

1889

# HOUSE JOURNAL

OF THE

## THIRTEENTH SESSION

OF THE

# Legislative Assembly

OF THE

## TERRITORY OF MONTANA,

BEGUN AT HELENA, THE CAPITAL OF SAID TERRITORY, ON THE EIGHTH DAY OF JANUARY, A. D. 1883, AND CONCLUDED ON THE EIGHTH DAY OF MARCH, A. D. 1883.

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1883.

THIRTEENTH LEGISLATIVE ASSEMBLY  
OF THE  
TERRITORY OF MONTANA.

HOUSE JOURNAL.

FIRST DAY.

HOUSE OF REPRESENTATIVES,  
Helena, M. T., January 8, 1883.

Pursuant to a custom which has obtained in the Territory of Montana, Jas. E. Kanouse, Chief Clerk of the Twelfth Legislative House, at 12 M., called the roll of members returned as elected to the House of the Thirteenth Legislative Assembly from the various counties of Montana Territory, as evidenced by the election returns deposited with the Territorial Auditor, and the following named gentlemen appeared and answered to their names, to wit:

Jefferson county: Jos. S. Allen, B. B. Mills.

Deer Lodge county: J. D. Armstrong, Alex. E. Mayhew.

Choteau county: Jos. A. Baker, W. B. Settle.

Missoula county: Orlando B. Batten.

Madison county: Henry N. Blake, Richard O. Hickman.

Beaverhead county: John E. Clutter, Wm. T. Jacobs.

Lewis and Clarke county: Harry R. Comly, Robert C. Wallace,  
Frank D. Cooper.

Meagher county: Jas. E. Kanouse, Thomas Dean.

Gallatin county: Caldwell Edwards, H. J. Wright.

Silver county: Sidney Erwin, P. W. McAdow.

Silver Bow county: Jno. F. Forbis, Lee Mantle, Daniel O'Grady.

Dawson county: John F. Maloney.

On motion of O'Grady, Jno. F. Forbis was elected Speaker *pro*

*tem.* On motion of Armstrong, David Marks was elected Chief Clerk *pro tem.*

1889

HOUSE OF REPRESENTATIVES.

ALEX. E. MAYHEW, *Speaker*,  
 JOSEPH S. ALLEN,  
 J. D. ARMSTRONG,  
 JOSEPH A. BAKER,  
 ORLANDO B. BATTEN,  
 HENRY S. BLAKE,  
 JOHN E. CLUTTER,  
 HARRY R. COMLY,  
 FRANK D. COOPER,  
 THOMAS DEAN,  
 CALDWELL EDWARDS,  
 SIDNEY ERWIN,  
 JOHN F. FORBIS,  
 RICHARD O. HICKMAN,  
 WILLIAM T. JACOBS,  
 JAMES E. KANOUSE,  
 JOHN F. MALONY,  
 LEE MANTLE,  
 PERRY W. MCADOW,  
 PETER B. MILLS,  
 WILLIAM B. SETTLE,  
 DANIEL O'GRADY,  
 ROBERT C. WALLACE,  
 HENRY J. WRIGHT.

SUBORDINATE OFFICERS HOUSE OF REPRESENTATIVES.

DAVID MARKS, *Chief Clerk*,  
 J. W. KEMPER, *Enrolling and Engrossing Clerk*.  
 N. DICKENSON, *Sergeant-at-arms*,  
 JOHN T. SHANNON, *Watchman*,  
 STONEWALL ROE, *Page and Messenger*.  
 REV. FREDERICK T. WEBB, *Chaplain*.

MEMBERS OF THE COUNCIL.

