

Mr President.

Your Committee on the Executive Department to whom was referred the Communication of Horatio Maguire, suggesting that the titles of President and vice President be substituted for Governor and Lieutenant Governor in designating the chief Executive offices of the state of Montana in the Constitution, beg leave to report that we deem the adoption of the titles suggested inexpedient. Those titles properly belong to the Chief Executive officers of the United States, and we believe it is a proper concession that they should be exclusive to them as distinguished from the Chief Executive officers of the several states. Even were they deemed technically superior to the titles now employed, it does not appear to your Committee that the fact would compensate the disadvantages at the present time of a departure from established and universal usage.

Very respectfully

Mills

Chair Committee on Executive Dept. ** 2 **

*****12

Bozeman, Montana Jan. 15th 1884

To the Members of the Montana Constitutional Convention:

Gentlemen –

Allow me as one of the first settlers of Montana to suggest that in framing an organic law for a state government you discard the official titles of Governor and Lieutenant Governor – which came down to us from the colonial period, and are obnoxiously monarchical in their signification – substituting therefor the more Republican terms of President and Vice President.

To the latest admitted States the students of our most perfect of political systems will naturally look to find those improvements which were contemplated and confidently predicted by the fathers. May they find this best illustration in the State of Montana.

The Union was originally formed of States whose governmental forms had long been established, which probably explains why the obnoxious titles were carried over ** 3 ** from the colonial into the National period, but, so the chief magistrate of a state is nowhere referred to in the Constitution as Governor, the word “Executive” being used instead, it is reasonable to presume that its framers thought that if the original States should not in time change the title to harmonize with the spirit and letter of the national charter, that it might wisely be discarded by the new States.

¹ Attached is the letter referred to by the committee report

² Real estate brokers from Bozeman itinerary used and need to do research on who they actually are, as the writing is difficult to read

Respectfully submitted.
Horation N. Maguire

Dear Walter³:

Request the reading of this by the Secretary of the Convention –

H. N. Maguire ** 5 **

Referred to Committee on Executive Dept, Committee no 4

~~Mills~~

Report of Committee on Executive Department with original letter.

Mills

³ I assume this is referring to Walter Cooper of the district court

Constitutional Convention, Montana Territory.

Helena, M.T., Feby 6th 1884.

Mr President:

Your Special Committee to whom was referred Sec 16. Of general file No 20. With the proposed Amendments – have had the same under consideration and recommend that said Sec. be adopted with the following amendment as proposed in Convention:

Add to original Sec. 16 as limited, the following – ~~But~~ “but this shall not be construed so as to authorize the taxation of the stocks of any company on compensation when the property of such company or compensation represented by such stocks has been taxed.” And strike out the amendment adopted in Committee of the Whole to said sec.

J.K. Toole Chariman

General File No. 20

Article on Revenue and Taxation

January 25 – Reported by Committee on Finance of State, etc.

Recommend its Adoption

REVENUE AND TAXATION

Section 1. The Legislative Assembly shall provide such revenue as may be needful by levying a
2 tax by valuation, so that every person or corporation shall pay a tax in proportion to the value of his,
3 her or its property >except that<⁴ The Legislative Assembly may also impose a license taxes, both upon natural
4 persons and upon corporations (other than municipal,)) doing business in this State.

Section 2. The specification of the object and subjects of taxation shall not deprive the Legislative
2 Assembly of the power to require other subjects or objects to be taxed in such manner as may be
3 consistent with the principles of taxation fixed in this Constitution.

Section 3. The property of the United States, the State, counties, cities, towns and other municipal
2 corporations and public libraries, shall be exempt from taxation.

Section 4. Lots with the buildings thereon, when said buildings are used solely for religious wor-
2 ship, or for charitable purposes, also cemeteries not used or held for private or corporate profit, grow-
3 ing crops, live stock under six months old, and all mines and mining claims, both placer and in rock
4 in place containing or bearing gold, silver, copper, coal, or other valuable mineral deposits, shall be
5 exempt from taxation; *provided*, that all machinery used in mining and all property and surface im-
6 provements, appurtenant to or upon mining claims, which have a separate and independent value, the ** 2 **
7 value of the surface ground embraced in said claims, and the annual net proceeds of said mining
8 claims shall be taxed as provided by law.

