll called, Quorum present.

Absent: Collins, Douglass, Eaton, Fergus, Hunt, Howell, Pease, Power and Stephens. [Total] 9.

On motion of Burleigh, the Convention resolved itself into a Committee of the Whole for further Consideration of General File No 10.

Hedges in the Chair.

Convention resumed. Mr. President in the Chair.

Hedges chairman of Committee of the Whole, having under Consideration General File No. 10. Reported and asked until tomorrow to submit full report.

On motion of Callaway the Convention resolved itself into a Committee of the whole for the Consideration of General File No. 8.

Dixon in the Chair.

Convention resumed. Mr. President in the Chair.

Dixon, Chairman of Committee of the Whole, having under consideration General File No. 8. Reported and asked until tomorrow to prepare a full report.

The following report⁸ was submitted by Mills and was adopted ** 86 **

“Resolved: That one hundred copies of each File as adopted by the Convention and reported from the Committee on Engrossment shall be printed for the use of the Convention Mills.[“]

On motion of Pemberton the Convention adjourned until 10. A.m.

P.L. Van Cleve
Secretary ** 87 **

Helena, Montana
Jany. 29. 1884
Sixteenth Day.

Convention met pursuant to adjournment at 10 A.m.

Mr. President in the Chair.

Roll called. Quorum present.

Absent[:] Abascal, Eddy, Hedges, and Langhorne. [Total] 4.

Journal of preceding day read and approved.

The committee on Agriculture &c reported relative to Resolution No. 12 in relation to “Contagious diseases” and recommending that said resolution be not adopted.

On motion of Proctor the rules were suspended and the report adopted.

⁸ “ ____ x” in margins, likely meaning omit the underlined word

Proctor, chairman Committee of the whole, having under consideration General File No. 7. Submitted the report and moved its adoption, which motion was carried and the report ordered referred to the Committee on Engrossment.

Hedges, Chairman of Committee of the whole on General File No. 10 submitted their Report.

On motion of Proctor the report was adopted and referred to the Committee on Engrossment.

Callaway, Chairman of Committee of the whole on General File No 6. Submitted their report, which was on motion adopted.

The following was offered by Pease. Substitute for Sec. 2. File No. 6.

Hereafter the Homestead, consisting of the land and family dwelling house thereon, also the improvements and out buildings appurtenant thereto, of each head of family resident in this state, of the value not exceeding five thousand dollars, shall be ** 88 ** exempt from forced sale on execution or otherwise except for the purchase monies laborers or mechanics lien on taxes.

Pease.

Burleigh offered the following addition to the substitute which was accepted by Pease.

Move to add to the substitute that the lands claimed as homestead shall not exceed on third of an acre if in any planed city, town or village: not if elsewhere one hundred and sixty acres
Burleigh.

Power moved the following amendment to the amendment:

Insert \$2500.00 in lieu of \$5000.00

Power.

The ayes and noes being called for the amendment to the amendment was adopted by the following vote:

Ayes. Browne, Collins, Carroll, Calloway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Ferris, Fergus, Greene, Hunt, Howell, Medhurst, McCormick, McSorley, Mills, McClintock, Pemberton, Power, Smith, Van Gasken, and Mr. President – 25

Noes. Abascal, Burleigh, Hedges, Hundley, Merriman, Pease, Proctor, Savage, Stephens, Toole, Vivion and Waterbury – 12

The original motion on amendment was lost by the following vote:

Ayes. Burleigh, Eddy, Greene, Merriman, Pease, Power, Savage, Stephens and Mr. President –
[Total] 9

Noes. Abascal, Browne, Collins, Carroll, Calloway, Catlin, Cooper, Dixon, Douglas, Eaton, Ferris, Fergus, Hunt, Hedges, Howell, Hundley, Medhurst, McCormick, McSorley, Mills, McClintock, Pemberton, Proctor, Smith, Toole, Vivion ** 89 ** Van Gasken, and Waterbury – [Total] 28

The report of the committee of the whole, as amended and adopted was now referred to the committee on Engrossment.

McCormick, chairman of Committee of the whole who had under consideration General File No. 5, submitted their report which was on motion of Merriman adopted.

Power offered the following amendment which was lost

Move to strike out Section 6 in General File No 5.
Power.

The report was thereupon referred to the Committee on Engrossment.

Dixon chairman of the Committee of the whole to whom was referred General File No. 8 submitted his report, which was upon motion of Waterbury adopted.

Hunt offered the following amendment:

“Amend by striking out of File No. 8 all of Section 13”

On Call of the ayes and noes the amendment was adopted by the following vote:

Ayes: Abascal, Burleigh, Catlin, Douglass, Ferris, Greene, Hunt, Langhorne, Medhurst, McCormick, Merriman, Pease, Pemberton, Proctor, Smith, Savage, Toole, Vivion, Van Gasken, and Waterbury – [Total] 20.

Noes: Browne, Carroll, Callaway, Cooper, Dixon, Eaton, Eddy, Fergus, Hedge, Howell, Hundley, McSorley, Mills, McClintock, Power, Stephens and Mr. President – [Total] 17.

Power offered the following amendment

“Amend” Section 4. File 8. Making the salary of Governor four thousand dollars instead of Five thousand.”

Cooper offered the following amendment:

Amend section 4 in line 4 ~~of the~~ after the word “Governor” insert “three” ** 90 ** instead of “five”
Cooper.

On call of the ayes and noes the amendment to the amendment was lost by the following vote:

Ayes: Burleigh, Collins, Callaway, Catlin, Cooper, Dixon, Douglass, Eddy, Ferris, Fergus, Hunt, Hundley, Hedges, Howell, McCormick, McSorley, Mills, and Pease – [Total] 18.

Noes: Abascal, Browne, Carroll, Eaton, Greene, Langhorne, Medhurst, Merriman, McClintock, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, and Mr. President – [Total] 20

Collins offered the following amendment:

“Amend by striking out Five thousand and insert Thirty six hundred dollars”

On call of the ayes and noes the amendment was carried by the following vote:

Ayes: Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eddy, Ferris, Fergus, Hunt, Hedges, Howell, Hundley, Langhorne, McCormick, McSorley, Mills, McClintock, Pense, Savage and Vivion – [Total] 23.

Noes. Abascal, Browne, Eaton, Greene, Medhurst, Merriman, Pemberton, Proctor, Power, Smith, Stephens, Toole, Van Gasken, Waterbury and Mr. President – [Total] 15

The original motion as amended was now adopted.

McCormick offered the following:

“I move to amend section four by striking out in line five the word “two” so that it will read “two thousand”

McCormick

On motion of Stephens, the Convention adjourned to 2. P.M. ** 91 **

Afternoon Session

Convention met pursuant to adjournment at 2 P.M.

Mr. President in the Chair.

Roll called – quorum present.

Absent: Douglass, Greene, and Vivion – 3.

McCormick withdrew his amendment offered in the morning session.

Burleigh offered the following:

“Move to amend Section 4 by fixing the salaries of Secretary of State, Auditor, State Treasurer, Attorney General, and Superintendent of Public Instruction at \$2500.00 each.

Burleigh.[”]

On call of the ayes and noes, the amendment was lost by the following vote:

Ayes: Abascal, Burleigh, Browne, Catlin, Eaton, Greene, Langhorne, Medhurst, Merriman, Pease, Pemberton, Proctor, Smith, Savage, Stephens, Van Gasken, Waterbury and Mr. President.
[Total] 18.

Noes: Collins, Carroll, Callaway, Cooper, Dixon, Eddy, Ferris, Fergus, Hunt, Hedges, Howell, Hundley, McCormick, McSorley, Mills, McClintock, Power, Toole and Vivion – [Total] 19.

Dixon offered the following amendments which were adopted.

“Amend Section 4. By striking out the words “two terms” in line 3 and inserting instead thereof the word “term” also amend section 4 by striking out the words “to take effect after the first two terms herein before mentioned” in line 16 and insert thereof the words “but no such diminution or increase shall effect the salaries of the officers then in office during their time”

Section 4 as thus amended was adopted. ** 92 **

Mills offered the following which was adopted.

“Amendment to lines 2 and 3 Section 15 of File 8 – Strike out the clause “In case of the absence or disqualification from any cause as applies to the Governor of the Lieutenant Governor” and insert in lieu thereof the clause – “In case of the absence or disqualification of the Lieutenant Governor from any cause which applies to the Governor”

General File No. 8 was now referred, as amended, with instructions to re-number the sections, to the Committee on Engrossment.

On motion of Merriman it was decided to yield the use of the hall, now used by the Convention, for tomorrow evening, to the ladies who requested it, and to vacate the hall at four o'clock.

On motion of McCormick the Convention resolved itself into a Committee of the Whole for Consideration of General File No. 9 – McCormick in the chair.

Convention resumed

Mr. President in the chair.

McCormick, Chairman of the Committee of the whole, reported relative to General File No. 9, and was granted time to prepare full report.

On motion of Burleigh the Convention resolved itself into a Committee of the whole for Consideration of General Files Nos. 11, 12 and 13, Burleigh in the Chair.

Convention resumed

Mr. President in the Chair.

Burleigh, Chairman of ** 93 ** the whole, reported relative to General Files Nos. 11, 12 and 13 and asked until tomorrow to prepare a full report.

On motion of Toole, the Convention resolved itself into a Committee of the whole for consideration of General File No. 14 – Collins in the chair.

Convention resumed

Mr. President in the chair.

Collins, chairman of Committee of the whole, reported relative to General File No. 14, and was granted until to-morrow to prepare a full report.

On motion of Langhorne, the Assistant Secretary was excused from further service in Committee of the whole.

On motion the Convention adjourned until 7 a.m.⁹.

Evening Session.

Convention met pursuant to adjournment at 7 P.M.

Mr. President in the chair.

Roll called = quorum present

Absent. Browne, Douglass, Eaton, Hedges, and Power – 5.

On motion of Proctor the Convention resolved itself into a Committee of the whole, for consideration of General File No. 15 – Vivion in the chair.

Convention resumed.

Mr. President in the chair.

Vivion, chairman of the Committee of the whole, reported relative to General File No 15, and was given, until to-morrow to prepare a full report.

Toole moved that the Convention resolve itself into a committee of the whole for consideration of General File No. 16 ** 94 **

Merriman moved to adjourn was lost.

Toole's motion to go into a Committee of the whole was first and Carried.

On motion of Langhorne the Convention adjourned until 10. Am to-morrow. ** 95 **

Helena, Montana

Jany 30 1884

Seventeenth Day.

Convention met pursuant to adjournment at 10 am.

Mr. President in the chair.

Roll called – quorum present.

Absent. Collins, Callaway, Ferris, Hedges, McCormick, McSorley, and Pease. – 7.

⁹ An error, as the next session was at 7 p.m.

Journal of preceding day read and approved.

A petition signed by numerous citizens of Bozeman relative to appropriations for sectarian purposes, was presented by Langhorne, and was read.

McCormick, chairman of Committee of the whole, reported relative to General File No. 9, which report was on motion adopted, and referred to the Committee on Engrossment.

Burleigh, Chairman of Committee of the whole, reported relative to General Files Nos. 11, 12 and 13, which reports were adopted.

