bounded by county lines, but no changes in the number or boundaries of distjicts shall work a removal of any judge from office during the term for which he has been elected or appointed.

SEC. 15. Writs of error and appeal shall be allowed from the decisions of the said district courts to the supreme courts under such regulations as may be prescribed by law.

SEC. 16. No person shall be eligible to the office of judge of the district court unless he be at least twenty-five years of age and a citizen of the United States, and shall have been admitted to practice law in the supreme court of the Territory or State of Montana, nor unless he shall have resided in this State or Territory at least one year next preceding his election. He need not be a resident of the district for which he is elected at the time of his election, but after his election he shall reside in the district for which he is elected during his term of office.

SEC. 17. The district corrt in each county, which is a judicial district by itself, shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the judges of such district shall fix the term of court, provided that there shall be at least four terms a year held in each county.

SEC. 18. There shall be a clerk of the district court in each county, who shall be elected by the electors of his county. The clerk shall be elected at the same time and for the same term as the district judge. The duties and compensation of the said clerk shall be as provided by law.

COUNTY ATTORNEYS.

SEC. 19. There shall be elected at the general election in each county of the State one county attorney, whose qualifications shall be the same as are required for a judge of the district court, except that he must be over twenty-one years of age, but need not be twenty-five years of age, and whose term of office shall be two years, except that the county attorneys first elected shall hold their offices until the general election in the year one thousand eight hundred ninety-two, (1892) and until their successors are elected and qualified. He shall have a salary to be fixed by law, one-half of which shall be paid by the State, and the other half by the county for whjch he is elected, and he shall perform such duties as may be required by law.

JUSTICES OF THE PEACE.

SEC. 20. There shall be elected in each organized township of each county by the electors of such townshjp at least two justices of the peace, who shall hold their offices except as otherwjse provided in this constitution, for the term of two years. Justices courts shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this constitution otherwise provided: *Provided*, That they shall not have jurisdiction jn any case where the debt, damage, claim, or value of the property involved exceeds the sum of three hundred dollars.

SEC. 21. Justices courts shall not have jurisdiction in any case involving the title or right of possession of real property, nor in cases of divorce, nor for annulment of marriage, nor of cases in equity; nor shall they have power to issue writs of habeas corpus, mandamus, certiorari, quo warranto, injunction, or prohibition, nor the power of naturalization; nor shall they have jurisdiction in cases of felony, except as examining courts; nor shall criminal cases in said courts be prosecuted by indictment; but said courts shall have such jurisdiction in criminal matters, not of the grade of felony, as may be provided by law; and shall also have concurrent jurisdiction with the district courts, in cases of forcible entry and unlawful detainer.

SEC. 22. Justices courts shall always be open for the transaction of business, except on legal holidays and non-judicial days.

SEC. 23. Appeals shall be allowed from justices courts, in all cases, to the district courts, in such manner and under such regulations as may be prescribed by law.

POLICE AND MUNICIPAL COURTS.

SEC. 24. The Legislative Assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary from time to time, who shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted ex officio justices of the peace for their respective counties.

SEC. 25. The supreme and district courts shall be courts of record.

SEC. 26. All laws relating to courts shall be general and of uniform operation throughout the State; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, shall be uniform.

SEC. 27. The style of all process shall be "The State of Montana" and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 28. There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 29. The justices of the supreme court and the judges of the district court shall each be paid quarterly by the State, a salary, which shall not be increased or diminished during the terms for which they shall have been respectively elected. Until otherwise provided by law, the salary of the justices of the supreme court shall be four thousand dollars per annum each, and the salary of the judges of the district court shall be three thousand five hundred dollars per annum each.

SEC. 30. No justice of the supreme court nor judge of the district court shall accept or receive any competition, fee, allowance, mileage perquisite or emolument for or on account of his office in any form whatever, except the salary provided by law.

SEC. 31. No justice or clerk of the Supreme Court, nor judge or clerk of any District Court shall act or practice as an attorney or counsellor at law in any court of this State during his continuance in office.

SEC. 32. The Legislative Assembly may provide for the publication of decisions and opinions of the Supreme Court.

SEC. 33. All officers provided for in this article, excepting justices of the Supreme Court, who shall reside within the State shall respectively reside during their term of office in the district, county, township, precinct, city or town for which they may be elected or appointed.

SEC. 34. Vacancies in the office of Justice of the Supreme Court, or Judge of the District Court, or Clerk of the Supreme Court, shall be filled by appointment by the Governor of the State, and vacancies in the offices of County Attorney, Clerk of the District Court and Justices of the Peace shall be filled by appointment by the Board of County Commissioners of the county where such vacancy occurs. A person appointed to fill his vacancy shall hold any such office until the next general election and until his successor is elected and qualified. A person elected to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.

SEC. 35. No Justice of the Supreme Court or District Judge shall hold any other public office while he remains in the office to which he has been elected or appointed.

SEC. 36. A civil action in the District Court may be tried by a judge *pro tempore*, who must be a member of the bar of the State, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; and in such case any order, judgment or decree, made or rendered therein by such judge *pro tempore*, shall have the same force and effect as if made or rendered by the court with the regular judge presiding.

SEC. 37. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office.

ARTICLE IX.

RIGHTS OF SUFFRAGE AND QUALIFICATIONS TO HOLD OFFICE.

SECTION 1. All elections by the people shall be by ballot.

SEC. 2. Every male person of the age of twenty-one years or over possessing the following qualificasions shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First. He shall be a citizen of the United States. Second. He shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the county, town or precinct such time as may be prescribed by law. *Provided*, First, that no person convicted of felony shall have the right to vote unless he has been pardoned. *Provided*, Second. That nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this Constitution; *Provided*, That after the expiration of five years from the time of the adoption of this Constitution, no person except citizens of the United States, shall have the right to vote.

