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** 2 ** 1 Constitutional Convention of Montana.

First Day Jany 14th 1884

The Constitutional Convention met at their hall over Paynter & Comstock's store, at noon yesterday.

The convention was called to order by Hon. W. J. McCormick, who announced that under the resolution adopted by the last Legislature, while a time was provided for the convening of this body, it seemed that no one had been designated to call it to order, and that as he had some experience in such matters, he had, at the suggestion of members, assumed the responsibility himself.

The first business in order was the selection of temporary officers, which resulted as follows:

The Hon. S. W. Langhorne nominated as temporary president of the convention the Hon. W. J. McCormick, of Missoula, and put the motion, which was carried unanimously.

The president then stated that the next thing in order would be the election of a temporary secretary.

Hon. Cornelius Hedges nominated James B. Wells, who, upon motion, was elected.²

Hon. W. Y. Pemberton nominated temporary stenographer W. I. Lippincott, who upon motion was elected

Samuel Alexander was then nominated and elected temporary sergeant-at-arms.

T. C. Collins then put in nomination Stonewall Roe for temporary page, who was elected.

Hon James E. Calloway nominated for temporary fireman John Porter, who was elected.

Hon. S. W. Langhorne moved the appointment of a committee of five on credentials.

W. W. Dixon moved to amend by making the committee on credentials to consist of one from each county. The amendment was accepted and agreed to.³

And the Temporary President appointed the following Committee: ** 3 **

Beaverhead county – Robert B. Smith.

Choteau county – T. E. Collins.

Custer county – Wm. Van Gasken.

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Dawson county – J. F. Maloney.
Deer Lodge county – E. B. Waterbury.
Gallatin county – S. W. Langhorne.
Jefferson county – N. Merriman.
Lewis and Clarke county – J. K. Toole.
Madison county – H. S. Howell.
Meagher county – James Fergus.
Missoula county – W. J. Stephens.
Silver Bow County – W. Y. Pemberton
Yellowstone county – F. L. Greene.

As there was some dissatisfaction with the room provided for the convention to hold its sessions in, a committee of five was appointed to confer with the Territorial Secretary and ascertain if a larger hall could not be provided. (Committee rooms had already been provided at the Secretary's office.)⁴

– and on motion of Hon. George O. Eaton, the following Committee of five was appointed, with the Chairman as President: R.P. Vivion, Cornelius Hedges, James H. Mills and T. C. Power.

An adjournment was then taken until 2 p. m.

Afternoon Session.

The convention was called to order at 2 p. m., after which the Committee on Credentials reported the following member entitled to seats in the convention:

Beaverhead County – Joseph A. Brown and Robert B. Smith
Choteau County – T. E. Collins and W. H. Hunt.
Custer County – C. W. Savage, Wm. Van Gasken and S. R. Douglass.
Dawson County – J. F. Malony.
Deer Lodge County – J. C. Robinson, E. B. Waterbury and Joaquin Abascal.
Gallatin County – S. W. Langhorne, R. P. Vivion, G. O. Eaton, F. D. Pease and Edward F. Ferris
Jefferson County – E. McSorley and N. Merriman.
Lewis and Clarke County – Matt. Carroll, J. K. Toole, C. Hedges, and Geo. Steell.
Madison County – H. S. Howell and J. E. Callaway.
Missoula County – W. J. McCormick, W. J. Stephens, J. B. Catlin and R. A. Eddy.
Meagher County – J. F. McClintock, James Fergus and W. F. Haas.
Silver Bow county – Thos. L. Napton, W. Y. Pemberton, W. A. Clark, Marcus Daly, J. C. C. Thornton, and Francis Medhurst.
Yellowstone county – F. M. Proctor and F. L. Greene.
First Judicial District – Walter Cooper and A. F. Burleigh
Second Judicial District – W. W. Dixon and James H. Mill.