Dixon offered the following amendment to General File No. 11:

“Amend by inserting section as follows: Sec. 1. No railroad or other transportation company, and no agent, officers or employee thereof, shall issue or give or offer, either directly or indirectly to any member of the Legislative assembly, or to any executive, judicial or ministerial officer of this state, or of any county, district, township, municipality, or other division thereof, any gratuitous transportation over or upon, or any pass, or free ticket for passage over or upon any route or line or part thereof of such company, or make or consent to or direct any contract or arrangement by which such offers or ** 96 ** any of them shall be transported or conveyed over or allowed to travel when such route or line or any part thereof, at any less rate or for any less compensation than is charged the public generally, under such penalties as may be provided by law; and no member of the Legislative Assembly, and no such officer as above mentioned, shall accept or receive or use while he is a candidate for office, or while he continues in office, or within three months after he ceases to be in office, any pass or free ticket, from any railroad or transportation company, or make or consent to any contract or arrangement by which he, or any of his family or employees shall be transported or conveyed by such company gratuitously, or at any different or lower rate or charge from that required of the public generally, under such penalties as may be prescribed by law and which may extend to forfeiture of or remand from office.[“]

Dixon

Proctor moved the indefinite postponement of the motion.

Call of the House was ordered.

McCormick absent.

The Sergeant at Arms was instructed to bring him in.

The motion to suspend function Call of the House was lost.

Langhorne moved to adjourn until 2 P.M. which motion was carried by the following vote.

Ayes[:] Abascal, Burleigh, Browne, Carroll, Callaway, Catlin, Douglass, Eaton, Eddy, Ferris, Howell, Langhorne, McSorley, Pease, Pemberton, Proctor, Savage, Stephens and Waterbury.
[Total] 19 ** 97 **

Noes. Collins, Cooper, Dixon, Fergus, Greene, Hunt, Hedges, Hundley, Medhurst, Merriman, Mills, McClintock, Power, Smith, Toole, Vivion, Van Gasken and Mr. President – [Total] 18.

Afternoon Session

Convention met pursuant to adjournment at 2 P.M.

Mr. President in the chair.

Roll called – quorum present.

Absent – McCormick

A call of the House was ordered.

Absent – none.

The motion to indefinitely postpone the amendment to General File No. 11 was lost by the following vote:

Ayes: Browne, Eddy, Greene, Hunt, Howell, Hundley, Langhorne, McCormick, McSorley, Pemberton, Proctor, Smith, Toole, Vivion, Van Gasken, and Waterbury – [Total] 16.

Noes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Dion, Douglass, Eaton, Ferris, Fergus, Hedges, Medhurst, Merriman, Mills, McClintock, Pense, Power, Savage, Stephens and Mr. President – 22.

On motion of Langhorne further proceedings under the Call of the House were dispensed with.

Toole offered the following amend substitute for Sec. 11.

By inserting therein after the word “thereof” on line 7 the following “or to any other person mentioned herein.” Also amend by striking out all of said section after the word “law” on line 17 ** 98 ** and inserting the following:” and any officer mentioned herein who shall accept any such pass” gratuity or transportation, shall be deemed to have forfeited his office, and shall be subject to removal therefrom
Toole.

On call of the ayes and noes the amendment was lost by the following vote.

Ayes: Browne, Greene, Hunt, Howell, Hundley, Langhorne, McCormick, McSorley, Pemberton, Proctor, Smith, Toole, Vivion, Van Gasken and Waterbury – [Total] 15.

Noes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Ferris, Fergus, Hedges, Medhurst, Merriman, Mills, ~~McSorley~~, McClintock, Pease, Power, Savage, Stephens and Mr. President – [Total] 23.

Burleigh offered the following, which was accepted by Dixon.

Move to amend the substitute by striking out so much thereof as may provide for leaving the penalties to be hereafter fixed by law and adding thereto "That any railroad or other transportation company or corporation violating any provision hereof shall forfeit to the state, one thousand dollars for each and every violation hereof, to be recovered by an action at law, and any officer herein mentioned, who shall violate any provision hereof, shall forfeit his office and all the emoluments thereof.

Burleigh.

Power offered the following amendment

Insert provided however that all Montana transportation companies ** 99 ** owned by Montana incorporations shall be exempted.

Power

On call of the ayes and noes the amendment was lost by the following vote

Ayes: Abascal, Browne, Eddy, Ferris, Greene, McCormick, Merriman, Pemberton, Proctor, Power, Smith, Vivion and Waterbury – [Total] 13.

Noes: Burleigh, Collins, Callaway, Catlin, Cooper, Dixon, Carroll, Douglass, Eaton, Fergus, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McSorley, Mills, McClintock, Pease, Savage, Stephens, Toole, Van Gasken, and Mr. President – [Total] 25

Power offered the following amendment which was lost.

"Insert except transportation companies other than railroads.
Power.

The substitute, as amended was now lost by the following vote:

Ayes: Burleigh, Collins, Carroll, Calloway, Catlin, Cooper, Dixon, Douglass, Eaton, Fergus, Hedges, Medhurst, Merriman, Mills, McClintock, Pease, Savage, Stephens and Mr. President – [Total] 19.

Noes. Abascal, Browne, Eddy, Ferris, Greene, Hunt, Howell, Hundley, Langhorne, McCormick, McSorley, Pemberton, Proctor, Power, Smith, Toole, Vivion, Van Gasken & Waterbury – [Total] 19

On motion of Howell the Convention adjourned until 10. A.m.

P.L. Van Cleave
Secretary ** 100 **

Helena, Montana
Jany 31, 1884

Eighteenth Day

Convention met pursuant to adjournment at 10am.

Mr. President in the Chair.

Roll Called – quorum present.

Absent – Ferris and Pease – 2.

Journal of yesterday read and approved.

A petition signed by numerous citizens of Missoula relative to the appropriation of monies &c for sectarian purposes was read.

Carroll, chairman of the Committee on Engrossment reported that Gen. Files Nos. 1, 2, 3, 4, 5, 6, 7 and 10 had been correctly engrossed and reported back to the Convention. The Secretary was ordered to retain the same, subject to the Call of the Committee on Printing.

Abascal moved to reconsider the vote of yesterday by which Dixons substitute for General File No. 11 was lost, which motions was carried by the following vote –

Ayes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Fergus, Hedges, Medhurst, Merriman, Mills, McClintock, Pease, Savage, Stephens, and Mr. President – [Total] 20

Noes: Browne, Eddy, Ferris, Greene, Hunt, Howell, Hundley, Langhorne, McCormick, McSorley, Pemberton, Proctor, Power, Smith, Toole, Vivion, Van Gasken, Waterbury – [Total] 18.

Proctor moved to make the matter the special order for Saturday evening, Feby 1 – at 7 P.M, which motion was lost by the following vote.

Ayes: Browne, Eddy, Greene, Howell, Hundley, Langhorne, McCormick, McSorley, Merriman, Pemberton, Proctor, Smith, Toole, Vivion, ** 101 ** and Waterbury – [Total] 16.

Noes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglas, Eaton, Ferris, Fergus, Hurst, Hedges, Medhurst, Mills, McClintock, Pease, Power, Savage, Stephens and Mr. President. [Total] 22.

Proctor moved the Convention resolve itself into a Committee of the whole, which motion was declared out of order.

Pemberton offered the following amendment

Amend Substituted section by substituting therefore the following: “It shall be the duty of the Legislative Assembly, as its first session to provide by law to prevent any railroad, and other corporations and companies, their agents and employees from giving any pass or gratuity to any state, county, district, township or municipal officer in this state, and to prevent the acceptance thereof by any of such officers, and to prescribe suitable penalties for the violation of the laws

enacted under this section
Pemberton.

The previous question having been called for and ordered, the Convention proceeded to vote on the main question and the amendment thereto. The vote being taken on the amendment offered by Proctor, and the ayes and noes being called the amendment was lost by the following vote:

Ayes: Browne, Eddy, Ferris, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McSorley, McCormick, Pemberton, Proctor, Smith, Vivion, Van Gasken, and Waterbury – [Total] 17.

Noes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Fergus, Hunt, Merriman, Mills, McClintock, Pease, Power, Savage, Stephens, Toole, and Mr. President – [Total] 21.

The question was now first as to the adoption ** 102 ** of the substitute for General File No. 11 and was carried by the following vote:

Ayes: Abascal, Burleigh, Collins, Carroll, Calloway, Catlin, Cooper, Dixon, Douglass, Eaton, Fergus, Hedges, Medhurst, Merriman, Mills, McClintock, Pease, Savage, Stephens, and Mr. President – [Total] 20

Noes: Browne, Eddy, Ferris, Greene, Hunt, Howell, Hundley, Langhorne, McCormick, McSorley, Pemberton, Proctor, Smith, Toole, Vivion, Van Gasken, and Waterbury. – [Total] 17

Callaway moved to reconsider the vote by which the substitute was carried and to lay the motion on the table – carried.

Hedges moved to refer General File No. 11 to the committee on Engrossment – Carried

The report of the Committee of the whole relative to General File No. 15 was read; and on motion of McCormick adopted.

Van Gasken offered the following substitution:

Amend the report of Committee of the whole upon General File No. 15, as follows: Section 1 –
The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution, is hereby declared to be a public use, and subject to the registration and control of the state in the manner to be proscribed by law
Van Gasken.

Cooper offered the following amendment to the substitute which was accepted by Van Gasken.

The right to divert the unappropriated waters of any stream to beneficial uses shall never be denied: priority of appropriation shall give the better right as between those using the water for the same purposes, but when the waters ** 103 ** of any natural stream are not sufficient for

the service of all those desiring the use of the same. – those using the water for domestic purposes, shall have the preference over those claiming it for other purposes: and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

Cooper.

Power offered the following amendment.

Strike out “now appropriated or” after water.

McCormick moved the indefinite postponement of the substitute and the amendments, which motion was carried by the following vote:

Ayes: Abascal, Browne, Dixon, Eaton, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pemberton, Proctor, Smith, Savage, Stephens, Toole, Vivion, Waterbury and Mr. President – [Total] 26.

Noes: Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Douglass, Ferris, Langhorne, Pease, Power and Van Gasken – [Total] 12

Collins chairman of Committee of the Whole, submitted their report relative to General File No. 14, which was on motion of McCormick adopted.

Dixon offered the following amendments General File No. 14 – Amend by adding at end of first article the following sections.

Sec. 4 – members of the Legislative Assembly and all officers executive, ministerial or judicial shall, before they enter upon the duties of their respective offices take and subscribe the following oath: “I do solemnly swear or affirm that I will support protect and defend the Constitution of the United States, and of the state of Montana, and that I will faithfully discharge the Articles ----- of according to the best of my ability” ** 104 ** and no other oath, declaration or test shall be required as a qualification for any office or public trust.

Sec 5. All officers whose election or appointment is not provided for by this Constitution, and all offices, whose officers or duties may be hereafter created by law shall be elected or appointed as may be provided by law.

Section 6 – Suit may be brought against the state in such named and in such courts as may be provided by law.

Section 7 – No perpetuities shall be allowed except for charitable purposes.

Sec. 8 – All County officers shall keep their offices at the county seat of their respective counties.

Section 9 – General elections after the first election held under this Constitution shall be held on the even numbered years and the terms of officers elected (except as otherwise provided in this Constitution) shall commence on the first Monday of January next following such election.

Amend Section 2 (Article on Future Amendments) by adding the following at the end thereof.
“Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers, or otherwise, that each can be voted upon separately.

On motion of Collins the amendments together with the report of the Committee of the whole on General File No 14 was referred to the Committee on Miscellaneous subjects.

On motion of Eaton the Convention took a recess until 2 P.M. ** 105 **

Afternoon Session.

Convention resumed.

Mr. President in the Chair.

Roll called – quorum present

Absent. Browne, Carroll, Fergus, Greene, Langhorne, Medhurst, McCormick, Pemberton, and Power – 9.