SEC. 3. For the purpose of voting, no perso shall be deemed to have gained or or lost a residence by reason of his presence or absence while employed in the service of the State or of the United States, nor while engagep in the navigation of the waters of the State, or of the United States nor while a student at any institution of learning, nor while kept at any alms house or other asylum, at the public expense, nor while confined in any public prison.

SEC. 4. Electors shall in all cases, except treason, felony, or breach of the peace be privileged from arrest during their attendance at elections, and in going to and returing therefrom.

SEC. 5 No elector shall be obliged to perform military duty on the days of election, except in time of war or public danger.

SEC. 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State, in consequence of being stationed at any military or naval place within the same.

SEC. 7. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State at least one year next before his election or appointment.

SEC. 8. No idiot or insane person shall be entitled to vote at any election in this State.

SEC. 9. The legislative assembly shall have the power to pass a registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise.

SEC. 10. Women shall be eligible to hold the office of county superintendent of schools or any school district office and shall have the right to vote at any school djstrict election.

SEC. 11. Any person qualified to vote at general elections and for State officers in this State shall be eligible to any office therein except as otherwise provided in this constitution, and subject to such additional qualifications as may be prescribed by the legislative assembly for city offices and offices hereafter created.

SEC. 12. Upon all questions submitted to the vote of the tax payers of the State, or any political division thereof, women who are tax payers and possessed of the qualifications for the right of suffrage required of men by this constitution shall equally, with men, have the right to vote.

SEC. 13. In all elections held by the people under this constitution, the person or persons who shall receive the highest number of legal votes, shall be declared elected.

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, soldiers home, and such other institutions as the public good may require, shall be established and supported by the state in such manner as may be prescribed by law.

SEC. 2. At the general election in the year one thousand eight hundred ninety-two, the question of permanent location of the seat of government is hereby provided to be submitted to the qualified electors of the State and a majority of all the votes upon said question shall determine the location thereof. In case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be, and is hereby submitted in like manner to the qualified electors at the next general election thereafter; *Provided*, That until the seat of Government shall have been permanently located the temporary seat of government shall be and remain at the city of Helena.

SEC. 3. When the seat of government shall have been located as herein provided the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of the location of the seat of government shall have been submitted by the legislative assembly.

SEC. 4. The legislative assembly shall make no appropriations or expenditures for capital buildings or grounds until the seat of government shall have been permanently located as herein provided.

SEC. 5. The several counties of the state shall provide as may be prescribed by law for those inhabitants who, by reason of age, infirmity or misfortune, may have claims upon the sympathy and aid of society.

ARTICLE XI.

EDUCATION.

SECTION 1. It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform and thorough system of public, free, common schools.

SEC. 2. The public school fund of the state shall consist of the proceeds of such lands as have heretofore been granted or may hereafter be granted to the state by the general government, known as school lands; and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the general government; and of all other grants of land or money made to the state from the general government for general educational purposes, or where no other special purpose is indicated in such grant; all estates, or distributive shares of the estates, that may escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state, and all other grants, gifts, devises or bequests made to the state for general educational purposes.

SEC. 3. Such public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion, to be invested, so far as possible, in public securities within the state, including school district bonds, issued for the erection of school buildings, under the restrictions to provided by law.

SEC. 4. The governor, superintendent of public instruction, secretary of State, and attorney-general shall constitute the State board of land commissioners which shall have the direction, control, leasing and sale of the school lands of the State and the lands granted or which may hereafter be granted for the support and benefit of the various State educational institutions, under such regulations and restrictions as may be prescribed by law.

SEC. 5. The interest on all invested school funds of the State, and all rents accruing from the leasing of any school lands, shall be apportioned to the several school districts of the State in proportion to the number of children and youths between the ages of six and twenty-one years residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least three months during the year for which distribution shall be made.

SEC. 6. It shall be the duty of the legislative assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free, common school in each organized district in the State, for at least three months in each year.

SEC. 7. The public free schools of the state shall be open to all children and youths between the ages of six and twenty-one years.

SEC. 8. Neither the Legislative Assembly, nor any county, city, town or school district, or other public corporations, shall ever make, directly or indirectly, any appropriation or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university or other literary, scientific, institution controlled in whole or in part by any church, sect or denomination whatever.

SEC. 9. No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State either as teacher or student; nor shall attendance be required at any religious service whatever, nor shall any sectarion tenets be taught in any public educational institution of the State; nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex.

SEC. 10. The Legislative Assembly shall provide that all elections for school district officers shall be separate from those elections at which State or county officers are voted for.

SEC. 11. The general control and supervision of the State university and the various other State educational institutions shall be vested in a State board of education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of eleven members, the governor, State superintendent of public instruction, and attorney-general, being members ex-officio, and other eight members thereof shall be appointed by the governor subject to the confirmation of the senate, under the regulations and restrictions to be provided by law.

SEC. 12. The funds of the State university and of all other State institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as shall be prescribed by law, and shall be guaranteed by the State against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties shall be devoted to the maintenance and perpetuation of these respective institutions.

ARTICLE XII.

REVENUE AND TAXATION.

SECTION 1. The necessary revenue for the support and maintenance of the State shall be provided by the Legislative Assembly, which shall levy a uniform rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, except that especially provided for in this article. The Legislative Assembly may also impose a license tax, both upon persons and upon corportions doing business in the State.

SEC. 2. The property of the United States, the State, counties, cities, towns, school distsicts, municipal corporations and public libraries shall be exempt from taxation; and such other property as may be used exclusively for agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity may be exempt from taxation.