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Third Judicial District – W. B. Hundley and T. C. Power.
The report was adopted.⁵

**** 4 **** On motion a

Committee, consisting of Hedges, Hundley and Burleigh was then appointed to wait upon the Chief Justice and secure his attendance to administer the oath to members.

In response to an inquiry by Merriman as to what had been accomplished by the committee appointed to see about securing a better room in which to meet, a communication was received from the Secretary, announcing that no other place was at present available.

The Chief Justice having made his appearance, the members were called up to the President's chair and were sworn in, after which roll was called by counties and the members subscribed to the oath.

On motion of Hundley, a vote of thanks was tendered by the Convention to Hon. D. S. Wade for administering the oath of office to the members.

Considerable of a dispute arose as to the proper manner for selecting permanent officers, some members maintaining that a committee should select the officers, others that the convention as a whole was capable of selecting its own officers.

Callaway moved that a committee of five be appointed to provide for and designate the permanent officers of the Convention.

Mr. Stevens moved to restrict the motion to only the President and Secretary of the Convention.

Pemberton moved to lay the amendment on the table.

Vivion moved to postpone the motion and amendment indefinitely. Agreed to.

Merriman moved to proceed at once to the permanent organization of the Convention.
Without action the Convention adjourned until 7 o'clock this evening.

Evening Session.

The session at 7 o'clock was called to order by W. J. McCormick, temporary president, who said the first business in order would be the election of a permanent president of the Convention.

Mr. Dixon of ~~Deer Lodge~~ Second Judicial District, placed in nomination W. A. Clark, of Silver Bow county.

Hedges, of Lewis and Clark, nominated James H. Mills, of Deer Lodge.

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Mills arose and addressed the convention, stating that he was not a candidate and wished his name withdrawn.

Without any action being taken, Proctor, of Yellowstone, moved that the members vote viva voce when their names are called. Agreed to.

Before voting commenced Mills asked that his name be taken from the list of candidates.

When their names were called Merriman, of Jefferson, and other members were excused from voting.

A ballot being taken, W. A. Clark received 25 votes and J. H. Mills 4 votes.

Clark was declared elected, and Langhorn and Mills were appointed to conduct President Clark to the chair. ** 5 **

On retiring, Mr. McCormick, temporary chairman, said:

Gentlemen of the Convention: It becomes my duty to present to you this evening the permanent chairman of this convention. I ask for him in this new and, to some extent, untried position, your earnest support and co-operation. Without that, the duties resting upon him may be such as he may have difficulty in discharging, but with your support and co-operation the business of the convention will be greatly facilitated. I thank you for the honor you have conferred upon me by electing me to preside over you temporarily, and I now introduce to you Hon. William A. Clark, President of this Convention.

Mr. Clark (to the retiring president):

I heartily thank you for your introduction in my behalf.

Gentlemen of the Convention: – For this evidence of your confidence and esteem in selecting me to preside over your deliberations, I am truly grateful, and you have my most profound thanks. In the matter of the selection of your president, I would have cheerfully yielded to one of more extended experience, but with your indulgence and co-operation, upon which I confidently rely, I will discharge the duties of the office faithfully and impartially. I recognize in this action that there are involved less of personal considerations than a generous inclination on the part of the people who dwell on the east side of the Rocky Mountains to tender a high compliment to those whose lot is cast upon the western slope. I can assure you that your magnanimity will be duly appreciated. Their interests are inseparably connected with yours in all that pertains to the advancement and development of Montana, and the building up of a great commonwealth astride yonder mountain chain. I see before me as members of this convention a great number of gentlemen who with me have watched the development of the Territory for more than a score of years. We have seen order grow out of chaos, savagery yield to civilization, the bull team give way to the freight train, and the stage coach to the palace car.