The following resolution was offered by Hunt.

Whereas, it is the sense of this Convention that the acceptance of railroad passes and other courtesies of corporations are a corrupting and dangerous influence upon public servants; and

Whereas: the sense of the Convention is applicable to Territorial as well as state officials or servants,

Be it therefore Resolved: That the profound thanks of this body be extended Mr. Hauser for his invitation to become the guests of his railroad company on Sunday next, but that his politeness be declined, also

Be it Resolved: That it is the sense of this Convention that numbers of this body who now hold passes upon any railroad should forthwith return them to the donors endorsed: “Returned with thanks but fears of corruption”

Hunt

On motion of Eaton the resolution was laid on the table

Hunt offered the following which was adopted.

Resolved that the Committee on Engrossment and Enrollment be increased to five members.

Mr. President appointed Stephens and Douglass as members of the Committee.

On motion of Dixon the Convention resolved itself into a committee ** 106 ** of the whole for consideration of General File No. 16.

Pemberton in the Chair.

Convention resumed.

Mr. President in the chair.

Pemberton, Chairman of the Committee of the whole, having under consideration of General File No. 16, reported progress and asked leave to sit again.

Leave of absence was granted Ferris for four days.

On motion of Collins the Convention took a recess until 7 P.M.

Evening Session

Convention resumed at 7 P.M.

Mr. President in the chair

Roll called – quorum present.

Absent: Carroll, Douglass, Eaton, Fergus, Greene, Hedges, Howell, Langhorne, Medhurst, Pease, Proctor, Power, Toole and Vivion 14

Pemberton moved to adjourn until to-morrow morning at 10 oclock.

The ayes and noes being called the motion was lost by the following vote.

Ayes: Abascal, Browne, Eddy, Greene, Medhurst, McCormick, Merriman, Pemberton, Proctor, Smith, Savage, and Mr. President – [Total] 12

Noes: Burleigh, Collins, Calloway, Catlin, Cooper, Dixon, Hunt, Hundley, Langhorne, McSorley, Mills, McClintock, Power, Stephens, Van Gasken and Waterbury – [Total] 16.

On motion of Burleigh the convention resolved itself into a Committee of the whole for further consideration of General File No 16.

Pemberton in the Chair.

Convention resumed.

Mr. President in the Chair. ** 107 **

Pemberton, chairman of Committee of the whole, having under consideration General File No. 16 reported the file back to the Convention, with recommendation that it be adopted, as amended, and asked further time to make full report.

On motion of Hundley the Convention adjourned

P.L. Van Cleve

Secretary ** 108 **

Helena, Montana
Feby. 1, 1884

Nineteenth Day.

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the chair.

Roll called – quorum present.

Absent: Collins, Douglass, Greene, Hunt, McCormick and Pease. – 6

Leave of absence for the day was granted Cooper and Hundley.

Journal of yesterday read and approved.

Pemberton chairman of the Committee of the whole, having under consideration General File No. 16 submitted their report, which was on motion of McCormick, adopted.

Proctor moved to strike out – Sec. 28. Which motion was lost.

Dixon offered the following amendment, which was adopted.

General File No. 16 – Amend section 28 as amended by striking out the word “pending” in line 6 after the word “any.”

Hunt offered the following which was adopted:

Amend Sec. 33. File 16 by inserting in line 3, as follows: Provided, this shall not be construed to forbid the Legislature from fixing the salaries emoluments of those officers first elected or appointed under this constitution when such salaries or emoluments are not fixed by this constitution.

Collins offered the following which was lost.

“I move to strike out all after the word “law” in line 6 sec. 6”
Collins.

On motion of McCormick, General File No. 16 as amended, was referred to ** 109 ** the Committee on Engrossment.

On motion of Vivion, the Convention resolved itself into a Committee of the whole for Consideration of General File No. 17

Smith in the Chair.

Convention resumed.

Mr. President in the Chair.

Smith, chairman of Committee of the whole having under consideration General File No. 17 reported the file back to the Convention with the recommendation, that as amended, it be adopted, and asked further time to prepare full report.

On motion of Proctor the Convention resolved itself into a committee of the whole for consideration of General File No. 18.

Langhorne in the Chair.

Convention resumed.

Mr. President in the Chair.

Roll called – quorum present.

Absent. Greene, Hunt, Hedges, Medhurst, McCormick, Pease and Pemberton – 7

Leave of absence was granted Douglass for the afternoon.

On motion of Proctor the Convention resolved itself into a committee of the whole for further consideration of General File No. 18.

Langhorne in the Chair.

Convention resumed

Mr. President in the Chair. ** 110 **

Langhorne, chairman of Committee of the whole, having under consideration General File No. 18, reported progress and asked leave to sit again.

On motion of Waterbury the convention took a recess until 7 P.M.

Evening Session.

Convention resumed.

Mr. President in the Chair

Roll called – quorum present

Absent. Browne, Eaton, Hedges, Howell, Medhurst, McCormick, Pease, Power, and Waterbury – 9

Leave of absence for the evening was granted McSorley, Maloney's leave of absence was extended until Monday.

On motion of Hunt the Convention resolved itself into a Committee of the Whole for further consideration of General file No. 18 – Langhorne in the Chair.

Convention resumed.

Mr. President in the Chair.

Langhorne, chairman of Committee of the whole, having under consideration General File No. 18, reported progress and asked leave to sit again.

On motion of Collins, the Convention adjourned until 10 am.

P.L. Van Cleve
Secretary. ** 111 **

Helena, Montana
Feb 2, 1884
Twentieth Day.

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the Chair.

Roll called – quorum present.

Absent, Abascal, Eaton, Eddy, Hedges, Langhorne, and Medhurst – 6

Journal of yesterday read and approved.

Smith, chairman, of Committee of the Whole, submitted their report, relative to General File No. 17.
which was on motion of Vivion adopted.

Fergus offered the following, which was adopted,

Substitute for General File No. 17.

Sec. 1. A bureau of industrial resources to be located at the capital of the state shall be established, which shall be under the management of a commissioner, who shall be elected at the first general election, and hold his office for the term of four years, except as otherwise provided in this Constitution.

Sec. 2. The Commissioner of Industrial Resources shall perform such duties and receive such compensation, as may be provided by law, and it shall be the duty of the Legislative Assembly at its first session to prescribe such duties and compensation, and to pass such laws as may be necessary for the government, regulation and support of such bureau.

Fergus.

On motion of Hedges General File No. 17. Was referred to the Committee on Engrossment.

Callaway moved for a call of the house which motion was lost.

On motion of McCormick the Convention resolved itself into a Committee of the Whole for further consideration of ** 112 ** General File No. 18.

Toole in the Chair.

Convention Resumed.

Mr. President in the Chair.

Langhorne, Chairman of the Committee of the whole having under consideration General File No. 18. reported, progress and asked leave to sit again.

On motion of Vivion a recess was taken until 2 P.M.

Afternoon Session.

Convention resumed.

Mr. President in the Chair.

Roll called – quorum present.

Absent. Douglass, Greene, Howell, Langhorne, Medhurst, McCormick and Vivion – 7

The following report was received:

Mr. President: Your Committee on Engrossment and Enrollment beg leave to report General Files Nos. 5, 8, 9, 16 and 17 as properly engrossed and returned to the Secretary of the Convention.
Carroll, Chairman

On motion of Waterbury the report was adopted.

Merriman offered the following report, which was, on motion of Toole, adopted.

Mr. President:

The arrangement for the excursion to Clancy, Jefferson City, Corbinville and Wickes is, that the invited guests meet at the Cosmopolitan Hotel to-morrow morning from nine to 9 ½ o'clock at the latest, where omnibuses and horses¹⁰ will be in readiness to convey them to the depot –, in the invitation are included included [sic] the attaches of the House and reporters.
Merriman, Chairman of Special Com. of Arrangements. ** 113 **

On motion of Collins the Convention resolved itself into a Committee of the Whole for further consideration of General File No. 18.

Langhorne in the Chair.

Convention resumed.

Mr. President in the Chair.

Langhorne, Chairman of Committee of the Whole having under consideration General File No. 18. reported the same back to the Convention, with the recommendation that as amended it be reported.

On motion of Collins the report was adopted.

McCormick offered the following amendment.

Amend Section 37 – General File No. 18 – by striking out in lines 5 and 6, the words “Forty five hundred dollars” and inserting in lieu thereof “Thirty six hundred dollars”

Burleigh offered the following amendment to the amendment

¹⁰ Unsure if this is the correct word

“Insert the words “three thousand” instead of “Thirty six hundred”

The ayes and noes being called the amendment to the amendment was lost by the following vote:

Ayes: Burleigh, Browne, Collins, Catlin, Fergus, Hedges, Hundley, McClintock, Savage, ~~Toole~~, Van Gasken and Waterbury – 11

Noes: Abascal, Callaway, Cooper, Dixon, Douglass, Eaton, Eddy, Greene, Hunt, Howell, Langhorne, Medhurst, McSorley, McCormick, Merriman, Mills, Pemberton, Proctor, Power, Smith, Stevens, Toole, Vivion and Mr. President – 24

The original amendment was now carried by the following vote:

Ayes: Burleigh, Browne, Collins, Callaway, Catlin, Eddy, Fergus, Hedges, Howell, Hundley, Langhorne, McCormick, Mills, McClintock, Power, Savage, Stephens, and Van Gasken – 18

Noes: Abascal, Cooper, Dixon, Douglass, Eaton, ** 114 ** Greene, Hunt, Medhurst, McSorley, Merriman, Pemberton, Proctor, Smith, Smith, Toole, Vivion, Waterbury, and Mr. President – 17

Douglass offered the following amendment:

Amend General File No. 18. Section 37. as follows:

Strike out in line 8 the words “fourteen hundred” and insert in lieu thereof the words “Sixteen hundred.”

Douglass.

A division being called for that part thereof relating to Deer Lodge County was lost.

Douglass now withdrew the balance of the amendment.

McCormick offered the following amendment:

“Strike out the words “Thirty six hundred” in line six of Section 37 and insert in lieu thereof the words “Three thousand.”

The ayes and noes being called the amendment was adopted by the following vote:

Ayes: Burleigh, Collins, Callaway, Catlin, Cooper, Douglass, Eaton, Eddy, Fergus, Greene, Hedges, Hundley, McCormick, Mills, McClintock, Power, Savage, Stephens, Toole, Van Gasken, Waterbury, Mr. President, 22.

Noes: Abascal, Browne, Dixon, Hunt, Langhorne, Medhurst, McSorley, Merriman, Pemberton, Proctor, Smith, Vivion – 12

Dixon offered the following amendment which was adopted.

“General File No. 18 – strike out Sec. 21 and insert instead the following:

Sec. 21 There shall be a Clerk of the County Court in each County. The Legislative Assembly may provide for the election of such clerk by the people, or it may provide that the duties of such office shall be performed by some other County officer. The duties of such clerk ** 115 ** and his compensation shall be prescribed by law.

Collins moved that the convention take a recess until 7 P.M. which motion was lost by the following vote.

Ayes: Collins, Dixon, Douglass, Fergus, Hunt, Hedges, Hundley, Medhurst, Mills, McClintock, Van Gasken, and Waterbury – 12

Noes: Abascal, Burleigh, Browne, Callaway, Catlin, Eaton, Eddy, Greene, Langhorne, McCormick, McSorley, Merriman, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, and Mr. President – 21

On motion of Callaway the Convention adjourned until 10 a.m. Monday.