SEC. 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal, or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value, for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all machinery used in mining and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims, shall be taxed as provided by law.

SEC. 4. The Legislative Assembly shall not levy taxes upon the inhabitants or property in any county, city, town, or municipal corporation for county, town, or municipal purposes, but it may by law invest in the corporate authorities thereof powers to assess and collect taxes for such purposes.

SEC. 5. Taxes for city, town and school purposes may be levied upon all subjects and objects of taxation, but the assessed valuation of any property shall not exceed the valuation of the same property for State and county purposes.

SEC. 6. No county, city, town or other municipal corporation, the inhabitants thereof nor the property therein, shall be released or discharged from their or its proportionate share of State taxes.

SEC. 7. The power to tax corporations or corporate property shall never be relinquished or suspended, and all corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes, on real and personal property owned or used by them and not by this constitution exempted from taxation.

SEC. 8. Private property shall not be taken or sold for the corporate debts of public corporations, but the Legislative Assembly may provide by law for the funding thereof, and shall provide by law for the payment thereof, including all funded debts and obligations, by assessment and taxation of all private property not exempt from taxation within the limits of the territory over which such corporations respectively have authority.

SEC. 9. The rate of taxation of real and personal property for State purposes in any one year 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 and one-half (2½) mills on each dollar of valuation; and whenever the taxable property in the State shall amount to three hundred million dollars ($300,000,000), the rate shall never thereafter exceed one and one-half (1½) mills on each 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 such election.

SEC. 10. All taxes levied for State purposes shall be paid into the State treasury and no money shall be drawn from the treasury but in pursuance of specific appropriations made by law.

SEC. 11. Taxes shall be levied and collected by general laws and for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

SEC. 12. No appropriation shall be made nor any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rate allowed in section 9 of this article, to pay such appropriations or expenditures within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war. No appropriation of public moneys shall be made for a longer term than two years.

SEC. 13. The State treasurer shall keep a seperate account of each fund in his hands, and shall at the end of each quarter of the fiscal year report to the governor in writing under oath, the amount of all moneys 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 duringthe quarter. The governor, or other person or persons authorized by law, shall verify said report and cause the same 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 provide by law further regulations for the safe keeping and management of the public funds in the hands of the treasurer; but, notwithstanding any such regulations, the treasurer and his sureties shall in all cases, be held responsible therefor.

SEC. 14. The making of profit out of public moneys, 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, but part of such punishment shall be disqualification to hold public office.

SEC. 15. The governor, secretary of State, State treasurer, State auditor and attorney-general shall constitute a State board of equalization and the board of county commissioners of each county shall constitute a county board of equalization. The duty of the State board of equalization shall be to adjust and equalize the valuation of the taxable property among the several counties of the State. The duty of the county boards of equalization shall be to adjust and equalize the valuation of taxable property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

SEC. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this constitutjon. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State board of equalization and the same shall be apportioned to the counties, cities, towns, townshjps, and school districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts.

SEC. 17. The word property as used in this article is hereby declared to include moneys, credits, bonds, stocks, franchises, and all matters and things (real, personal and mixed) capable of private ownership, but this shall not be construed 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 is within the State and has been taxed.

SEC. 18. The Legislative Assembly shall pass all laws necessary to carry on the provisions of this article.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the State, nor any county, city, town, municipality, nor other subdivision of the State shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or a joint owner with any person, company, or corporation, except as to such ownership as may accrue to the State by operation or provision of law.

SEC. 2. The Legislative Assembly shall not in any manner create any debt except by a law which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purpose to which the funds so raised shall be applied and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by such law for the payment thereof; but no debt or liability, shall be created which shall singly, or in the aggregate with any existing debt or liability, exceed the sum of one hundred thousand dollars ($100,000) except in case of war, to repel invasion or suppress insurrection, unless the law authorizing the same shall have been submitted to the people at a general election and shall have received a majority of the votes cast for and against it at such election.

SEC. 3. All moneys borrowed by, or on behalf of the State or any county, city, town, municipality or other subdivision of the State, shall be used only for the purpose specified in the law authorizing the loan.

SEC. 4. The State shall not assume the debt, or any part thereof, of any county, city, town, or municipal corporation.

SEC. 5. No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five (5) per centum of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by, or on behalf of such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding ten thousand dollars ($10,000) without the approval of a majority of the electors thereof, voting at an election to be provided by law.

SEC. 6. No city, town, township or school district shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding three per centum of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtness, and all bonds or obligations in excess of such amount given by, or on behalf of, such city, town, township or school district shall be void; *Provided, however*, That the Legislative Assembly may extend the limit mentioned in this section, by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt.

ARTICLE XIV.

MILITARY AFFAIRS.

SECTION 1. The militia of the State of Montana shall consist of all able bodied male citizens of the State between the ages of eighteen (18) and forty-five (45) years inclusive, except such persons as may be exempted by the laws of the State or of the United States.

SEC. 2. The Legislative Assembly shall provide by law for the organization, equipment, and discipline of the militia and shall make rules and regulations for the government of the same. The organization shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. The Legislative Assembly shall provide by law for maintaining the militia by appropriations from the treasury of the State.

SEC. 4. The Legislative Assembly shall provide by law for the safe keeping of the public arms, military records, relics and banners of the State.

SEC. 5. When the Governor shall, with the consent of the Legislative Assembly, be out of the State in time of war, at the head of any military force thereof, he shall continue commander in chief of all the military forces of the State.

ARTICLE XV.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized or commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporations shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations as are or may be under the control of the State; but the Legislative Assembly shall provide by general law for the organization of corporations hereafter to be created; *Provided*, That any such laws shall be subject to future repeal or alteration by the Legislative Assembly.

