

to contract for the hire of the convict labor. Carried.

Graham, from the Committee of the Whole, reported C. B. No. 25, an Act to abolish the office of Territorial Treasurer and to appoint a fiscal agent. Report, with amendments, was adopted, and the bill ordered engrossed.

The Council went into the Committee of the Whole, Allebaugh in the chair, on C. B. No. 37, an Act to amend an Act relative to the collection of revenue. After adding three new sections the committee rose and asked leave to sit again.

Adjourned till 2 p. m. to-morrow.

HOUSE—Twenty-Fifth Day.

House met at 2 o'clock p. m., pursuant to adjournment. Speaker in the Chair.

Roll called; quorum present.

Prayer by Chaplain.

Journal of yesterday read and approved.

Carmichael, from the Committee on Enrollment, reported H. B. No. 15 correctly engrossed.

Curtis, of the Committee on Engrossment, reported H. B. No. 25, and C. B. No. 2 correctly engrossed.

The Speaker announced that he had signed H. B. No. 15, relating to crimes and punishments.

The order of business as left yesterday—third reading of House bills—was resumed.

H. B. No. 26, to authorize the Commissioners of Madison county to issue bonds and reduce certain of its outstanding warrants, was taken up, materially amended and ordered engrossed.

The House went into Committee of the Whole at 2:30, on H. B. No. 33, to provide for biennial elections, Carmichael in the chair.

In considering the election bill in Committee of the Whole several important amendments were adopted. One amendment provides that all who declare their intention to become citizens of the United States shall be entitled to vote for three years thereafter upon the strength of such declaration, but shall be debarred from voting thereafter until they shall perfect their citizenship in the open court as by law required, and thus assume the responsibilities as well as the duties of full citizenship.

Another very important amendment adopted provides that a voter shall be able to read and write unless physically disqualified to perform such functions.

Persons otherwise qualified may now vote after a three months' residence in the Territory, instead of six months as now prescribed.

An amendment also prevailed that contests for offices shall be tried before the respective District Judges, instead of before Probate courts, as now prevails.

While in Committee of the Whole upon the biennial elections bill, Sanders moved to strike out the section prohibiting Commissioners from establishing precincts upon any Indian reservation, and supported his motion at length by good and just reasons why citizens resident upon such reservations should have the same privileges accorded them as to those resident elsewhere in the Territory.

Word opposed the motion, charging that in the memory of all present, gross frauds had been perpetrated against the citizens of Montana at Indian agencies.

McCormick said he was willing that military reservations be stricken out, but was opposed to striking out Indian reservations. He said that Judge Knowles had held that property upon the Flathead reservation was without the jurisdiction of Territorial courts.

Sanders said there was nothing in the section relative to military reservations. He denied the charge of Word that frauds were perpetrated at Indian agencies, and said that such frauds existed only in the imagination of him and his ilk. He thought the residents upon two-thirds of the Territorial area practically disfranchised by this section were far more entitled to our consideration than were the carpet-baggers. Throw around the ballot-box every conceivable safeguard, but place it within the reach of our outer-most frontiersmen.

Word reiterated his charge of fraudulent voting, specifying the Teton agency and Fort Union. This very section was enacted to prevent a repetition of such frauds. The law containing this section had been enforced for four years, and had stood the test of experience, and he hoped it would remain upon the Statutes.

It so remained.

The Committee rose at 5:45 and reported progress.

The House resumed, Mr. Speaker in the Chair.

A communication was read from Council stating that the bill had passed making the Auditor ex-officio Superintendent of Public Instruction.

Recess until 7 p. m.

The House resumed at 7 p. m., Mr. Speaker in the Chair.

Roll called. Quorum present.

Stuart moved a call of the House. Messrs. Brooke, Burkett and Kennaally absent.

Sweeney moved that a further call of the House be dispensed with. Motion carried.

Sanders moved to indefinitely postpone H. B. No. 44. Lost.

The House went into a Committee of the Whole to consider C. B. No. 44, Word in the chair.

The House resumed, Speaker in the chair.

Word reported H. B. No. 44 back to the House recommending its passage. Report adopted and the bill ordered engrossed for the third reading.

Substitute for C. B. No. 2 was amended, read third time and lost.

Substitute for H. B. No. 25, an Act apportioning the members of the Legislative Assembly, was read third time and passed.