P.L. Van Cleve
Secretary ** 116 **

Helena, Montana
Feb'y, 4, 1884
Twenty second Day.

Convention met pursuant to adjournment at 10 a.m.

Mr. President in the Chair.

Roll called – quorum present

Absent McCormick and Power.

Journal of Saturday read, corrected and approved.

Browne, Chairman of the Committee on Miscellaneous subjects, to which was referred General File No. 14, and amendments thereto, submitted their report, which was on motion adopted, ordered placed on General File and printed.

Callaway offered the following amendment to General File No. 18, which was adopted –

Amend Section 35 by adding thereto as follows:

“Nor shall the clerk of any such court during his term of office be retained, employed or practice as an attorney in the Court of which he may be a clerk.

On motion of Smith General File No. 18 was adopted and referred to the Committee on Engrossment.

McCormick submitted the following report

Mr. President: The Committee on Preamble and Bill of Rights to which was referred the preamble submitted to the Convention by Mr. Callaway by leave to refer the same back to the Convention, without recommendation, and ask that it be referred to the Committee of the whole, when the same shall have under Consideration the report of the Committee
McCormick, Chairman ** 117 **

On motion of Pemberton the report was adopted and ordered placed on file.

On motion of McCormick the Convention resolved itself into a Committee of the whole for consideration of General File No 19 - Hunt in the chair.

Convention resumed.

Mr. President in the Chair.

Hunt, Chairman of the Committee of the Whole, having under consideration General File No. 19. Reported that they had had the same under consideration, and certain amendments had been offered, and they wanted to have the same printed and asked leave to sit again.

On motion of Howell, the report was adopted

On motion of Howell the Convention resolved itself into a Committee of the Whole for consideration of General File No. 20 – Toole in the chair.

Convention resumed.

Mr. President in the Chair.

Toole, Chairman of the Committee of the Whole, having under consideration General File No. 20. Reported progress and asked leave to sit again.

On motion of Proctor the Convention took a recess until 2 P.M.

Afternoon Session.

Convention resumed at 2 P.M.

Mr. President in the Chair.

Roll called – quorum present.

Absent. Langhorne, Medhurst, McCormick, and Power – 4.

On motion of Collins the Convention resolved itself into a Committee of the Whole for further consideration of General File No. 20 – Toole in the chair ** 118 **

Convention resumed

Mr. President in the chair.

Toole, Chairman of the Committee of the Whole, having under consideration General File No. 20. Reported back the file to the Convention, with the recommendation, that as amended, it be adopted, and asked time to prepare a full report.

On motion of Van Gasken the Convention took a recess until 7 P.M.

Evening Session.

Convention resumed at 7 P. M.

Mr. President in the Chair.

Roll called – quorum present.

Absent. Burleigh, Eaton, Greene, Howell, Power – 5

Leave of absence was granted Savage

On motion of Douglas the Convention resolved itself into a Committee of the Whole, for consideration of General File No. 21 – Dixon in the chair.

Convention resumed.

Mr. President in the chair.

Dixon, Chairman of the Committee of the whole, having under consideration General File No. 21, reported the same back to the Convention, with the recommendation that as amended it be adopted, and asked time to prepare a full report.

On motion of Pemberton the Convention adjourned until 10 A.M. to-morrow.

P.L. Van Cleve

Secretary ** 119 **

Helena, Montana

Feby. 5, 1884

Twenty third Day.

Convention met pursuant to adjournment at 10 A.M.

Mr. President in the chair.

Roll called – quorum present.

Absent Carroll, Hundley, Langhorne, Medhurst, McSorley, and Pease – 8

Journal of yesterday read and approved.

Dixon, Chairman, of the Committee of the Whole having under consideration General File No. 21.

Submitted this report, which was on motion of McCormick adopted.

Dixon offered the following amendment:

Amend Sec 23 (as amended in Committee of the Whole) by inserting after the words
“prescribed by law” in line 3 the following – “And the Legislative Assembly may provide by law
that in civil cases any number not less than two thirds of a jury may find a verdict, and that such
verdict where so found shall be taken and need to have the same force and effect as if all of
such jury concurred therein”

Dixon

On call of the ayes and noes the amendment was adopted by the following vote.

Ayes: Abascal, Browne, Collins, Catlin, Cooper, Dixon, Eaton, Fergus, Hunt, Hedges, McCormick, Merriman, Mills, McClintock, Pemberton, Proctor, Power, Smith, Toole, Van Gasken, Waterbury, Mr. President. 22

Noes: Burleigh, Callaway, Eddy, Howell, Stephens and Vivion – 6.

Mills offered the following which was adopted:

Amendment to Bill of Rights Sec. 4 line 5 ** 120 ** Insert in Sec. 4 line 5 after the word “licentiousness” the words “by bigamous or polygamous marriage or otherwise.”
Mills

Collins offered the following:

Amend Sec. 23 by inserting after the words “Civil cases” in the amendment of Mr. Dixon the words: And in criminal cases not of the grade of felony.
Collins.

The ayes and noes being called, the amendment was lost by the following vote:

Ayes: Collins, Dixon, Eaton, Fergus, Mills, McClintock, Proctor and Power – 8

Noes: Burleigh, Browne, Callaway, Cooper, Catlin, Douglass, Eddy, Hunt, Hedges, Howell, McCormick, Merriman, Pease, Pemberton, Smith, Stephens, Toole, Vivion, Van Gasken, Waterbury and Mr. President – 21.

Dixon offered the following which was adopted:

Amend Section 4 (as amended by Mills) by inserting after the word “State” in line 5 the following “or opposed to the civil authority thereof or of the United States”
Dixon

On motion of Pemberton the report as amended was adopted and referred to the Committee on Engrossment.

Toole, Chairman of the Committee of the Whole, on General File No 20 submitted their report, which was, on motion of Pemberton, adopted.

Burleigh offered the following amendment:

“Amend General File No. 20 by adding to Section 4 the following: “provided also that the provisions of this section shall cease and become inoperative ten years after ** 121 ** the date of the formal commission of the Territory of Montana into the Union.
Burleigh

The ayes and noes being called the amendment was lost by the following vote:

Ayes: Burleigh, Callaway, Fergus, Mills, Hedges, Pease, Smith, Toole, Vivion, Van Gasken – 10

Noes: Abascal, Browne, Collins, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Hunt, McCormick, Merriman, McClintock, Pemberton, Proctor, Power, Stephens, Waterbury and Mr. President – 19

Toole offered the following amendment:

“Strike out all of Section 4 after the word “profit” on line 2 and insert after the word “profit” – “shall be exempt from taxation”

Hunt of the Engrossment Committee reported General Files Nos. 8 and 11, as correctly engrossed and turned over to the Secretary of the Convention. The files were referred to the Committee on printing.

On motion of Pemberton, the Convention took a recess until 2 P.M.

Afternoon Session

Convention resumed at 2 P.M.

Mr. President in the Chair.

Roll called – quorum present.

Absent: Howell, McCormick, McSorley, Pease – 4

The ayes and noes being called, Toole’s amendment to Section 4. General File No. 20 was lost by the following vote:

Ayes: Burleigh, Callaway, Douglass, Fergus, Hedges, McClintock, Smith, Toole, Vivion, and Van Gasken – 10

Noes: Abascal, Browne, Collins, Catlin, Cooper, Dixon, Eaton, Eddy, Greene, Hunt, Hundley, Langhorne, Medhurst, McCormick, Merriman, Mills, Pemberton, Proctor, Power, Stephens, Waterbury and Mr. President – 22 ** 122 **

Dixon offered the following which was lost:

Strike out Section 5 and insert the following: “Sec 5. The property of widows and orphans not exceeding in value the sum of One thousand dollars shall also be exempt from taxation.
Dixon.

Hunt offered the following:

Strike out Section 5. File No. 20 and insert in lieu thereof as follows: Section 5. The Legislative Assembly may in its discretion exempt by law from taxation, other property, in addition to that herein specified
Hunt.

The ayes and noes being called the amendment was adopted by the following vote:

Ayes: Browne, Cooper, Dixon, Eddy, Fergus, Greene, Hunt, Hedges, Langhorne, McCormick, Merriman, Mills, McClintock, Pemberton, Smith, Stephens, Toole, Waterbury and Mr. President – 19.

Noes: Abascal, Burleigh, Collins, Calloway, Catlin, Douglass, Eaton, Hundley, Medhurst, Pease, Proctor, Power, Vivion and Van Gasken – 14.

McCormick, moved the adoption of Section 4.

Callaway offered the following amendment.

Strike out Section 4. General File No. 20 and substitute as follows: "All property within this state, real, personal and mixed of every nature, kind and description, including lands and improvements on lands, moneys, choice in action, all evidences of indebtedness, stocks in banks, corporations and companies, shall be listed and taxed at its actual value, except as in this Constitution otherwise provided; ** 123 ** Provided that cemeteries, libraries and school property, free to public, shall not be taxed, and provided further that in order to encourage the mining industry, all mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, coal or other valuable mineral deposits, shall be exempt from taxation for the period of ten years from and after the admission of this State into the Union; provided however that the surface ground of such mines and mining claims, together with the annual gross profit of such mines and mining claims, shall be taxed as may be provided by the Legislative Assembly
Callaway

The previous question ~~having~~ being called for the amendment was lost by the following vote:

Ayes: Burleigh, Callaway, Douglass, Fergus, Hedges, Hundley, Langhorne, Merriman, Smith, Toole, Vivion and Van Gasken. 12

Noes: Abascal, Browne, Collins, Catlin, Cooper, Dixon, Eaton, Eddy, Greene, Hunt, Medhurst, McCormick, Mills, McClintock, Pease, Pemberton, Proctor, Power, Stephens, Waterbury, and Mr. President – 21

The main question was now put and carried by the following vote.

Ayes: Abascal, Browne, Collins, Catlin, Cooper, Dixon, Eaton, Eddy, Greene, Hunt, Langhorne, Medhurst, McCormick, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Stephens, Waterbury, Mr. President – 23

Noes: Burleigh, Callaway, Douglass, Fergus, Hedges, Hundley, Smith, Toole, Vivion, Van Gasken. 10.

Toole offered the following:

Amend Sec 16 by adding thereto as printed the following "but this shall not be construed ** 124 ** so as to authorize the taxation of the stocks of any company or corporation, when the property of such company or corporation represented by such stocks have been taxed" and by striking out the amendment made in Committee of the whole
Toole.

Stephens offered the following substitute

Amend the amendment of the gentleman from Lewis and Clark by following substitute "Stocks or shares in foreign companies or corporations held or owned by residents of this state, shall be taxed, but stocks or shares in domestic companies or corporations held or owned by residents of this state, when the property representing such stocks have been taxed for the same year when held by the original owners
Stephens

On the motion of McCormick Section 16 and the amendments thereto were referred to a Special Committee of three. The President appointed as such Committee Dixon, Toole, and Stephens.

Collins offered the following which was referred to the Committee on Ordinance:

I move to insert a section to be numbered 17 to read as follows: "Sec. 17 – The property of non residents shall not be assessed or taxed at a higher rate than that of residents" – and make the present Sec. 17 – Sec 18
Collins

On motion of McCormick the rules were suspended, further consideration of General File No. 20 was postponed, and it was made the special order for to-morrow at 10.30 A.M. ** 125 ** Toole offered the following resolution which was adopted.