SEC. 3. The Legislative Assembly shall have the power to alter, revoke or annul any charter of incorporation existing at the time of the adoption of this Constitution, or which may be hereafter incorporated, whenever in its opinion it may be injurious to the citizens of the state.

SEC. 4. The Legislative Assembly shall provide by law that in all elections for directors or trustees of incorporated companies, every stockholder shall have the right to vote in person or by proxy the number of shares of stock owned by him for as many persons as there are directors or trustees to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors or trustees shall not be elected in any other manner.

SEC. 5. All railroads shall be public highways, and all railroad, transportation, and express companies shall be common carriers, and subject to legislative control, and the Legislative Assembly shall have the power to regulate and control by law the rates of charges for the transportation of passengers and freight by such companies as common carriers from one point to another in the State. Any association or corporation, organized for the purpose, shall have to construct and operate a railroad between any designated points within this State and to connect at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

SEC. 6. No railroad corporation, express, or other transportation company, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation, express or other transportation company, owning or having under its control a parallel or competing line; neither shall it in any manner unite its business or earnings with the business or earnings of any other railroad corporation; nor shall any officer of such railroad, express, or other transportation company act as an officer of any other other railroad; express, or other transportation company owning or having control of a parallel or competing line.

SEC. 7. All individuals, associations, and corporations shall have equal rights to have persons or property transported on and over any railroad, transportation or express route in this State. No discrimination in charges, or facilities for transportation of freight or passengers of the same class, shall be made by any railroad, or transportation, or express company, between persons or places within this State; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad, or transportation, or express company, shall be allowed to charge, collect, or receive, under penalties which the Legislative Assembly shall prescribe, any greater charge or toll for the transportation of freight or passengers to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this State. No railroad, express, or transportation company, nor any lessee, manager, or other employe thereof, shall give any preference to any individual, association or corporation, in furnishing cars or motive power or for the transportation of money or other express matter.

SEC. 8. No railroad, express or other transportation company, in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form

SEC. 9. The right of eminent domain shall never be abridged, nor so construed as to prevent the Legislative Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the police powers of the State shall never be abridged, or so construed, as to permit corporations to conduct their business in such manuer as to infringe the equal rights of individuals, or the general well being of the State.

SEC. 10. No corporation shall issue stocks or bonds, except for labor done, services performed, or money and property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock first obtained at a meeting held after at least thirty days notice given in pursuance of law.

SEC. 11. No foreign corporation shall do any business in this state without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served. And no company or corporation formed under the laws of any other country, state or territory, shall have nor be allowed to exercise or enjoy within this state any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of the State.

SEC. 12. No street or other railroad shall be constructed within any city or town, without the consent of the local authorities having control of the street or highway proposed to be occupied by such street or other railroad.

SEC. 13. The Legislative Assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already passed.

SEC. 14. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct or maintain lines of telegraph or telephone within this State, and connect the same with other lines; and the Legislative Assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph or telephone company owning or having the control of a competing line, or acquired by purchase, or otherwise, any other competing line of telegraph or telephone.

SEC. 15. If any railroad, telegraph, telephone, express or other corporation or company organized under any of the laws of this State, shall consolidate, by sale or otherwise with any railroad, telegraph, telephone, express, or other corporation organized under any of the laws of any other State or Territory of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the States, in all matters that may arise as if said consolidation had not taken place.

SEC. 16. It shall be unlawful for any person, company, or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such persons, company, or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company, or corporation, by reason of the negligence of such person, company, or corporation, or the agents or employes thereof; and such contracts shall be absolutely null and void.

SEC. 17. The Legislative Assembly shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 18. The term "corporation," as used in this article shall be held and construed to include all associations and joint stock companies having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons, subject to such regulations and conditions as may be prescribed by law.

SEC. 19. Dues from private corporations shall be secured by such means as may be prescribed by law.

SEC. 20. No incorporation, stock company, person or association of persons in the State of Montana, shall directly or indirectly combine or form what is known as a trust, or make any contract with any person or persons, corporations, or stock company foreign or domestic through their stockholders, trustees or in any manner whatever, for the purpose of fixing the price or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The Legislative Assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of the forfeiture of their property and franchises, and in case of foreign corporations prohibiting them from carrying on business in the State.

ARTICLE XVI.

MUNICIPAL CORPORATIONS AND OFFICES.

SECTION 1. The several counties of the Territory of Montana, as they shall exist at the time of the admission of the State into the Union are hereby declared to be the counties of the State until otherwise established or changed by law.

SEC. 2. The Legislative Assembly shall have no power to remove the county seat of any county, but the same shall be provided for by general law; and no county seat shall be removed unless a majority of the qualified electors of the county, at a general election on a proposition to remove the county seat, shall vote therefor; but no such proposition shall be submitted oftener than once in four years.

SEC. 3. In all cases of the establishment of a new county it shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which it is formed, less the ratable proportion of the value of the county buildings and property of the county or counties from which it is formed; *Provided*, That nothing in this section shall prevent the re-adjustment of county lines between existing counties.

SEC. 4. In each county there shall be elected three county commissioners whose term of office shall be four years. A vacancy in the board of county commissioners shall be filled by appointment by the district Judge of the diftrict in which the vacancy occurs.

SEC. 5. There shall be elected in each county the following officers; one county clerk, who shall be clerk of the board of county commissioners and ex officio recorder; one sheriff; one treasurer, who shall be collector of taxes; *Provided*, That no person shall hold the office of county treasurer for more than two consecutive terms; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of two years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election.

SEC. 6. The Legislative Assembly may provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require and their terms of office shall be as prescribed by law not in any case to exceed two years except as in this constitution otherwise provided

ARTICLE XVII.