Curtis moved to amend the title so as to read "An Act to elect the counties of Jefferson and Gallatin out of their representatives." Lost.

H. B. No. 38 was referred to the Committee on Grazing and Stock Growing.

C. B. No. 30, defining the boundaries of Meagher county, was recommitted to the Committee on Towns and Counties.

H. B. No. 48 was taken up, the amendments adopted and the bill ordered engrossed for third reading.

H. B. No. 21 was ordered engrossed for third reading.

Brooke gave notice of a bill to change the county seat of Jefferson.

McCormick gave notice of a bill concerning divorces.

On motion of Curtis, the House adjourned till 2 p. m. to-morrow.

COUNCIL—Twenty-Sixth Day.

HELENA, January 28th, 1876.

Council met pursuant to adjournment, President in the chair.

Roll called—quorum present.

Prayer by the Rev. E. L. Toy.

Journal of yesterday read and approved.

A message was received from the House giving notice of the passage of certain bills.

Cullen, from the Judiciary Committee, reported back House substitute for C. B. No. 13, an Act to abolish private seals, with a recommendation that it do pass.

Bass reported C. B. No. 38 as correctly printed.

Cullen, from the Judiciary Committee, reported back H. B. No. 30, an Act to amend section 630 of the Civil Practice Act, with a recommendation that it do pass.

Lewis reported C. B. No. 21, with amendment, correctly engrossed.

Abascal, from Committee on Towns and Counties, reported back H. B. No. 36 with a recommendation that it do pass.

Cullen, from select committee, reported back H. B. 47, an Act to provide for funding the debt of Lewis and Clarke county, with a recommendation that it do pass.

Tatem, from Committee on Federal Relations, reported H. J. M. No. 1, and recommended its reference to the members from Meagher county, and it was so referred.

Bass introduced C. B. No. 44, to encourage the construction of the Northern Pacific Railroad, which was read twice and ordered printed.

Cullen introduced C. B. No. 45, to amend an act in relation to counties and county officers, approved January 12, 1872. Read twice and referred to the Committee on Ways and Means.

The President gave notice that he had signed H. B. No. 15, an act relative to crimes and punishments.

Bass moved that a committee of three be appointed to examine the mileage account of each member of the Council of the Ninth Legislative Assembly. Adopted.

The President appointed Bass, Hornbuckle and Cardwell such committee.

The substitute for H. B. No. 25, an act apportioning the members of the Montana Legislative Assembly, and prescribing the time of their election, was read twice and referred to the Committee on Elections.

C. B. No. 31, providing for the foreclosure of chattel mortgages, was a read a third time and passed.

H. B. No. 36, to provide for the appointment of fire wardens in Montana Territory, was read a third time and passed.

Hays moved that C. B. No. 37, an Act relative to the collection of revenue, be taken from the Committee of the whole and indefinitely postponed. Not agreed to.

Council went into Committee of the Whole on C. B. No. 37, Allebaugh in the chair.

Watson moved that when the Committee rise, it report this bill as amended to the Council, with a recommendation that it do pass. Agreed to.

Council resumed.

Cullen, from Judiciary Committee, reported, with amendments, Substitute for H. B. No. 6, An Act concerning affidavits, which was ordered engrossed, and read third time and passed.

Hays moved that the Council do not take action on any House bills hereafter printed until the Council has been furnished with a copy of the same. Agreed to.

Tatem moved that C. B. No. 38, in relation to the sale and purchase of votes, be referred to Committee on Elections. Agreed to.

On motion of Tatem, the Council adjourned until 2 p. m. to-morrow.

HOUSE—Twenty-Sixth Day.

The House met at 2 o'clock p. m., Speaker in the Chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, corrected and approved.

Brooke presented a petition signed by a large number of citizens of Jefferson county praying the Assembly to pass an enabling act submitting the question of removal of the county seat from Radersburg to Jefferson city to the voters of said county. Referred to Committee on Towns and Counties.

The following notices of bills were given:

By Curtis—To prevent swine from running at large.

By Burkett—To remove the Capital of Montana; and to tax dogs.

By Ford—Giving Justices of the Peace certain powers in certain cases.

C. B. No. 16, to provide for the funding of the outstanding indebtedness of Montana and to redeem the 12 per cent. bonds, was read first and second times.