Whereas; it will be impracticable for the Committee on Address to prepare such address until this Convention shall have Concluded its labors, and whereas it is the sense of this Convention, that the Constitution for the State of Montana, together with the address of said Committee should be printed in pamphlet form of convenient size for distribution amongst the electors of this Territory; therefore be it resolved: That the Secretary of the Territory be and he is hereby requested to procure to be printed upon the order of said committee, ten thousand copies of the Constitution and address aforesaid.
Toole

On motion of Dixon the Convention resolved itself into a Committee of the whole for consideration of General File No. 14

McCormick in the Chair.

Convention resumed.

Mr. President in the Chair.

McCormick, Chairman of the Committee of the whole, having under consideration General File No. 14. reported the same back to the Convention, with the recommendation that as amended it be adopted and asked time to prepare a full report.

On motion of Hunt the Convention resolved itself into a Committee of the Whole for consideration of General File No. 19.

Pemberton in the Chair.

Convention resumed.

Mr. President in the chair.

Pemberton, Chairman of the Committee of the Whole having under consideration General File No. 19, reported the same back to the Convention ** 126 ** with the recommendation that the substitute as amended be adopted and asked time to prepare a full report.

Mills offered the following which was adopted.

Resolved: That the Secretary of this Convention is hereby directed to have prepared at the earliest practicable ~~moment~~ time, duplicate Rolls of the membership and attendance of members of this Convention; also a duplicate Roll of the officers and subordinate officers of this convention with their attendance and per diem established as the compensation for them; and that at the close of this Convention the President and Secretary shall certify the same. One copy of the same shall thereupon be filed with the Secretary of Montana, and one with the Auditor of the Territory

Mills

Burleigh offered the following which was adopted,

Resolved: That this Convention through its President convey to Mr. S.T. Hauser an expression of its tanks for the splendid excursion and elegant entertainment he afforded its members on the 3d inst.¹¹

Burleigh

Collins moved to take up the final Engrossed bill and proceed to act thereon.

Toole moved to amend by referring all engrossed bills to the Committee on Revision – carried.

Pemberton moved that

it is the sense of the Convention that until a Section of the Constitution is enrolled it is open to amendment – carried.

Collins moved to reconsider the vote by which the Engrossed bills were referred to the Committee on Revision – carried. ** 127 **

¹¹ Abbreviation of instant, meaning the 3rd day of this month. Here, the 3rd of February.

On motion of Dixon the convention took a recess until 7P.M.

Evening Session.

Convention resumed

Mr. President in the Chair.

Roll called – no quorum present.

Absent – Burleigh, Browne, Collins, Carroll, Callaway, Cooper, Douglass, Eaton, Eddy, Fergus, Hunt, Hedges, Howell, Langhorne, Medhurst, McCormick, McSorley, Merriman, McClintock, Pease, Pemberton, Power, Smith, Stephens, Vivion, Van Gasken. Total 26.

On motion of proctor the Convention adjourned until 10 A.M. to-morrow

P.L. Van Cleve

Secretary **128 **

Helena, Montana.

Feby. 6, 1884

Twenty Fourth Day.

Convention met pursuant to adjournment at 10 A.M.

Mr. President in the chair.

Roll called – quorum present.

Absent. Carroll, Douglass, Greene, Hedges, Langhorne, Medhurst and Pease – 7

Leave of absence for the day was granted McSorley

McCormick, chairman of the Committee of the Whole, submitted their report relative to General File No 14. Which was adopted.

Dixon offered the following which was adopted.

Amend Section 11 (as added by Committee of the Whole) by adding at the end of said Section the following: “to the extent of the necessary use for such domestic purposes”

Dixon offered the following:

“Strike out sections 10 and 11 added by Committee of the whole”

Toole offered the following:

Amend General File No. 14 by striking out Secs. 10 and 11 and inserting in lieu thereof the following:

Section 10: The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied, and the right thereto as between the claimants thereof shall be determined by priority of appropriation

Toole.

The ayes and noes being called the ** 129 ** amendment was lost by the following vote:

Ayes: Callaway, Cooper, Hedges, Howell, Langhorne, Merriman, Pemberton, Toole, Vivion and Mr. President – 10.

Noes: Abascal, Burleigh, Browne, Collins, Catlin, Dixon, Douglass, Eaton, Eddy, Fergus, Hunt, Hundley, Medhurst, McCormick, Mills, McClintock, Power, Smith, Stephens, Van Gasken and Waterbury. – 21

They ayes and noes being called Dixon's amendment was now carried by the following vote:

Ayes: Browne, Dixon, Eddy, Fergus, Hunt, Hedges, Howell, Hundley, Langhorne, McCormick, Mills, Smith, Stephens, Toole, Vivion, Waterbury, Mr. President – 17

Noes: Abascal, Burleigh, Collins, Callaway, Catlin, Cooper, Douglass, Eaton, Medhurst, Merriman, McClintock, Pease, Pemberton, Power and Van Gasken – 15.

On motion of McCormick General File No. 14 was referred to the Committee on Engrossment.

Toole, Chairman of Special Committee to which was referred General File No. 20. Submitted the following report which was adopted and referred to Committee on Engrossment

Mr. President: Your Special Committee to whom was referred Section 16 of General File No. 20. With the proposed amendments, have had the same under consideration, and recommend that said section be adopted with following amendments as proposed in Convention. Add to original Sec. 16 as printed, the following: "but this shall not be construed so as to authorize the taxation of the stocks of any company or corporations where the property of such company or corporation represented ** 130 ** by such stocks has been taxed" and strike out the amendment adopted in Committee of the Whole to said section.

J.K. Toole
Chairman.

Mills offered the following,

Resolved: that the Committee on address is hereby authorized to contact and direct the distribution of the pamphlet copies of the Constitution and address, when the same shall have been printed.

On motion of Callaway the resolution was referred to a special Committee Consisting of Mr. Toole.

Pemberton, Chairman of the Committee of the whole having under consideration General File No. 19 submitted their report, which was adopted and referred to the Committee on Engrossment.

Hunt, Chairman pro tem of the Engrossing Committee, reported General File No. 21, as correctly engrossed

On motion of Collins the Convention proceeded to take up the Engrossed bills in their regular order, and act on the same.

Pemberton moved to refer all engrossed bills to the Committee on Revision – carried.

On motion of Collins, Hedges and McCormick were added to the Committee on Revision

Dixon offered the following which was adopted.

Resolved: that a Special Committee of five be appointed by the President, to report to the Convention as soon as practicable a rule or rules to govern the Convention in its action upon engrossed files and amendments ** 131 ** to the same.

~~The President~~ Dixon.

The President as such Committee appointed Hedges, McCormick, Collins, Langhorne and Mills.

Callaway offered the following which was lost.

Resolved: That a Committee of five (of which the President should be chairman) be appointed to report to the Convention a design or device for the Great Seal of the State of Montana
Callaway

Hunt offered the following which was lost

Resolved: That this Convention adjourn sine die on Friday evening February evening February 8th 1884 at 9 oclock
Hunt.

McCormick offered the following, which was on motion of Collins referred to the Special Committee on Rules:

“After a File has be reported back by the Committee on Revision that it has been examined and found correct in phraseology, orthography and punctuation, it shall be placed on file for a third and final reading, and no amendment affecting the sense of any section shall be entertained except by the unanimous consent of the Convention
McCormick.

By request of Smith leave of absence for the afternoon was granted to the Committee on Revision.

On motion of Langhorne the Convention took a recess until 2 P.M.

Afternoon Session

Convention Resumed

Mr. President in the Chair. ** 132 **

Roll called – quorum present

Absent Collins, Callaway, Medhurst, Merriman and McClintock – 5.

Proctor, Chairman of the Committee of the on Ordinance submitted their report, which was adopted and placed on file.

Mills of the Special Committee on rules submitted the following, which was adopted.

Report of special committee on Rules. After a file has been reported back by the Committee on Revision, stating that it has been examined and corrected in phraseology, orthography and punctuation, that it has been arranged in proper order and all duplications and superfluities eliminated, it shall be placed on file for a third and final reading, and thereafter no amendment changing the sense of any section shall be entertained except by unanimous consent of the Convention; but the file may be recommitted by a majority vote.

On motion of Pemberton the convention adjourned until 10A.M. to-morrow

P.L. Van Cleve
Secretary

** 133 **

Helena, Montana
Feby. 7, 1884
Twenty Fifth Day.

Convention met pursuant to adjournment at 10. A.M.

Mr. President in the Chair

Roll called. Quorum present.

Absent. Burleigh, Callaway, Hedges, Langhorne, McClintock, Pease and Van Gasken 7

The journal of yesterday read and approved.

Toole, Chairman of the Special Committee to whom was referred the Resolution of Mr. Mills submitted the following report which was adopted:

Mr. President: Your Special Committee to whom was referred the resolution of Mr. Mills of the 2nd Dist. Concerning the distribution of pamphlet copies of the Constitution and address, has had the same under consideration and recommended its adoption with the following amendment; "Add to the Resolution the following; "And the Secretary of the Territory is hereby requested to provide the necessary postage to insure [sic] a general distribution thereof"

Toole
Chairman

On motion of Collins the Convention resolved itself into a Committee of the Whole for the consideration of General File No. 22, Collins in the Chair.

Convention resumed, Mr. President in the Chair. ** 134 **

Collins, Chairman of the Committee of the Whole, having under consideration General File No. 22, reported relative to the same, recommending that the same as amended be referred back to the Committee on Ordinance to be perfected, which report was adopted.

On motion of Toole the Convention took a recess until 2 P.M.

Afternoon Session

Convention resumed at 2 P.M.

Mr. President in the Chair

Roll called, quorum present.

Absent: - Burleigh, Collins, Hundley, Langhorne, Medhurst, McCormick, Pease and Stephens, 8.

Carroll Chairman of the Committee on Engrossment reported General Files Nos. 14 and 19 correctly engrossed and returned to the Secretary of the Convention. On motion the report was adopted and referred to the Committee on Revision.

Proctor, Chairman of the Committee on Ordinance submitted the following:

Substitute for Seventh Ordinance, If a majority of the votes cast for and against the adoption of this Constitution shall be in favor of the adoption of this Constitution it shall be the duty of the Secretary of the Territory to cause a certified copy ** 135 ** thereof to be prepared and delivered to a Committee of persons who shall be chosen by this Convention, whose duty it shall be to prepare a memorial to the Congress of the United States. Setting forth the wishes of the People as expressed by their votes; to be admitted into the Union of States, and present the same together with the certified copy of this Constitution and all petitions, memorials and resolutions adopted by this Convention or by any other body of citizens of the Territory to the next and each subsequent session of Congress, in such manner as they may deem most expedient, until this Territory shall have been admitted into the Union, upon an equal footing of the original States."

Hunt offered the following substitute: -

Strike out the seventh clause of Ordinance File, and instead insert, "If when all the votes for or against the adoption of this Constitution have been canvassed in manner aforesaid it shall appear that this Constitution has been adopted by a majority of all the votes cast such Constitution shall then be submitted to the Congress of the United States in manner following that is to say: - A Committee of five, elected by this Convention and of which the President of this Convention shall be one, and the Delegate in Congress from Montana Territory another is hereby directed ** 136 ** to present a memorial or petition adopted by this Constitutional Convention to Congress, setting forth the adoption of this Constitution and providing for the admission of the Territory as a State into the Union; and that said Committee shall then present duplicate duly attested copies of this Constitution, and of such petitions or memorials to the President of the United States, in person, at Washington with the request that he lay the same

with such recommendation as may to him seem wise in the premises before the Congress of the United States.

Hunt

On motion of Eaton a call of the house was ordered,
Absent: Burleigh, Hundley, Langhorne, McCormick, Pease and Stephens. 6.