PUBLIC LANDS.

SECTION 1. All lands of the State that have been, or that may hereafter be granted to the State by Congress, and all lands acquired by gift or grant, or devise from any person or corporation shall be public lands of the State, and shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised; and none of such land nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the State; nor shall any lands which the State holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States. Said lands shall be classified by the board of land commissioners as follows: First, lands which are valuable only for grazing purposes. Second, those which are principally valuable for the timber that is on them. Third, agricultural lands. Fourth, lands within the limits of any town or city or within three miles of such limits; *Provided*, That any of said lands may be re-classified whenever by reason of increased facilities for irrigation or otherwise, they shall be subject to different classification.

SEC. 2. The lands of the first of said classes may be sold or leased, under such rules and regulations as may be prescribed by law. The lands of the second class may be sold, or the timber thereon may be sold, under such rules and regulations as may be prescribed by law. The agricultural lands may be either sold or leased, under such rules and regulations as may be prescribed by law. The lands of the fourth class shall be sold in alternate lots of not more than five acres each, and not more than one-half of any one tract of such lands shall be sold prior to the year one thousand nine hundred and ten (1910.)

SEC. 3. All other public lands may be disposed of in such manner as may be provided by law.

ARTICLE XVIII.

LABOR.

SECTION 1. The Legislative Assembly may provide for a bureau of agriculture, labor and industry to be located at the Capital and be under the control of a commissioner appointed by the Governor subject to the confirmation of the Senate. The commissioner shall hold his office for four years and until his successor is appointed and qualified, his compensation shall be as provided by law.

SEC. 2. It shall be unlawful for the warden or other officer of any state penitentiary or reformatory institution in the State of Montana, or for any state officer to let by contract to any person or persons or corporation the labor of any convict confined within said institutions.

ARTICLE XIX.

MISCELLANEOUS SUBJECTS AN FUTURE AMENDMENTS.

SECTION 1. 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 or affirmation, to-wit: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State 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 other valuable thing to procuee my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God." And no other oath, declaration or test shall be required as a qualification for any office of public trust.

SEC. 2. The legislative assembly shall have no power to authorize lotteries, or gift enterprises for and purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC 3. The legislative assembly shall enact suitable laws to prevent the destruction by fire from any cause of the grasses and forests upon lands of the State or upon lands of the public domain the control of which may be conferred by congress upon this State, and to otherwise protect the same.

SEC. 4. The legislative assembly shall enact liberal homestead and exemption laws.

SEC. 5 No perpetuties shall be allowed, except for charitable purposes.

SEC. 6. All county officers shall keep their offices at the county seats of their respective counties.

SEC. 7. In the disposition of the public lands granted by the United States to this State, preference shall always be given to actual settlers thereon, and the legislative assembly shall provide by law for carrying this section into effect.

FUTURE AMENDMENTS.

SEC. 8. The legislative assembly may at any time, by a vote of two-thirds of the members elected to each house, submit to the electors of the State the question whether there shall be a convention to revise, alter, or amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as that of the house of representatives, and they shall be elected in the same manner, at the same places, and in the same districts. The legislative assembly shall in the act calling the convention designate the day, hour, and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States and of the State of Montana, and to faithfully discharge their duties as members of the convention. The qualifications of members, shall be the same as of members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations, or amendments to the constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration, or amendment shall take effect.

SEC. 9. Amendments to this constitution may be porposed in either house of the legislative assembly; and if the same shall be voted for by two-thirds of the members eleeted to each house such proposed amendments together with the ayes and nayes of each house thereon shall be entered in full on their respective journalss and the secretary of State shall cause the said amendment or amendments to be published in at least one newspaper in each county (if such there be) for three months previous to the next general election for members of the legislative assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become a part of the constitution. 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; *Provided*, however, That not more than three amendments to this constitution shall be submitted at the same election.

ARTICLE XX.

SCHEDULE.

That no inconvenience may arise by reason of changing from a Territorial to a State form of government, it is declared as follows:

SECTION 1. All laws enacted by the Legislative Assembly of the Territory of Montana and in force at the time the State shall be admitted into the Union and not inconsistent with this constitution or laws of the United States of America, shall be and remain in full force as the laws of the State until altered or repealed, or until they expire by their own limitation; *Provided*; That whenever in said laws the words "Territory," "Montana Territory" or "Territory of Montana" occur the words "State" or "State of Montana" shall be appropriately substituted and read therefor, and *Provided further*; That the duties which now by law devolve upon probate judges as jury commissioners and in relation to issuing marriage licenses and filing and recording marriage certificates, and the duties as ex-officio clerks of their own courts, shall, until otherwise provided by law, devolve upon and be performed by the clerks of district courts in their respective counties; *And, provided further*, That the duties of probate judges now imposed by law relative to town sites and to the approval of bonds of other county officers shall, until otherwise provided by law, be performed by the district judges in the several counties in their respective districts.

SEC. 2. All lawful orders, judgments and decrees in civil cases, all contracts and claims and all lawful convictions, judgments and sentences in criminal actions, made and entered or pronounced by the courts within the Territory of Montana, and in force at the time the State shall be admitted into the Union shall continue and be and remain in full force in the State unaffected in any respect by the change from a Territorial to a State form of government and may be enforced and executed under the laws of the State.

SEC. 3. No crime or criminal offence committed against the laws of the Territory of Montana shall abate or be in any wise affected by reason of the change from a Territorial to a State form of government, but the same shall be deemed and taken to be an offence against the laws of the State and the appropriate courts of the State shall have jurisdiction over and to hear and determine the same; *Provided*; That this section shall not in any wise be construed to change the law of the statute of limitations, or the due effect or application of the same.