McCormick moved to amend by inserting after the words "Territorial Treasurer," wherever they may occur, "or such other person as may be designated by law to perform the duties of such Treasurer." Adopted and bill referred to the Committee on Ways and Means.

C. B. No. 28, making the Territorial Auditor ex-officio Superintendent of Public Instruction, and increasing the Auditor's salary \$500, was read first and second times and referred to Committee on Education and Labor.

C. B. 35, relating to Notaries Public, was read first and second times and referred to Judiciary Committee. The bill provides that the Governor shall nominate and the Council approve one or more Notaries in the Territory.

H. B. 50, introduced by Curtis, an Act to facilitate matrimony, was read first and second time. It provides that in Leap Years, Justices of the Peace and others authorized to administer marital rites, shall perform such rites for the pecuniary consideration of \$1.

Curtis moved to refer to Committee on Internal Improvements. Lost.

McCormick moved to suspend the rules and put the bill upon its final passage, it being a bill of vast import. Lost by 16 yeas to 6 nays, the bachelors of the House voting nay almost to a man.

The bill was then referred to Committee on Stock-growing and Grazing.

H. B. 51, introduced by Word, relative to judgments in Justices Courts, was read first and second time, and referred to Judiciary Committee.

H. B. 52, introduced by McCormick, relative to divorces, was read first and second time, and referred to Committee on Printing.

H. B. 53, introduced by McKnight, creating the new county of Dearborn, was read first and second time, and referred to the delegations from the counties affected. The proposed new county takes all of Lewis and Clarke north of Rock Creek, a slice each from Meagher and Missoula counties, and all that part of Chouteau county north and west from the mouth of Sun River. The Governor is instructed therein to appoint temporary officers, and the town of Sun River is designated as temporary county seat. The new county to assume its pro rata of indebtedness of the several counties from which it is formed.

H. B. 54, introduced by Worden, to protect agricultural societies, was read first and second time, and referred to Committee on Agriculture and Manufactures.

H. B. 55, introduced by Moore (Deer Lodge) regulating fees of witnesses and jurors, was read first and second times, and referred to Judiciary Committee.

H. B. 56, introduced by Brooke, for removal of county seat of Jefferson county from Radersburg to Jefferson City, was read first and second time, and referred to the delegation from Jefferson county. It is specified in the bill that, if a majority of the voters are in favor of removal such removal shall take place; provided, the people of Jefferson City shall erect good and suitable county buildings within a specified time and deed the same to the county.

H. B. 57, taxing a jury fee of ten dollars in all civil actions in courts of record, was read a third time.

Word moved to amend, by "five" instead of "ten." Declared out of order.

Word asked unanimous consent to so amend. Objected to.

Word moved to recommit the bill to Judiciary Committee.

Curtis moved to table the motion to recommit. Lost.

The motion to recommit to Judiciary Committee then prevailed.

H. B. 21, to transfer unappropriated road money to school fund of respective districts, was read third time and passed.

H. B. 48, to protect public bridges, was read third time and passed.

H. B. No. 26, to provide for funding the debt of Madison county, was taken up for third reading.

Carmichael said he desired a remonstrance from his constituents read previous to the third reading of the bill. The remonstrance set forth that the object of the bill was to legalize a large debt created by the County Commissioners contrary to law and attached thereto were over 300 names.

Word also presented a petition praying for a bill corresponding with the one under consideration.

Carmichael offered an amendment that no warrants should be issued until decided legally issued by the District Court.

Word opposed the amendment on the ground that it would virtually kill the bill. There was nothing in the bill attempting to legalize any illegal issue of warrants, and he did not think it within the province of the Assembly to legalize an illegal act. The act was not to take effect until April next, and there would be plenty of opportunities in the meantime to establish the illegality, if such there existed, in the creating of the county debt. He claimed the measure as one of great relief to his county.

McCormick desired to know in what respect.

Word said the bonds were not to bear a greater interest than 10 per cent., and that the warrants now outstanding bore 10 per cent. interest.

Word further said, in answer to inquiry, that any citizen of his county could restrain the issue of bonds or payment of money until the legality or illegality of such debt be established. The particular portion of the debt remonstrated against was created nearly a year ago, yet no one has thought seriously of testing its validity. He had learned more about this illegality in this House than he had in all the past year in his county.