The Sergeant at Arms was instructed to seek for absentees.

Collins moved that further proceedings under call be dispensed with, which motion was lost.

Collins moved to adjourn which was lost.

Collins moved that further proceedings under call, be dispensed with, which motion was lost.

Collins moved to adjourn which motion was lost.

On motion of Collins further proceedings under call were dispensed with. ** 137 **

On motion of Hedges, the Committee on Revision was allowed to retire

On motion of Mills the Committee resolved itself into a Committee of the whole for further consideration of General File No. 22.

Collins in the Chair.

Convention resumed.

Mr. President in the Chair.

Collins, Chairman of the Committee of the Whole, having under consideration General File No. 22.
Reported the same back to the Convention with the recommendation that as amended it be adopted.

On motion of Waterbury the report was adopted.

On motion of Vivion the Convention took a recess until 7. P.M.

Evening Session

Convention resumed at 7 P.M.

Mr. President in the chair,

Quorum present.

Absent: - Browne, Callaway, Douglass, Eaton, Hedges, Langhorne, McCormick, Mills and Pemberton, 9.

On motion of Collins the Convention took a recess until 8 p.m.

Convention resumed at 8 p.m.

Mr. President in the Chair.

Roll called. Quorum present.

Absent: -Burleigh, Browne, Eaton, Eddy, Hunt, Langhorne, Pease, Pemberton and Power 9. ** 138 **

Carroll, Chairman of the Committee on Engrossment, reported General File No 20 as properly engrossed.

Collins Chairman of the Committee of the Whole on General File No 22, reported relative to the same which report was adopted.

Collins offered the following amendment which was adopted,

Amend Section 6, as amended and strike out word "five" and substitute therefore the word "ten" also after word "the" 13th line insert "Governor of the Territory shall before" and in line 14 strike out word "one," and insert instead the word "another."

Callaway moved that the vote by which the Governor of the Territory was made one of the Committee be reconsidered which motion was lost.

Toole offered the following which was lost.

Amend by adding the Secretary of Montana and the United States Marshall to the Committee.
Toole.

Power moved that a Committee of five be appointed by the President to appoint the Committee to present the memorial to Congress carried.

The President appointed as such Committee, Power, ~~Pemberton~~, McCormick, Toole, Van Gasken and Pemberton.

On motion of Collins, the committee on revision was empowered to employ one or more clerks ** 139
** if necessary.

Vivion offered the following which was lost.

Move to strike out of substitute the words our Delegate in Congress.
Vivion.

On motion of Douglass General File No 22 was referred to the Committee on Engrossment

Merriman offered the following which was lost.

"Resolved that each member of the Convention be requested as early as possible to give in his name in full, age, nativity, occupation, and P.O. address and that the same be entered upon the Journal in alphabetical form.
Merriman.

On motion of Pemberton the convention adjourned until 10 a.m. tomorrow.

P.L. Van Cleve
Secy. ** 140 **

Helena, Montana.

Feb 8, 1884

Twenty Sixth Day

Convention met pursuant to adjournment.

Mr. President in the Chair.

Quorum present

Absent: - Hedges, McCormick, Mills and Pease 4.

Carroll, Chairman of the Committee on Engrossment reported General File No 22, as correctly engrossed which report was adopted.

Smith Chairman of Committee on Revision submitted their report which was adopted.

Merriman offered the following memorial, which was on motion of Mills referred to a Committee of Three. The President appointed as such Committee, Fergus, Hedges and Proctor.

“To the Honorable

The President and Members of the Constitutional Convention of Montana

In Session at Helena,

Gentlemen

The Womens Christian Temperance Union organized in this Territory, to resist the spread of the Evil of intemperance through every lawful means in their power, respectfully request your attention to the following memorial;

Whereas: The use of intoxicating drinks in excessive and injurious quantities is widely prevalent in this Territory resulting in personal injury and physical and moral degradation – especially of our ** 141 ** youth – and even in loss of life to individuals; in suffering to families; and in crimes and pauperism, which call for additional expenditure of money by the Commonwealth, and thus for additional taxation upon every citizen;

Whereas: The utmost efforts which can be made by philanthropic and religious organizations to check the further spread of this potent evil within the Territory or to destroy its present influence are largely unavailing, so long as the manufacture, importation, sale and indiscriminate use of intoxicants is legalized, and

Whereas, Many voters of this Territory are resolved to use all the resources in their power to secure suitable legislation to protect themselves, their families and their property from the evil which threatens them from this source.

Therefore, Be it resolved, That this Womens Christian Temperance Union of the Territory of Montana do hereby earnestly urge upon members of the Constitutional Convention of this

Territory, the wisdom and the necessity of making provision in the Constitution itself, against the manufacture, sale or use of intoxicating liquors in Montana, or the importation of the same into it, save only for medicinal, mechanical or scientific purposes, and that they do expressly pray your honorable body to insert such ** 142 ** an article or provision in the Constitution, which you shall frame and present to the people.

Mrs. M.J. Clark, President

Mrs. H.H. Priest Secretary.

Collins, Chairman of the Committee of the Whole on General File No. 22, reported relative to the memorial to Congress offered by Toole recommending that the same be adopted, which report was adopted

Hunt offered the following which was adopted,

Resolved: That the Engrossing and Enrolling Committee be authorized to employ such additional clerical force for the enrollment of the Constitution as may be necessary to have the same enrolled at the very earliest practicable moment.

Hunt.

McCormick moved that the Convention proceed to consider different files as reported by the Committee on Revision.

Dixon moved to amend by having the amendments read as made by the Committee, carried.

The reading of the amendment having been recommended Mills moved that every such section as had been amended be read, carried.

Article I, having been read, Fergus offered the following ** 143 ** amendment, which was lost.

"I move to strike out all in the Preamble to the Constitution between the words "therefore" in line 15 and "do in line 22.

Fergus.

On motion of Mills the Preamble and Article one were adopted and considered engrossed and referred to the Committee on Enrollment by the following votes.

Ayes: Abascal, Burleigh, Browne, Collins, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President. 33.

Noes: Callaway, Fergus, and McClintock 3.

Article 2 was read and on motion of McCormick was adopted as reported by the following vote.

Ayes: Abascal, Burleigh, Browne, Collins, Calloway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President
Total 36 ** 144 **

Article 3 was on motion of Toole adopted as reported by the following vote.

Ayes: Abascal, Burleigh, Browne, Collins, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock 36.

And was on motion of Mills referred to the Enrolling Committee.

Fergus offered the following amendment to Article 4, which was lost.

"I move to strike out the words "Twenty one" in line two, Section "four" file sixteen and insert the words "twenty five"
Fergus

On motion of McCormick Article 4 as amended and reported was adopted by the following vote.

Ayes: Abascal, Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Douglas, Eaton, Eddy, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury and Mr. President. 34.

Noes: Fergus 1. ** 145 **

On motion of Collins, Article 4. was considered engrossed, and referred to the Committee on Enrollment.

On motion the Convention took a recess until 1 P.M.

Afternoon Session

Convention resumed at 1 P.M.

Mr. President in the Chair.

Quorum present.

Absent: Browne, Collins, Dixon, Douglass, Eddy, Greene, Hedges, Langhorne, Medhurst, McCormick, Pease, Power, Vivion and Waterbury, 14.

Eaton by unanimous consent presented memorials from citizens of Bozeman, relative to taxation which were on motion of Pemberton, referred to the Committee on Finance.

Pemberton offered the following:

“Resolved: That no member shall be allowed more than one minute to explain his vote on final passage, of any bill, in this Convention without unanimous consent”

Toole offered to amend by making the time two minutes which was lost and the original resolution was adopted.

On motion of Douglass the Convention proceeded to the consideration of Article No 5.

Hunt offered the following amendment to Article 5, which was adopted.

“In Sec. 3. File 5, Executive Dept. File, after “State” insert “or Territory” line 16

Hunt. ** 146 **

On motion the amendments reported by the Committee were, adopted, the article as amended was adopted by the following vote,

Ayes: Abascal, Burleigh, Browne, Carroll, Callaway, Collins, Cooper, Dixon, Douglass, Eaton, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Powers, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President 36.

On motion the Article was considered Engrossed and referred to the Committee on Enrollment.

On motion of Van Gasken, the amendments to Article 6, now adopted, by the following vote,

Ayes: Abascal, Burleigh, Browne, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Waterbury, Mr. President 35.

Noes: Van Gasken

On motion Article No. 6. was considered engrossed and referred to the Committee on Enrollment.

On motion of Waterbury the amendment offered by the Committee to Article No. 7. now adopted, and the Article as amended, ** 147 ** was adopted, and referred to the Enrolling Committee by the following vote,

Ayes: Abascal, Burleigh, Browne, Carroll, Callaway, Collins, Cooper, Dixon, Douglass, Eaton, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Powers, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President 36.

On motion of Van Gasken the amendments proposed by the Committee on Revision to Article 8, were adopted, and the article as amended was adopted by the following vote,

Ayes: Abascal, Burleigh, Browne, Callaway, Catlin, Cooper, Dixon, Douglass, Eddy, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President
Total 33.

On motion the Article was considered Engrossed and referred to the Committee on Enrollment.

On motion of McCormick, the amendments proposed by the Committee on Revision to Article No. 9. were adopted and Article No.9 as amended was adopted by the following ** 148 ** vote,

Ayes: Abascal, Burleigh, Browne, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eddy, Fergus, Greene, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Mills, McClintock, Pease, Pemberton, Proctor, Powers, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President 33.

On motion of Hedges the amendments proposed by the Committee on Revision, to Article No. 10. were adopted and the article as amended was adopted by the following vote, and referred to the Committee on Enrollment.

Ayes: Abascal, Burleigh, Browne, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Fergus, Greene, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President 32.

On motion of Pemberton the amendments proposed by the Committee on Article No 11 were adopted, and the Article as amended was adopted by the following vote, and referred to the Engrossing Committee ** 149 **

Ayes: Abascal, Burleigh, Browne, Carroll, Callaway, Collins, Cooper, Dixon, Douglass, Eddy, Greene, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President 32.

Noes: Fergus and McClintock 2.

Vivion offered the following amendment to Article 12 which was objected to,

“Amend File No. 20 by striking out the words “growing crops, live stock under six months old” in line two and there in Section four of said file
Vivion

Vivion moved to recommit Section 4 of Article 12, to Committee on Revision.

Pemberton moved to lay the motion on the table, and demanded, the previous question which on call of the ayes and noes was lost by the following vote,

Ayes: Abascal, Browne, Dixon, Eddy, Hedges, Medhurst, McSorley, McSorley,¹² Mills, Pease, Pemberton, Proctor, Stephens, Waterbury and Mr. President
14.

Noes: Burleigh, Collins, Carroll, Calloway, Collins, Cooper, Douglass, Fergus, Greene, Hunt, Hundley, Langhorne, McCormick, Merriman, McClintock, Power, Smith, Savage, Toole, Vivion, Van Gasken 21. ** 150 **

The chair deciding that under the rules the section could be recommitted with instructions to the Committee

Mills appealed from the decision of the Chair,

Collins moved to lay the motion on the table, which motion prevailed,

The Ayes and Noes now being called, on the motion to lay the motion of Vivion as amended on the table was adopted by the following vote.

Ayes: Abascal, Browne, Collins, Carroll, Cooper, Dixon, Eaton, Eddy, Hunt, Hedges, Medhurst, McSorley, Mills, Pease, Pemberton, Proctor, Powers, Stephens, Waterbury and Mr. President,
20.