SEC. 4. Except as herein otherwise provided, the word "district" shall be substituted and read in lieu of the word "probate" in the terms "probate court" or "probate judge" whenever the same occur in the laws of the Territory of Montana, and all said laws which by their terms apply to probate courts or probate judges shall, except as in this constitution otherwise provided, upon a change from Territorial to State Government, be deemed and taken to apply to district courts and district judges; *Provided*; That all laws allowing fees to probate judges are hereby repealed.

SEC. 5. Clerks of district courts, until otherwise provided by law, shall each perform the duties and be entitled to the same fees as now provided by law for clerks of the district courts of the Territory, and until otherwise provided by law shall also perform the services and be entitled to fees therefor that are now provided for clerks of probate courts.

SEC. 6. Upon a change from Territorial to State government the seals in use by the supreme court and the Territorial district courts in and for the several counties respectively, shall pass to and become, until otherwise provided by law, the seals respectively of the supreme court and of the district courts of the State in such counties.

SEC. 7. Prosecutions for criminal offences against the laws of the Territory of Montana, pending at the time the State shall be admitted into the Union shall not abate; but the same shall continue and be prosecuted in the name of the State of Montana, and the title of every such action shall be changed to conform to this provision.

SEC. 8. Parties who, at the time of the admission of the State into the Union, may be confined under lawful commitments, or otherwise lawfully held to answer for alleged violations of any of the criminal laws of the Territory of Montana, shall continue to be so confined or held until discharged therefrom by the proper courts of the State.

SEC. 9. All writs, processes, prosecutions, actions causes of action, defenses, claims and rights of individuals, associations and bodies corporate existing at the time the State shall be admitted into the Union, shall continue and be respectively executed, proceeded with, determined, enforced and protected under the laws of the State.

SEC. 10. All undertakings bonds, obligations and recognizances in force at the time the State shall be admitted into the Union which were executed to the Territory of Montana, or any officer thereof in his official capacity, or to any official board for the benefit of the Territory of Montana, are hereby respectively assigned and transferred to the State of Montana, to the State officer successor to said Territorial officer, or to the official board successor to the aforesaid official board, for the use of the State, as the case may be, and shall be as valid and binding as if executed under State law to the State, or State officer in his official capacity, or official board, for the benefit of the State; and all fines, taxes, penalties and forfeitures due or owing to the Territory of Montana or to any county, school district, or municipality therein, at the time the State shall be admitted into the Union, are hereby respectively assigned and transferred, and the same shall be payable to the State, county, school district or municipality, as the case may be, and payment thereof may be enforced under the laws of the State.

SEC. 11. All propetry, real and personal and all moneys, credits claims, demands and choses in action of every kind, belonging to the Territory of Montana at the time the State shall be admitted into the Union, are hereby assigned and transferred to, and shall be vested in, and become the property of the State of Montana.

SEC. 12. All obligations of the Territory of Montana, existing, in force and unpaid at the time of the admission of the State into the Union are hereby assumed by the State which shall and will well and truly pay the same.

SEC. 13. All matters, cases and proceedings pending in any probate court of the Territory of Montana, at the time the State shall be admitted into the Union, and all official records, files, moneys, and other property of, or pertaining to such court, are hereby transferred to the district court in and for the same county and such district court shall have full power and jurisdiction to hear, determine and dispose of all such matters, cases and proceedings.

SEC. 14. All actions, cases and proceedings, and matters which shall be pending in the supreme and district courts of Montana Territory at the time of the admission of the State into the Union whereof the United States circuit or district court might have had jurisdiction, had suuh court existed at the commencement of such actions, cases, proceedings and matters respectively, shall be transferred to said United States circuit and district courts respectively; and all the files, records, indictments and proceedings relating to such actions, cases, proceedings and matters shall be transferred to said United States courts; *Provided*; That no civil action, cause or proceeding to which the United States is not a party shall be transferred to either of said United States courts except upon written request of one of the parties thereto and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 15. All actions, cases, proceedings and matters pending in the supreme and district courts of the Territory of Montana at the time the State shall be admitted into the Union and all files, records and indictments relating thereto, except as otherwise provided herein, shall be appropriately transferred, as may be proper to the supreme and district courts of the State, respectively, and all such actions, cases, and matters shall be proceeded with in the proper State courts.

SEC. 16. Upon a change from a Territorial to State government, and until otherwise provided by law, the great seal of the Territory shall be deemed and taken to be the great seal of the State of Montana.

SEC. 17. All Territorial, county and township officers now occupying their respective positions under the laws of the Territory of Montana, or of the United States of America, shall continue and remain in their respective official positions and perform the duties thereof as now provided by law after the State is admitted into the Union, and shall be considered State officers until their successors in office shall be duly elected and qualified, as provided by ordinance, notwithstanding any inconsistent provisions in this constitution and shall be entitled to the same compensation for their services as is now established by law; *Provided*, That the compensation for Justices of the Supreme Court, Governor and Secretary of the Territory shall be paid by the State of Montana.

Done in open convention at the city of Helena in the Territory of Montana, this seventeenth day of August, in the year of our Lord, one thousand eight hundred and eighty-nine.