GRANVILLE STUART, *President*,  
 HENRY S. BACK,  
 W. E. BASS,  
 EDWARD CARDWELL,  
 WILLIAM A. CHESSMAN,  
 CHARLES G. COX,  
 ALFRED B. HAMILTON, *Contestant*,  
 WARREN C. GILLETTE,  
 ARMISTEAD H. MITCHELL,  
 WILLIAM W. MORRIS,  
 GEORGE D. THOMAS,  
 BENJAMIN F. WHITE,  
 AARON C. WITTER,

SUBORDINATE OFFICERS OF COUNCIL.

JAS. B. WELLS, *Chief Clerk*,  
 W. I. LIPPINCOTT, *Enrolling and Engrossing Clerk*,  
 SAM'L. ALEXANDER, *Sergeant-at-arms*.  
 REV. L. L. WOOD, *Chaplain*,  
 DANIEL SWEENEY, *Page and Messenger*,  
 WM. WOODCOCK, *Watchman*.

in the foregoing oath is that of a member of the House of Representatives of said Territory.

DECUS S. WADE,  
Chief Justice of Montana.

On motion of Hickman a vote of thanks was tendered to Chief Justice Wade for his kindness and courtesy in administering the oath. On motion of Blake the rules of the House of the twelfth session were adopted temporarily.

On motion of Armstrong the House proceeded to a permanent organization.

The following nominations were then made for permanent Speaker:

By Blake—R. O. Hickman, of Madison.

By O'Grady—Harry O. Comly, of Lewis and Clarke.

By Batton—Alex. E. Mayhew, of Deer Lodge.

By Allen—Jas. E. Kanouse, of Meagher.

On motion the House proceeded to vote by ballot upon the office of Speaker.

The Chair appointed Messrs Batten and Mantle as tellers.

The first ballot resulted as follows—Hickman, 10; Comly, 5; Mayhew, 7; Kanouse, 2. No choice.

Second ballot—Hickman, 10; Mayhew, 7; Comly, 5; Kanouse, 2. No choice.

Blake moved that the person having the highest number of votes on the next ballot be declared elected Speaker of the House.

O'Grady moved to amend by dropping the one receiving the least number of votes.

A point of order having been raised by Blake, the Chair ruled the amendment out of order.

On motion of Allen the motion of Blake was laid on the table.

The House then proceeded to take a third ballot, with the following result:

Third ballot—Hickman, 10; Comly, 5; Mayhew, 5; Kanouse, 4. No choice.

Fourth ballot—Hickman, 10; Mayhew, 7; Comly, 5; Kanouse, 2. No choice.

Fifth ballot—Hickman, 10; Mayhew, 7; Comly, 5; Kanouse, 2. No choice.

Allen withdrew the name of Jas. E. Kanouse.

Sixth ballot—Hickman, 10; Comly, 6; Mayhew, 8. No choice.

Seventh ballot—Hickman, 7; Comly, 8; Mayhew, 7. No choice.

Eighth ballot—Hickman, 11; Comly, 5; Mayhew, 7; Wright, 1. No choice.

Ninth ballot—Hickman, 9; Comly, 7; Mayhew, 8. No choice.

Tenth ballot—Hickman, 10; Comly, 6; Mayhew, 7; Mantle, 1. No choice.

Allen moved to adjourn until 10 A. M. to-morrow. Motion lost.

Eleventh ballot—Hickman, 8; Mayhew, 8; Comly, 8. No choice.  
Twelfth ballot—Hickman, 10; Mayhew, 7; Comly, 6; Blake, 1. No choice.

Thirteenth ballot—Hickman, 8; Mayhew, 8; Comly, 7; Blake, 1. No choice.

Fourteenth ballot—Hickman, 10; Mayhew, 8; Comly, 5; Edwards, 1. No choice.

Fifteenth ballot—Hickman, 10; Mayhew, 9; Comly, 5. No choice.

Sixteenth ballot—Hickman, 10; Mayhew, 9; Comly, 4; Erwin, 1. No choice.

On motion of Blake, in respect to the memory of General Andrew Jackson, the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,  
Chief Clerk, *pro tem.*

## SECOND DAY.

HOUSE OF REPRESENTATIVES,  
January 9th, 1883.