Noes: Burleigh, Callaway, Collins, Douglass, Fergus, Greene, Hundley, Langhorne, McCormick, Merriman, McClintock, Smith, Savage, Toole, Vivion, and Van Gasken, 16.

Collins having moved to refer Sections 4 and 5 of Article 12, to the Committee on Finances, Dixon moved to lay the motion on the table, which motion was lost by the following vote,

Ayes: Abascal, Browne, Dixon, Eddy, Hedges, Medhurst, McCormick, McSorley, Mills, Pease, Pemberton, Proctor, Smith, Stephens, Waterbury, and Mr. President
16 ** 151 **

Noes: Burleigh, Collins, Carroll, Callaway, Catlin, Cooper, Douglas, Eaton, Fergus, Greene, Hunt, Howell, Hundley, Langhorne, Merriman, McClintock, Power, Savage, Toole, Vivion and Van Gasken
21

The vote to recommit was now lost by the following vote:

Ayes: Burleigh, Collins, Carroll, Callaway, Cooper, Douglass, Eaton, Fergus, Hunt, Howell, Hundley, Langhorne, Smith, Savage, Toole, Vivion and Van Gasken, 17

¹² According to the original minutes, McSorley was only listed once; see original minutes: day 26, page 12, lines 18-19.

Noes: Abascal, Browne, Catlin, Dixon, Eddy, Greene, Hedges, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Stephens, Waterbury, and Mr. President, 20.

Mills moved to reconsider the vote by which the vote, to recommit Sections 4 and 5 was lost and to lay such motion on the table which motion was adopted by the following vote,

Ayes: Abascal, Browne, Catlin, Dixon, Eaton, Eddy, Hedges, Howell, Medhurst, McCormick, McSorley, Mills, Pease, Pemberton, Proctor, Power, Stephens, Waterbury and Mr. President 19.

Noes: Burleigh, Collins, Carroll, Callaway, Cooper, Douglas, Fergus, Greene, Hunt, Hundley, Langhorne, Merriman, McClintock, Smith, Savage, Toole, Vivion and Van Gasken 18 ** 152 **

On motion of Van Gasken, the amendments as reported by the Committee on Revision were adopted and the article as amended was adopted by the following vote and considered engrossed and referred to the Committee on Enrollment.

Ayes: Abascal, Browne, Collins, Catlin, Cooper, Dixon, Eaton, Eddy, Hunt, Hedges, Howell, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, Pease, Pemberton, Proctor, Power, Stephens, Waterbury, Mr. President 24

Noes: Burleigh, Carroll, Callaway, Douglass, Fergus, Greene, Hundley, McClintock, Smith, Savage, Toole, Vivion and Van Gasken 13

Stephens offered the following amendment to Article 13, which was adopted,

“Insert in Section 3 Except as in this Constitution otherwise provided.”

On motion the Amendments as reported by the Committee on Revision, were adopted and the report as amended was adopted and considered engrossed, and referred to the Enrolling Committee by the following vote,

Ayes: Abascal, Burleigh, Browne, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Fergus, Greene, Hedges, Howell, Hundley ** 153 ** Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, and Mr. President, 36.

The amendment proposed by the Committee on Revision to Section 7, Article 14 was adopted by the following vote.

Ayes: Abascal, Burleigh, Browne, Carroll, Catlin, Dixon, Douglass, Eaton, Fergus, Hedges, Hundley, Medhurst, McCormick, McSorley, Mills, McClintock, Pease, Smith, Savage, Toole, Van Gasken, Waterbury, Mr. President

23

Noes: Collins, Callaway, Cooper, Eddy, Greene, Howell, Langhorne, Pemberton, Proctor, Power, Stephens, and Vivion

12.

On motion of Eaton the amendments reported by the Committee on Revision were adopted.

The Article as amended was adopted by the following vote considered Engrossed and referred to the Enrolling Committee.

Ayes: Abascal, Burleigh, Browne, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Fergus, Greene, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Van Gasken, ** 154 ** Waterbury, and Mr. President

34

Noes: Vivion

1

On motion of Eaton the Convention adjourned until 10. A.M. tomorrow.

P.L. Van Cleve

Secy.

** 155 **

Helena Montana.

Feby,, 9, 1884

Twenty Seventh Day.

Convention met pursuant to adjournment at 10. A.M.

Mr. President in the Chair.

Roll called. Quorum Present.

Absent: Browne, Carroll, Greene, Hedges, Langhorne, Medhurst, Pease, Proctor, and Savage 9.

Journal of yesterday read and approved.

Article No. 15, of the Constitution on Corporation (other than municipal) being taken up for consideration in full Convention –

The amendments submitted by Committee on Revision to said Article were, on motion of Collins, adopted and on motion of Douglass the Article, as amended, was adopted by the following vote,

Ayes: Abascal, Burleigh, Browne, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglas, Eaton, Eddy, Ferris, Fergus, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Powers, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President,

36

Noes: None.

Article No. 15 was now considered engrossed, and referred to the Committee on Enrollment.

The amendments reported by Committee on Revision to Article #16, on Miscellaneous Subjects and Future Amendments ** 156 ** were, on motion of Howell adopted.

The motion of McCormick to recommit Section 10 of Article No 16, to the Committee on Miscellaneous Subjects and Future Amendments, together with an amendment thereto, submitted by him, was adopted after the motion on the table had been lost.

The Ayes and Noes being called the Section with amendments proposed was recommitted by the following vote,

Ayes. Browne, Collins, Cooper, Dixon, Eddy, Ferris, Fergus, Hunt, Hedges, Howell, Hundley, Medhurst, McCormick, Merriman, Mills, McClintock, Pemberton, Power, Smith, Waterbury & Mr. President

22

Noes: Abascal, Burleigh, Carroll, Callaway, Catlin, Douglas, Eddy, Langhorne, McSorley, Pease, Savage, Stephens, Toole, Vivion and Van Gasken

15.

Hunt moving to amend Section 4 by striking out the therein "So help me God," objection was made, to the amendment and said amendment was not entertained.

By unanimous consent Article 16 was passed until the Committee on Miscellaneous Subjects and Future Amendments should have reported the Article as recommitted on Article No. 17 was taken up for consideration** 157 **

The amendment submitted thereto by the Committee on Revision were on motion of Collins, adopted, and on motion of Douglas the Article as amended was adopted by the following vote:

Ayes: Abascal, Burleigh, Browne, Collins, Carroll, Calloway, Catlin, Cooper, Dixon Douglas, Eaton, Eddy, Ferris, Fergus, Green, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President.

Noes: None.

No objection being made, the Article was considered Engrossed and referred to the Committee on Enrollment.

The following report of Committee on Miscellaneous Subjects and Future Amendments, relative to Section 10, Article No. 16 was received.

Mr. President,

Your Committee on Miscellaneous subjects &c to whom was recommitted Article No. 16 with instruction to report a substitute beg leave to report, that they have considered the same and report the accompanying substitute for Article 16.

Joe A. Browne
Chairman

** 158 **

Amendment to Article No. 16, Section 1. No railroad or other transportation company, and no agent, officer, or employee thereof shall issue or give or offer, either directly or indirectly to any member of the Legislative Assembly or to any State officer, or County Commissioner or Assessor, of the State or of any County or District thereof, any gratuitous transportation or pass or free ticket for passage over or upon any route or line or any part thereof, of such company or make or consent to or direct any contract or arrangement by which such member of the State Legislature or State officer or Judicial officers of the State or of any District or County thereof, or any of such officers shall be transported or conveyed over or allowed to travel upon such route or line or any part thereof at any less rate or upon any different terms or conditions, than those charged for or imposed upon the public generally; and no member of the Legislative Assembly, and no State officer, shall accept, or receive, or use, while he is a candidate for office, or while he continues or is in office, or within three months after he ceases to be an officer, any gratuitous transportation or pass or free ticket from any railroad ** 159 ** or transportation company, or make or consent to any contract or arrangement by which he or any of his family or employees shall be transported or conveyed over or allowed to travel on route or line or part thereof of such railroad or transportation company, gratuitously or at any less rate or upon any different terms or conditions than those charged upon or imposed upon the public generally, Any railroad or transportation company or any agent officer or employee thereof who shall violate any of the provisions of this Article shall be punished by fine ~~and~~ not exceeding One thousand dollars for each offence and any member of the legislature or any State officer or Judicial officer of the state or of any District or County thereof who shall violate any of the provisions of this Article shall upon conviction be removed from office and punished by fine not exceeding four hundred dollars."

On call of the ayes and noes the above amendment lost by the following vote.

Ayes: Browne, Collins, Cooper, Dixon, Fergus, Hedges, Howell, Langhorne, McCormick, Merriman, Pemberton, and Waterbury. 12

Noes: Abascal, Burleigh, Carroll, Calloway, Catlin, Douglass, Eaton, Eddy, Ferris, Hunt, Hundley, Medhurst, McSorley, Mills, McClintock, Pease, Power, Smith, Stephens, Toole, Vivion, Van Gasken & Mr. President. 24 ** 160 **

McCormick having demanded a separate vote upon Section 10 of Article No. 16, on motion of Smith call of the house was ordered.

Absent, Greene, Vivion, and Proctor.

On motion of Collins further proceedings under call were dispensed with.

The motion of Collins to suspend the rules and take up for consideration the Article on Ordinance was adopted by the following vote.

Ayes: Abascal, Browne, Collins, Carroll, Catlin, Cooper, Dixon, Douglas, Eddy, Ferris, Fergus, Hunt, Hedges, Howell, Medhurst, McCormick, McSorley, Mills, McClintock, Pemberton, Power, Smith Stephens, Toole, Van Gasken, Waterbury, and Mr. President. 27.

Noes: Burleigh, Calloway, Eaton, Hundley, Langhorne, Merriman, Pease, Savage. 8.

The Article on Ordinances being under consideration the amendments reported thereto were adopted and on motion of Collins the Article as amended together with the following memorial

To the Honorable the President of the United States and the Speaker of the House of Representatives ** 161 **

The People of Montana Territory through their representatives in Convention assembled respectfully represent that since the organization of the Territory of Montana we have cheerfully rendered obedience to the laws of the United States and recognized the right of Congress to make all needful rules and regulations respecting the territories.

That we now disclaim any purpose of disloyal, but renewing our fealty to the Constitution of the United States and recalling to mind the right of the people to peacefully assemble and by petition ~~and by~~ represent their grievances to Congress to further represent:

That the policy which has so long Prevailed of sending strangers to rule over us and fill our offices has become distasteful to us and is wholly unsuited to our present condition and the growing importance of the diversified interests of our country;

That within the past few years our population and resources have been largely augmented, whereby the proper administration of our laws, demands a more perfect and comprehensive system of government than can ever be attained under our territorial organization;

That in order to enlarge our liberties, secure a closer connection with the American Union, and for the establishment and maintenance of a better government, your memorialists, with the consent of the Legislative Assembly, have met in convention and formed a ** 162 **

Constitution, republican in form, for the State of Montana and herewith present a certified copy thereof for your approval; and if upon consideration of the same you find it unobjectionable in substance and form, your memorialists pray that the Territory of Montana be speedily admitted into the United States thereunder, and your memorialists will ever pray.”

Reported by Committee of the Whole, in connection with the Article on Ordinance was adopted by the following vote.

Ayes: Abascal, Burleigh, Browne, and Collins, Carroll, Calloway, Catlin, Cooper, Dixon, Douglass, Eaton, Eddy, Ferris, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Stephens, Toole, Vivion, Van Gasken, Waterbury, Mr. President. 36

Noes: None.