WILLIAM A. CLARK, *President.*
WALTER M. BICKFORD,
J. F. BRAZLETON,
PETER BREEN,
E. D. AIKEN,
SIMON R. BUFORD,
WILLIAM MASON BULLARD,
WALTER A. BURLEIGH,
ALEX F. BURNS,
ANDREW J. BURNS,
EDWARD BURNS,
JAMES E. CALLAWAY,
EDWARD CARDWELL,
B. PLATT CARPENTER,
MILTON CAUBY,
WILLIAM A. CHESSMAN,
TIMOTHY E. COLLINS,
CHARLES E. CONRAD,
WALTER COOPER,
THOMAS F. COURTNEY,
ARTHUR J. CRAVEN,
W. W. DIXON,
D. M. DURFEE,
WILLIAM DYER,
WILLIAM T. FIELD,
GEORGE O. EATON,
J. E. GAYLORD,
PARIS GIBSON,
WARREN C. GILLETTE,
O. F. GODDARD,
FIELDING L. GRAVES,
R. E. HAMMOND,
CHARLES S. HARTMAN,
HENRI J. HASKELL,
LUKE D. HATCH,
LEWIS H. HERSHFIELD,
RICHARD O. HICKMAN,
S. S. HOBSON,
JOSEPH HOGAN,
THOMAS JOYES,
ALLEN R. JOY,
J. E. KANOUSE,
A. R. JOY,
W. J. KENNEDY,
H. KNIPPENBERG,
HIRAM KNOWLES,
CONRAD KOHRS,
C. H. LOUD,
LLEWELLYN A. LUCE,
MARTIN MAGINNIS,
J. E. MARION,
CHARLES S. MARSHALL,
WM. MAYGER,
P. W. McADOW,
C. R. MIDDLETON,
SAMUEL MITCHELL,
WILLIAM MUTH,
ALFRED MYERS,
WILLIAM PARBERRY,
W. R. RAMSDELL,
G. J. REEK,
JOHN C. ROBINSON,
L. ROTWITT,
J. E. RICKARDS,
FRANCIS E. SARGEANT,
LEOPOLD F SCHMIDT,
GEORGE W. STAPLETON,
JOSEPH K. TOOLE,
J. R. TOOLE,
CHARLES S. WARREN,
WILLIAM H. WATSON,
H. R. WHITEHILL,
CHAS. M. WEBSTER,
GEORGE B. WINSTON,
ARRON C. WHITTIER,
DAVID G. BROWNE,

ATTEST:
WM. H. TODD, *Chief Clerk.*

ORDINANCE NO. 1.

FEDERAL RELATIONS.

BE IT ORDAINED: First, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of the State of Montana shall ever be molested in person or property on account of his or her mode of religious worship.

Second: That the people inhabiting said proposed State of Montana do agree and declare that they forever disclaim all right and title to the unappropriated lands lying within the bounderies thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said State of Montana shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the said State of Montana on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein contained shall preclude the said State of Montana from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the land thus granted from taxation, but said last named lands shall be exempt from taxation by said State of Montana so long and to such extent as such act of Congress may prescribe.

Third: That the debts and liabilities of said Territory of Montana shall be assumed and paid by the State of Montana.

Fourth: That provision shall be made for the establishment and maintenance of a uniform system of public schools, which shall be open to all the children of said State of Montana and free from sectarian control.

Fifth: That on behalf of the people of Montana, we, in convention assembled, do adopt the Constitution of the United States.

Sixth: That the ordinances in this article shall be irrevocable without the consent of the United States and the people of said State of Montana.

Seventh: The State hereby accepts the several grants of lands from the United States to the State of Montana, mentioned in an act of Congress, entitled: "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such states." Approved February 22, 1889, upon the terms and conditions therein provided.

ORDINANCE II.

ELECTIONS.

Be it Ordained by the Convention Assembled to Form a Constitution for the State of Montana:

First: That an election shall be held throughout the Territory of Montana on the first Tuesday of October, 1889, for the ratification or rejection of the Constitution framed and adopted by this convention.

Second: At said election the Constitution framed and adopted by this convention shall be submitted to the people of the Territory for their ratification or rejection, and all persons who are then qualified electors under the laws of this Territory shall be qualified to vote for the ratification or rejection thereof.

Third: Said elections shall be held at the several polling places and precincts throughout the Territory appointed for the holding of elections under the laws of the Territory, and shall be conducted in the manner prescribed by the laws of the Territory regulating elections. The boards of county commissioners of the several counties of the Territory shall appoint judges and clerks of such election in each of said polling places and precincts in the same manner as is now required by law for the appointment of judges and clerks of general elections in the Territory.

Fourth: Each elector voting at said election shall have written or printed upon the ticket he may deposit in the ballot-box, the words: "For the Constitution," or "Against the Constitution."

Fifth: The votes cast at said election for the adoption or rejection of said Constitution shall be canvassed by the canvassing boards of the respective counties not later than fifteen days after said election, or sooner, if the returns from all of the precincts shall have been received and in the manner prescribed by the laws of the Territory of Montana for canvassing the votes at general elections in said Territory, and the returns of said election shall be made to the Secretary of the Territory, who, with the Governor and the Chief Justice of the Territory, or any two of them, shall constitute a board of canvassers, who shall meet at the office of the Secretary of the Territory on or before the thirtieth day after the election and canvass the votes so cast and declare the result

Sixth: That on the first Tuesday in October, 1889, there shall be elected by the qualified electors of Montana a Governor, a Lieutenant-Governor, a Secretary of State, an Attorney-General a State Treasurer, a State Auditor, a State Superintendent of Public Instruction, one Chief Justice and two Associate Justices of the Supreme Court, a Judge for each of the Judicial districts established by this Constitution, a Clerk of the Supreme Court and a Clerk of the District Court in and for each county of the State, and the members of the Legislative Assembly provided for in this Constitution. The terms of officers so elected shall begin when the State shall be admitted into the Union and shall end on the first Monday in January, 1893, except as otherwise provided.

Seventh: There shall be elected at the same time one representative in the Fifty-first Congress of the United States.

Eighth: The votes for the above officers shall be returned and canvassed as is provided by law, and returns shall be made to the Secretary of the Territory and canvassed in the same manner and by the same board as is the vote upon the Constitution, except as to Clerk of the District Court.