Amongst those informed as to the extent of the resources and capabilities of this Territory, I would not excite a suspicion of unfairness or undue partiality in declaring that her boundaries include a greater extent of fertile valley and prolific mountains than any of the Territorial sisterhood; and it must be a source of intense pride and gratification to each member of this convention to know that he has been called upon to assist in the formation of a constitution for her government when she shall assume the robes of sisterhood; but in the exercise of this privilege we must not be unmindful that we have a solemn duty to perform that should challenge our best energies to create an instrument acceptable to the people. Such a Constitution as will guarantee equal rights and privileges to all classes and conditions of men. Such a constitution as will foster and protect alike all industries and occupations. Such a Constitution as will encourage capital and labor to go hand in hand like foster sisters, for the promotion of the general welfare of all. A Constitution as will be untainted with the least vestige of partisanship, sectarianism, or sectionalism. Then let us enter upon our duties with unswerving fidelity to the noble trust imposed upon us, and with a unity of purpose to lay broad and deep the foundations of State, so when our labors shall have ended, and Montana, a bright star, shall have taken her place in the galaxy of States, we may point with pride to the structure and secure the lasting commendation and gratitude of our posterity. [Applause.]⁶

**** 6 **** The President announced that the first business would be the election of a permanent secretary, whereupon Hundley, of Lewis and Clarke, nominated Paul L. Van Cleave, of Yellowstone, and there being no other nomination [*sic*], on motion of McCormick, of Missoula, the election of Van Cleave was made by acclamation. Van Cleave not being present to take his position, on motion of Proctor, James B. Wells was authorized to act secretary pro tem.

Toole, of Lewis and Clarke, offered a resolution to provide for the following subordinate officers. One assistant secretary, one engrossing clerk, one sergeant at arms, one fireman, two stenographers, two pages, and a clerk each to the standing committees.

The resolution was adopted, and the matter of per diem pay of these officers was, on motion of Dixon, referred to a committee of five appointed by the President as follows: Dixon, Collins, Carroll, Vivion, and Maloney.

Merriman moved to print 100 copies of the legislative joint resolution providing for a Constitutional Convention, and 1,000 slips of roll call.

The resolution was amended, so as to read that the Secretary of the Territory be requested to furnish the Convention with 45 copies of the pamphlet laws of the 13th session of the Montana Legislative Assembly, which was agreed to.

Burleigh, of the First Judicial District, offered a resolution to establish the following standing committees:

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- 1 – On Rules.
- 2 - On elections and qualifications.
- 3 – On bill of rights.
- 4 – Election franchise.
- 5 – Legislative department.
- 6 – Executive department.
- 7 – Judicial department.
- 8 – Distribution of powers; pardons and militia.
- 9 – Education.
- 10 – State institutions and public buildings
- 11 – Cities, towns and counties.
- 12 – Corporations.
- 13 – Revenue and taxation.
- 14 – Water and water rights.
- 15 – State and municipal indebtedness.
- 19 [sic] – Land and homestead exemptions, and amendments to the constitution.
- 17 – Miscellaneous subjects and boundary.
- 18 – Schedule.

After some discussion the resolution was referred to a committee of one from each county, the same to be appointed by the President.

Mills, of Deer Lodge, moved that the Secretary of the Territory be requested to have a chronometer placed in the hall, adjusted to the true meridian time of Helena, and that the meetings of this Convention shall hereafter be in accordance with said time.

On motion of Burleigh, a committee of five was appointed on rules. The chair named Burleigh, McCormick, Mills and Langhorne.⁷

A resolution extending the privileges of the floor to the Governor and Ex Governor of the [*indiscernible word*] and the Chief Justice and Judges of the Territory and U.S. Marshal and on motion of Callaway the resolution was adopted, and the secretary directed to inform them. ** 7 **

McCormick, from the committee to see about securing a larger hall in which to meet reported that they had been utterly unable to obtain a better hall – and asked that the committee be discharged.

However, on motion of Dixon, it was decided to retain the committee in hope that they would yet be able to find a more suitable hall. The convention then adjourned until 11 o'clock this morning.⁸

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⁹ This page is the image of a folder labeled Proceedings. 2nd day, Jan. 15, 1884.