~~Section 5. All laws exempting from taxation property other than that hereinbefore mentioned shall be~~
2 ~~void.~~ >All laws etc<

Section 6. The Legislative Assembly shall ot impose taxes for the purpose of any county, city,
2 town or other municipal corporations, but may by law invest in the corporate authorities thereof re-
3 spectively the power to assess and collect taxes for all purposes of such corporation.

Section 7. All taxes levied for State purposes shall be paid into the State Treasury, and no county,
2 city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be re-
3 leased or discharged from their or its proportionate share of taxes to be levied for State purposes.

Section 8. The power to tax corporations or corporate property, both real and personal, shall
2 never be relinquished or suspended, and all corporations in this State, or doing business therein, shall
3 be subject to taxation for State, county, school, municipal and other purposes, on real and personal
4 property owned or used by them and not by this condition exempted from taxation within the terri-
5 torial limits of the authority levying the tax.

⁴ Text between "><" are hand written insertions after the document was typed.

Section 9. The rate of taxation of real >and personal< property for State purposes, shall never exceed three (3) mills on each dollar of valuation, and whenever the taxable property in the State shall amount to One Hundred Million dollars (\$100,000,000), the rate shall not exceed two (2) mills on each one dollar of valuation, and whenever the taxable property in the State shall amount to Three Hundred Million dollars (\$300,000,000,) [*sic*] the rate shall neves [*sic*] thereafter exceed one (1) mill on each one dollar of valuation, unless a proposition to increase such rate, specifying the rate proposed, and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at each election.

Section 10. The Treasurer shall keep a separate account of each fund in his hands, and shall at ** 3 ** the end of each quarter of the fiscal year, report to the Governor in writing, under oath, the amount of all monies in his hands, to the credit of every such fund, and the place or places where the same is kept, or deposited, and the number and amount of every warrant paid or redeemed by him during the quarter. Swearing falsely to any such report shall be deemed perjury. The Governor shall cause every such report to be immediately published in at least one newspaper, printed at the seat of government, and otherwise as the Legislative Assembly may require. The Legislative Assembly may require by law further regulations for the safe keeping and management of the public funds in the hands of the Treasurer; but notwithstanding any such regulation, the Treasurer and his sureties, shall in all cases be held responsible therefor [*sic*].

Section 11. The making of profit directly or indirectly out of State, county, city, town, township or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Section 12. No appropriation shall be made, nor any expenditure authorized by the Legislative Assembly whereby the expenditure of the State during any fiscal year, shall exceed the total tax then provided for by law, and applicable for such, appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in Section nine (9) of this article to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditure to suppress insurrection, defend the State, or assist in defending the United States in time of war.

Section 13. Private property shall not be taken or sold for the corporate debts of municipal corporations.

Section 14. There shall be a State Board of Equalization. [*sic*] consisting of the Governor, Secretary o [*sic*] State, Attorney General, State Auditor and State Trearurer, whose duty it shall be to equalize the valuation of the taxable property of the several counties of the State, for the purposes of taxation. The ** 4 ** Boards of County Commissioners for the several counties of the State, shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purposes of taxation. Said State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe, as to the county assessments, and under such rules of notices as the State Board may prescribe, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

Section 15. All property, except as hereinafter in this section provided, shall be assessed in the
2 county, city, town, township, or school district in which it is situated in the manner prescribed by law.
3 The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one
4 county of this State, shall be assessed by the State Board of Equalization at their actual value, and the
5 same shall be apportioned to the counties, cities, towns [sic], townships and school districts in which such
6 railroads are located, in the proportion to the number of miles of railway laid in such counties, cities,
7 towns, townships and school districts.

Section 16. The word property, as used in this article, is hereby declared to include monies,
2 credits, bonds, stocks, franchises, and all matters and things (real, personal and mixed, [sic]) capable of
3 private ownership. >But this shall not etc<

Section 17. The Legislature shall pass all laws necessary to carry out the provisions of this
2 article.

COLLINS, Chairman.

Mr. President

Your committee of the whole, to whom was referred the consideration of General File no 18 >majority report< have had the same under consideration and beg leave to report the same back with the following amendments and recommend its adoption

Langhorne
Chairman

✓ Strike out Sec 19 and substitute as follows.