Carmichael said the controversy in his county was caused by the Commissioners borrowing money to build a Court House last year contrary to the remonstrances of a majority of the county voters. The debt was created in direct violation of a law upon the Statutes, which stipulates that County Commissioners shall not borrow money to construct county buildings without first submitting the question to a vote of the people. He represented Madison county, and asserted that nine-tenths of the people of that county outside of Virginia City were opposed to such action then taken by the Commissioners and to the provisions of this bill.

Sanders said he would not be dragged into any controversy over the affairs of Madison county further than his duty as a legislator dictated. Although he objected on general principles to bonding outstanding warrants he desired to vote for this bill, which is supported by a majority of the delegates from Madison. But grave charges were made in the remonstrances read and if they were founded upon fact the amendment offered should be adopted, and if not founded upon fact no harm could come of it. He would favor the bill if amended as proposed, but not as it stood.

Word said if the gentleman from Lewis and Clarke would not be dragged into any, he certainly had a great knack of slipping into controversies.

The amendment was lost by 10 yeas to 16 nays.

The bill was then read third time.

Carmichael moved that the bill be recommitted with instructions to have section 2 amended by striking out "ten" and inserting "eight" in lieu thereof, making the bonds bear eight per cent. interest instead of ten. Lost.

The bill then passed by the following vote: Ayes—Beal, Brooke, Burkett, Cave, Chessman, Clewell, Curtis, Ford, Kennaally, Mead, Moore, (Deer Lodge) McCormick, McKnight, Olds, Sweeney, Tierney, Woodlock, Word, Worden.

Nays—Carmichael, Moore, (Gallatin) Reed, Rotwitt, Sanders, Stuart, Speaker.

The House took recess till 7 p. m.

The House resumed at 7 p. m., Mr. Speaker in the chair.

Roll called. Quorum present.

The bill defining the boundaries of Meagher was read third time and passed.

Adjourned till 2 p. m. to-morrow.

COUNCIL—Twenty-seventh Day.

HELENA, January 29, 1876.

Council convened pursuant to adjournment. Roll called. Quorum present.

The Journal of yesterday was read and approved.

The President announced that he had signed C. J. M. No. 2, and H. B. No. 31, an act to fund the outstanding debt of Jefferson county.

Watson, from the Ways and Means Committee, reported back C. B. No. —, relating to counties and county officers, and recommended its passage.

Allebaugh, from Committee of the Whole, reported back C. B. No. 37, relative to the collection of revenue, with sundry amendments.

Hays moved to indefinitely postpone. Not agreed to.

Hornbuckle moved that it be considered in Committee of the Whole after the morning hour. Agreed to.

Bbasal, from select committee to whom was referred H. B. No. 39, to change the boundary lines of Choteau and Deer Lodge

counties, reported the same back and recommended its passage. Report adopted.

Hays introduced C. B. No. 46, for the relief of John C. Guy. Referred to a select committee consisting of Hornbuckle, Constans, and Cardwell.

Lewis introduced C. B. No. 47, to repeal sections 244 and 247, chapter 11, Civil Practice act. Referred to the Committee on Judiciary.

Watson introduced C. J. No. 6, relating to printing. Referred to the Committee on Printing.

C. B. No. 30, defining the boundary lines of Meagher county, was returned from the House with amendments, and laid on the table till next Tuesday.

H. B. —, an Act to provide for funding the debt of Madison county, was read twice, and on motion of Watson was referred to the members of Madison and Beaverhead counties.

Substitute H. B. 21, an Act to provide for the transfer of road monies in certain cases for the benefit of public schools, was referred to the Committee on Roads and Highways.

Tatem reported C. J. M. No. 2 correctly enrolled; also, C. B. 31 correctly enrolled.

Lewis reported C. B. 25 correctly engrossed.

Bass, from Committee on Agriculture and Manufactures, reported C. B. 26, an Act to exempt woolen factories from taxation, with recommendation that it do pass.

Hornbuckle, from Immigration Committee, reported back the game law, with a recommendation that it do pass.

Bass, from select committee, reported H. B. No. 40, An Act to authorize the County Commissioners of Missoula County to apply certain monies for a special purpose. Report adopted and the bill ordered engrossed.

H. B. 30, An Act to amend section 630 of Civil Practice Act, concerning proceedings in Probate Courts, read third time and passed.