Ninth: There shall also be elected at the same time the following county and township officers: Three county commissioners, one clerk of the board of county commissioners, and ex-officio recorder, one sheriff, one county treasurer, one county superintendent of common schools, one county surveyor, one county assessor, one coroner, one public administrator one county attorney, two justices of the peace and two constables for each township. The terms of office for the above named officers shall begin upon the admission of the State and end upon the first Monday of January, A. D. 1893, except as to county treasurer whose term shall begin on the first Monday in March succeeding his election, and end on the first Monday of March, A. D., 1893, and also, as to county commissioners whose terms are otherwise provided for in this constitution.

Tenth: The votes for the above county and township officers and for clerk of the district court, shall be returned and canvassed and certificates of election to said officers issued as is now provided by law.

Eleventh: Notice of the election for the adoption or rejection of this constitution and for State, district, county and township officers shall be given by the clerks of the several boards of county commissioners in the same manner as notice of general elections for delegate to Congress and county officers is required to be given by the existing laws of the Territory.

Twelfth: That the provisions of this ordinance shall apply only to the election and to the officers elected on the first Tuesday of October, 1889.

MEMORIAL.

To the Senate and Hous of Representatives of the United States of America, in Congress Assembled:

Your memorialists, the Constitutional Convention of Montana, convened and sitting pursuant to an act of Congress entitled, "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22nd, A. D., 1889, respectfully represents that it has been in session since the fourth day of July, 1889; that the orderly and expeditious transaction of its business has required an additional clerical and other force not provided for under said act as construed by the Attorney General of the United States and the incurring of other necessary expenses in excess of the amount appropriated in said enabling act, approximating in the aggregate about seven thousand dollars; that your memorialists are advised and believe that Congress intended that the whole amount of necessary expenses incurred in holding said convention should be borne by the United States. Your memorialists therefor prays that the sum of seven thousand dollars, or so much thereof as may be necessary, may be appropriated by Congress to pay such extra ordinary and necessary expenses, and your memorialists will ever pray.

United States of America, } ss.
Territory of Montana. }

I, Louis A. Walker, Secretary of the territory of Montana, do hereby certify that I have compared the annexed and foregoing constitution of the state of Montana, as adopted by the Montana constitutional convention of 1889, with the original thereof, filed in my office on the 17th day of August, A. D. 1889, and that the same is a correct transcript therefrom, and of the whole of said original constitution.

Witness my hand and the seal of the territory of Montana, this 24th (SEAL.) day of August, A. D. one thousand eight hundred and eighty-nine.

LOUIS A. WALKER,
Secretary of the Territory of Montana.

TO THE PEOPLE OF THE TERRITORY OF MONTANA;

The constitutional convention, after a continuous session of forty-five days, has completed its labors and submits the accompanying constitution of the state of Montana to the qualified electors for their ratification or rejection.

We do not claim that it is a perfect instrument. No constitution ever reflected the concensus of public opinion upon all questions. All constitutions are the results of compromises. The constitution of the United States, cherished above all other instruments, was far from perfect when adopted, but time and the light of experience exposed its imperfections, and the fifteen amendments which were subsequently proposed and adopted demonstrated that the power of government lodged with the people may be safely relied upon to correct inequalities and provide new safeguards when required. So it will be with this constitution.

The usual provision for the submission and adoption of amendments is made. On the first day of October next a general election will be had, at which you will be called upon to ratify or reject the work of this convention. Each elector voting at said election shall have written or printed upon the ticket he may deposit in the ballot box the words "For the Constitution" or "Against the Constitution."

The constitution now proposed is similar in all its fundamental provisions to the constitution of 1884, which was ratified by a large majority: yet we think in this the judiciary system is better suited to the wants and interests of our people. We submit it in convenient form for your careful consideration and commend it as worthy of your unanimous approval. The adoption of the constitution will secure our admission upon an equal footing with the original states; it will give us adequate courts for the administration of justice; it will permit us to tax large quantities of land now exempt from taxation; it will give us the immediate benefit of school and other lands donated by the United States; it will relieve us of that unjust inhibition by which we are prohibited from selling our mines in foreign markets; it will give us a representative in congress and two United States senators to represent us in Washington; it will give us the right of suffrage in national elections; it will give us a stable government; it will invite capital and emigration; in short it will break the shackels of territorial bondage and elevate us to the full diginity of American citizenship.

Our population represents individuals who have enjoyed constitutional government in different states of the union, and those whose lives and aspirations have been circumscribed within the narrow limits of territorial vassalage. To neither of these is it necessary to address an argment in favor of our speedy admission into the union. Let every citizen who deserves well of his state, of his country and of mankind promote in every honorable way the ratification of this constitution.

We point with pride to the fact that no shadow of repudiation found its way into our constitution. That important point is well and safely guarded. Experience has taught the people of the United States that capital and emigration seek a stable and safe government. If Montana were a state to-day the capital that would seek investment and the immigrants who would seek homes in this our favored land of Montana would be increased in an immense ratio.

We, who are here to participate in laying deep and broad the foundation of this great commonwealth, will pass away, but our votes and efforts will live with the years to come—when all the problems of our day shall be solved, only to give place, perhaps, to others of deeper and graver import; we confidently hope and expect that the constitution will receive a hearty approval, and respectfully submit it to the consideration of an intelligent and patriotic people.

JOSEPH K. TOOLE,
B. PLATT CARPENTER,
W. W. DIXON,
JAMES E. CALLAWAY,
T. E. COLLINS,
WALTER M. BICKFORD,
CHARLES S. WARREN,
Committee on Address.

Helena, M. T., Aug. 26, 1889.