+ Sec 19. The first Legislative Assembly that shall be held under this Constitution shall provide for the election of our States Attorney for each organized County of this State except in case a County shall be attached to another for judicial purposes. He shall have a ~~fixed~~ salary >fixed by law< that shall not be increased or diminished during his time of office and shall receive no other compensation for his service >whatsoever< ~~as such States Attorney~~. Provided one half of such salary shall be paid by the State 14⁵ and the other by the County >or counties< in which such attorney may be seated. The States Attorney shall possess all the qualifications required for judges of the district courts except he need not be ~~over~~ >more than< twenty one (21) years of age and the time of such office shall be two years.

Callaway ** 2 **

✓⁶Sec 21 was amended as follows strike out the words “as appointed” in line 1&2

✓ Sec 22 was amended as follows

File 18 – Sec 22

Amend by striking out in line 5 the words “five hundred” and inserting “one thousand”

Waterbury

Sec 23 was amended as follows

Insert at the beginning of Sec. 23- the following

✓X “The Legislative Assembly shall provide for the subdivision of the counties into townships of convenient number or size and” /cp

X Sec 26 was amended as follows

Amend Sec. 26 by striking out the four first words of the section =insert= “Writs of error and”

President /cp

also

General File No. 18

+ Amend Section 26 by striking out the word “may” in line 1 and inserting the word “shall”

+ Also amend by striking out the word “limitations” in line 2 and inseting instead the word “regulation”

⁵ This seems to be a line number, but is the only one on the page, so I did not break the text into lines

⁶ Written in margin: “Struck out by Dixon’s amendment in Convention & substitute offered for whole sec”

Sec 39 was amended as follows

Amend Sec 39 by striking out prosecuting attorney in lines 1 2 and insert the instead ~~prosecuting~~ States atty before
it after the word office in line 3 /cp

Your committee on Agriculture, Manufactores [*sic*], Commerce and Emmigration to whom was refered [*sic*] Resolution No. 12, relative to Contagious diseases, Respectfully recommend that it be not adopted into the Constitution, being more properly a matter of Legislation

James Fergus
Chairman

Memorials to Congress requesting certain grants.

Mr. President:

Your Committee appointed to examine resolution memorializing Congress to appropriate certain lands for internal and river improvements, and other purposes, tender their report herewith, and recommend its adoption.

S.R. Douglas,
E.B. Waterbury
R.A. Eddy
Committee ** 2 **

Memorials to Congress requesting certain grants.

Resolutions

Resolved: That the Congress of the United States is hereby requested, upon the application of Montana for admission into the Union, to pass an act granting to the state of Montana, fifty thousand (50,000) acres of land, for the purpose of erecting and maintaining state buildings, and other internal improvements.

Resolved: That Congress be further requested to pass an act granting twenty thousand (20,000) acres of land, for the improvement of the Missouri River, from the Great Falls of the Missouri to its confluence with the Yellowstone River.

Resolved: That Congress be further requested to pass an act, appropriating Twenty thousand (20,000) acres of land, for the improvement of the Yellowstone River, from the town of Billings, Montana, to its mouth.

Resolved:⁷ ~~X~~⁸ That the Legislative ~~X~~⁹ Assembly of Montana shall make provision ** 3 **

Memorials to Congress requesting certain grants.

Resolutions

Resolved: That the Congress of the United States is hereby requested, upon the application of Montana for admission into the Union, to pass an act granting to the state of Montana, fifty thousand (50,000) acres of land, for the purpose of erecting and maintaining state buildings, and other internal improvements.

Resolved: That Congress be further requested to pass an act granting twenty thousand (20,000) acres¹⁰

Added Resolved: That Congress be further requested to appropriate 20⁰⁰⁰ acres of land for removing obstructions to navigation and opening the Pen D'Oreille in Clarks Fork of the Columbia River to the free access of Salmon to its numerous tributaries in Montana.

⁷ Half of the word is covered here, but I took the liberty of assuming it said "resolved"

⁸ These "X" symbols appear to be indicating that this section was stricken. I assume this because the next page is a duplicate, but has some additions pasted over this text.

⁹ See above regarding "X"

¹⁰ This is where the addition is pasted or stapled.

General File 18 – 1364