H. B. 47, An Act to fund the debt of Lewis and Clarke county, was referred to the members from Lewis and Clarke county.

C. B. 45, An Act in relation to counties and county officers, was engrossed, read third time and passed.

C. B. 25, An Act to abolish the office of Territorial Treasurer and to provide for the appointment of a Fiscal Agent, read third time and passed.

C. B. 26, An Act to exempt woolen mills and their machinery from taxation, was considered engrossed, read third time and passed.

Watson moved to reconsider the vote by which C. B. 37 was ordered to the Committee of the Whole. Agreed to. The bill was then ordered engrossed for a third reading.

The Council then went into Committee of the Whole, Lewis in the Chair, on C. B. 23, An Act to protect game, fur-bearing animals and fish in Montana.

HOUSE—Twenty-seventh Day.

House met pursuant to adjournment, Mr. Speaker in the chair.

Roll called; quorum present.

Prayer by the Chaplain, Rev. W. Harris.

Journal of yesterday read and approved.

The following notices of bills were given:

By Reed—To prevent the sale of intoxicating liquors on election days.

By Woodlock—For the protection of miners.

By Stuart—For the relief of Dr. A. H. Mitchell, — Shields and Jas. H. Mills.

The Committee on Education and Labor, to whom was referred C. B. No. 28, making the Auditor ex-officio Superintendent of Public Instruction, submitted the following report:

That, inasmuch as the Auditor, to be well qualified for his office, must necessarily be a man of good business qualifications and especially a man of figures, while on the other hand the Superintendent of Public Instruction cannot possibly do justice to his important trust unless he is a man of considerable learning and culture; and that, inasmuch as the two offices to be filled with the necessary ability require such a great variety of diverse attainments, seldom found combined in one individual, therefore, we, your committee, deem it our duty, in justice to the people of this Territory, and to the rising generation especially, to insist that the Superintendent of Public Instruction should be free from any influences foreign to his office as such Superintendent of Public Instruction, and therefore report the bill back with the recommendation that it do not pass.

[Signed]

BEALL.
ROTWITT.
WORDEN.

On motion of Sanders, the House proceeded to elect a temporary Page to serve during the disability of the incumbent, James B. Walker. Bennie Roberts was chosen temporary Page.

C. B. No. 21, to provide for the foreclosure of chattel mortgages, was read first and second times and referred to Committee on Ways and Means.

H. B. No. 58, introduced by Curtis, to prevent swine from running at large, was read first and second times and referred to Committee on Grazing and Stock Growing.

H. B. No. 59, introduced by McCormick, to provide for the maintenance of the county sick and poor, was read first and second times and referred to Committee on Printing.

H. B. 60, introduced by Burkett, to tax dogs \$2 and bitches \$3, was read first and second times and referred to Committee on Ways and Means.

H. B. No. 61, introduced by Moore, of Deer Lodge, to authorize Justices of the Peace and other Courts to compel certain persons to give bonds to keep the peace, was read first and second times and referred to Judiciary Committee.

H. B. No. 62, introduced by Kennaally, regulating the width of lead claims, was read first and second times and referred to Committee on Mines and Minerals.

H. M. No. 3, introduced by McCormick, setting forth, that owing to certain obstructions in the Columbia river, Montana was deprived of salmon fish, and that if such obstructions were removed, the streams of the West Side would be filled with such salmon fish, and praying the Paternal Government to appropriate for this purpose the small sum required, was read first and second times, and referred to Committee on Federal Relations.

H. B. 16, to provide for the appointment of one Assessor for each county by the respective Commissioners thereof, was read third time, and lost by 10 yeas to 16 nays.

Curtis moved to reconsider the vote by which H. B. 16 was lost. Carried, and the bill was recommitted to Committee on Ways and Means.

H. B. 9, relative to records, was read third time and passed.

H. B. 42, to facilitate and enforce the performance of official duties, imposing penalties on district and county officers for non-performance of duty or malfeasance in office, was read third time and passed.

H. J. M. No. 2, praying Congress to return to the public domain all lands set aside for the N. P. R. R. in Montana, and give said company U. S. bonds in lieu thereof, was read a third time and passed.

H. B. 20, to regulate fees of district clerks, was reported back by Judiciary Committee, with a substitute, which reduces the fees of such officials to bed-rock prices. The substitute was adopted, read first and second time, and ordered printed.

Adjourned till 3 p. m. Monday.