The Article on Ordinance and Memorial in connection therewith were now engrossed and referred and referred to the Committee on Enrollment.

On motion of Collins recess was taken until 1pm. ** 163 **

Afternoon Session

Convention Resumed

Mr. President in the Chair

Roll called quorum present

Absent: Collins, Hedges, Howell, and Power. 4

Mr. Geo. Steele member elect of the Convention having appeared, took and subscribed the oath prescribed for members before the President.

On motion of McCormick call of the house was ordered.

Absent: Collins

Absentee in his seat, and further proceedings under call were dispersed with.

Burleigh having moved to adopt Sec 10 of Article 16 demanded the previous question and the same being sustained the section was adopted by the following vote.

Ayes: Abascal, Burleigh, Collins, Carroll, Cooper, Dixon, Douglass, Eaton, Fergus, Hedges, Medhurst, Merriman, Mills, Pease, Savage, Stephens, Van Gasken, and Mr. President. 18

Noes: Browne, Eddy, Ferris, Greene, Hunt, Howell, Hundley, Langhorne, McCormick, McSorley, McClintock, Pemberton, Proctor, Power, Smith, Toole, Vivion, and Waterbury. 18

The motion to resubmit Section 11 of Article 16 to the Committee on Miscellaneous Subjects and Future Amendments for amendment under instruction to report at once was adopted.

The motion of Hunt ** 164 ** for the appointment of a Committee of three to consider and report upon the work of the stenographer was adopted. The President appointed Hunt Waterbury, and Greene.

The following report was read.

Your Committee to whom was referred the petition of the Womens Christian Temperance Union asking the incorporation into our proposed State Constitution of an article prohibiting the manufacture sale and use of intoxicating liquors respectfully reports that it has given the subject matter of memorial such consideration as the lateness of the presentation thereof would permit.

It is clearly impossible if the Convention were so disposed to give the matter such consideration as would necessarily attend any attempt to make this an article of our fundamental laws. Your Committee therefore while in full sympathy with the general purpose of the memorialists to rescue humanity from the evils of intemperance cannot recommend any action thereon by this Convention, beyond referring the whole subject matter to a committee of the whole for its consideration with a view of incorporating the appropriate articles in the code of public opinion.

Fergus ** 165 **

On motion of Pemberton the above report was adopted.

The following report was received:

Mr. President: Your Committee beg leave to report that the following named persons be selected to present the Constitution and memorial adopted by this Convention to the President of the United States and to the Congress thereof.

- The Honorable P.W. McAdow of Yellowstone Co.
- R.O. Hickman Madison “
- W.J. McCormick Missoula “
- James H.W. Mills Deer Lodge “
- Jos. A. Browne Beaverhead “
- Wm. H. Hunt Choteau “
- E.W. Toole Lewis & Clarke [*sic*] “

And your Committee further recommend that the following named persons be added to the above list:

- Hon Granville Stuart of Meagher Co
- Geo. F. Cowan “ Jefferson “
- Walter Cooper “ Gallatin “

- And F.W.H Medhurst “ Silver Bow “

All of which is respectfully submitted

Power,

Chair

On motion of Collins that part of the report that part relating to the seven names first prepared to present the memorial & Constitution adopted by this Convention to the United States was adopted.

The following Resolution was received. ** 166 **

Whereas it appears from the report of the Committee appointed to nominate the citizens of the Territory to proceed to Washington City to advocate the admission of Montana as a State into the Union that not all Counties of the Territory are represented in the Delegation so selected and whereas it be appears to be proper, just and highly expedient that each County in the Territory should have a representative in such delegation therefore be it resolved that the number of Delegates for the mission specified be increased to sixteen and that the Delegates to this Convention from the respective Counties from which no nominations have been made by the Committee be authorized to name proper persons to represent their said Counties on such mission, and be it further resolved that Gov John S. Crosby Hon. Martin Maginnis and the Hon. W.A. Clark the President of this Convention be for the purpose of the above apportionment considered and confirmed as Delegates at Large from the Territory.

Merriman ** 167 **

On motion of McCormick the vote by which the report of the Committee appointed to propose names to present the Constitution adopted by this Convention and the Memorial in connection therewith to the President of the United States had been adopted was reconsidered and on motion of Collins the name of James E. Calloway was stricken from the names proposed in said report and the name of R.O. Hickman substituted in lieu thereof.

On motion of Collins the report as now amended was adopted.

The following report was read.

Mr. President: Your Committee on Contingent Expenses beg leave to report that the following persons were employed as extra clerks to assist in the enrollment of the Constitution and recommend that they be allowed for their services the amount set opposite their respective names: --

James Cullen	2	Days @ \$5 pr day	10.00
Thos. M Fallon	2	“ “	10.00
John N. Heldt	2	“ “	10.00
Val Laubenheimer	2	“ “	10.00
John Mills	4	“ “	20.00

E. McSorley
Chairman

On motion of McSorley, the report was adopted. The following resolution was received ** 168 **

Whereas, the stenographic reports the proceedings of the Convention are extended for the Convention only & was not for the Committee of the Whole, and whereas the resolutions adopted by the Convention require that all stenographic notes be fully extended before the stenographer can be allowed his compensation. Be it resolved that a Committee of three be designated by the chair to see that the stenographic notes and reports be properly extended as required by the reports of the Committees on file and filed with Secty of the Territory and that when the Convention proceedings have been examined, approved, and filed as required the stenographer Lippincott be paid \$15 per diem for services and that when the notes of the Committee of the Whole proceedings shall have been extended and filed as further required upon the approval of the Committee the stenographer be allowed to draw 15⁰⁰more per diem.

Hunt
Chairman.

Pemberton moved to amend the resolution by striking out the word "fifteen" and insert "twenty" and striking out the second word "fifteen" and insert the word "ten."

The amendment being adopted ** 169 ** the President appointed such Committee Hundley, Hedges, and Toole.

The following report was read and adopted.

Mr. President your Committee to which referred Section 4 of Art 16 have had the same under consideration and under the instruction of the Convention have stricken out the words "So help me God" & with this amendment recommend that the section be adopted.

Browne
Chairman.

Article 16 as amended was now adopted by the following vote,

Ayes: Abascal, Burleigh, Browne, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Douglas, Eaton, Eddy, Ferris, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Savage, Steele, Stevens, Toole, Van Gasken, Mr. President 35.

Noes: Vivion and Waterbury 2.

The Article was considered engrossed and referred to the Committee on Enrollment.

The following Resolution was offered:

Resolved: that the thanks of the Convention are due and hereby tendered to J.F. Tooker, Secy of the ** 170 ** Territory and the Hon James H Mills a member of the Committee on Printing for the promptness with which they have provided the Convention with all printed bills for the use of the Convention thereby greatly facilitating and expediting the work of the Convention.

McClintock

On motion of Callaway the motion was adopted.

The following resolution was offered.

Resolved: That the Committee on Incidental Expenses be authorized to allow the Sergeant at Arms two days extra pay for taking care of the furniture of the hall after the adjournment of the Convention.

Callaway

On motion of Callaway the resolution was adopted.

On motion of Pemberton recess was taken until 9 P.M. ** 171 **

Evening Session

Convention resumed.

Mr. President in the Chair.

Roll called quorum present

The following Resolution was read.

“Whereas several members elect to the Constitutional Convention have by unforeseen circumstances have been prevented from attending its deliberations therefore be it resolved; that upon the application of any absent member with proper credentials of his election to this Convention to the Hon. Secretary of the Territory or the Custodian of the Enrolled Copy of this Constitution he shall be entitled to enroll his with other members as a member hereof.

Waterbury

The above motion was lost.

The following resolution was received –

Be it resolved that the thanks of this convention are hereby are hereby tendered to the Secretary, assistant Secretary and other subordinate officers of this convention for their proud and efficient performance of their duties as well as for their uniform courtesy and kindness to members.

Greene

On motion of Green the above resolution was adopted.

The following resolution was received

Resolved that the stenographer William J. Lippincott, be permitted to retain possession of the short and long hand report of the report of the proceedings of this convention ** 172 ** until such time as he can write out in long hand the part of such proceedings in committee of the whole as have been omitted to be written out in long hand.

Hundley.

On motion of Hundley the above resolution was adopted.

On motion of Collins the vote by which a committee appointed from the members of Lewis and Clark County, to inspect the work of the Stenographer had been adopted, was reconsidered and on motion of Collins the committee was made to consist of Silver Bow County and of which the President should be chairman. The President appointed Dixon and Medhurst as such committee.

The following was received and adopted,

To the Honorable, the Senate and the House of Representatives of the United States –

Your memorialist, the Constitutional Convention of the Territory of Montana does most respectfully represent –

That a bill has been introduced in the Congress of the United States requiring the various land grant railroads of the United States to form up and take out patents for their lands within a certain limited time after claiming them.

Your memorialists represent that there are in this Territory, large tracts of Railroad practically earned and in possession of the various Railroads for which the said railroad companies do not ** 173 ** pay any taxes on the ground that the title thereof is still in the United States.

Your memorialist does therefore most earnestly pray, that the before mentioned bill be speedily enacted into a law to the end that all classes in this Territory be equally taxed on the same species and amount of property.

Eaton

Pemberton introduced the following resolution

Resolved that those members who have been in attendance, but who are absent at the adjournment of this convention be permitted to sign the Constitution adopted by applying to the Secretary of the Territory for that purpose before the Constitution is printed –

On motion of Pemberton the above resolution was adopted.

On motion of Proctor the rules were suspended, the constitution as returned by the enrolling committee, put upon its final passage and adopted by the following vote –

Ayes: Abascal, Browne, Collins, Carroll, Callaway, Catlin, Cooper, Dixon, Eaton, Eddy, Ferris, Fergus, Greene, Hunt, Hedges, Howell, Hundley, Langhorne, Medhurst, McCormick, McSorley, Merriman, Mills, McClintock, Pease, Pemberton, Proctor, Power, Smith, Steel [*sic*], Stephens, Toole, Vivion, Van Gasken and Mr. President – Total 35

Noes: Waterbury – 1.

The following resolution was received –

Resolved that any member of this Convention who is authorized to sign for absent members ** 174 ** be empowered to do so.

Collins

On motion of McCormick the above resolution was adopted

On motion of Callaway the roll was now called, and each member as his name was announced advanced to the Secretary's desk and sign [*sic*] the Constitution.

On motion of Callaway the Secretary was now instructed to attest the signatures of the members.

The President now appointed Ex Secretaries Mills and Callaway a committee to conduct and introduce the Secretary of Montana the Honorable John S. Tooker to the President of the Convention who delivered into his hands the Constitution as adopted and signed by the members of the Constitutional Convention.

The following Resolution was introduced.

Resolved, that the thanks of the Convention be and are hereby tendered to the Hon. W.A. Clark, for the able, prompt, courteous, and impartial manner, in which he has performed the duties of the presiding officer of this Convention, also for declining the compensation to which as President he was entitled under the resolution

Fergus.

The resolution thus introduced was adopted unanimously.

On motion of Pemberton the journal was considered read and approved.

The motion of Callaway to adjourn ** 175 ** having been adopted, the President declared the Convention adjourned Dine Die.

Paul L. Van Cleve
Secretary.

I hereby certify this to be a true and correct copy of the minutes of the Constitutional Convention as kept by the Secretary and approved by the Convention from day to day

William A. Clark

President – Constitutional Convention

Attest

Paul L. Van Cleave

Secretary