House met, pursuant to adjournment, at 10 o'clock A. M.  
Mr. Speaker *pro tem* in the chair.

Roll called, quorum present.

Journal of first day read and approved.

Mr. Hickman, by consent of the House, withdrew his name as a contestant for the office of Speaker.

The seventeenth ballot was then taken for the Speakership, with the following result—Mayhew, 12; Comly, 3; Kanouse 7; McAdow, 1.

Mr. Mayhew having received a majority of all the votes cast, was declared elected Speaker of the House.

On motion of Kanouse, the Chair appointed Kanouse and Erwin a committee to conduct the Speaker elect to the chair.

The following named gentlemen were placed in nomination for the office of Chief Clerk:

By Comly—David Marks.

By Hickman—J. G. Sanders.

By Mills—Henry Addoms.

A ballot was then taken with the following result—Addoms, 2; Marks, 11; Sanders, 10; blank, 1.

On motion of Comly a call of the House was had.

McAdow was found absent.

Blake moved that a further call be dispensed with. Motion lost.

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

On motion of Kanouse, the chair appointed the following named gentlemen a Committee on Credentials, to wit: Kanouse, O'Grady, Mayhew, Jacobs and Blake.

On motion of Hickman, the House took a recess until 2 p. m.

2 o'clock P. M.  
House resumed.

Speaker *pro tem* in the chair.

Roll called, quorum present.

Kanouse, Chairman on Committee of Credentials, made the following report:

*Mr. Speaker:*

Your Committee on Credentials beg leave to report that they have performed the duty assigned them, and find the following named gentlemen entitled to seats as members of this body:

From Lewis and Clarke county: H. R. Comly, R. C. Wallace, F. D. Cooper.

From Deer Lodge county: A. E. Mayhew, J. D. Armstrong.

From Silver Bow county: J. F. Forbis, Dan'l. O'Grady, Lee Mantle.

From Missoula county: O. B. Batten.

From Beaverhead county: W. T. Jacobs, J. E. Clutter.

From Jefferson county: J. S. Allen, P. B. Mills.

From Madison county: H. N. Blake, R. O. Hickman.

From Gallatin county: C. Edwards, H. J. Wright.

From Meagher county: J. E. Kanouse, Thos. Dean.

From Choteau county: W. B. Settle, J. A. Baker.

From Custer county: P. W. McAdow, S. Irwin.

All of which is respectfully submitted.

J. E. KANOUSE,  
*Chairman.*

On motion of Blake, the report was adopted and the committee discharged.

Hickman moved to proceed to elect a Sergeant-at-arms and the committee Motion prevailed.

Comly placed Jerry Robinson in nomination; Mr. Hickman placed Newton Dickenson in nomination; Mr. Allen placed Mr. John Quirk in nomination; Mr. Mills placed Mr. Bunch in nomination, and Mr. Maloney placed Mr. Bosworth in nomination.

Comly moved that further consideration of the election of a Sergeant-at-arms be postponed until 10 a. m. to-morrow.

Mr. Newton Dickenson's name was withdrawn by Mr. Hickman.

Comly withdrew his motion.

On motion of Allen, the House indefinitely postponed the election of a temporary Sergeant-at-arms.

On motion of Blake, the chair appointed Messrs Blake and Maloney to wait upon Chief Justice D. S. Wade, and ask him to appear in the House and administer the oath of office to the members,

On motion the house took a recess until the return of the committee.

2.15 o'clock P. M.

House resumed.

Mr. Speaker *pro tem* in the chair.

Roll called, all present.

Blake, of Special Committee to wait upon the Chief Justice, reported that duty assigned the committee had been performed, and that Judge Wade was upon the floor of the House.

Chief Justice D. S. Wade then appeared and administered the oath of office to the members whose names are attached to the following copy of the oath.

TERRITORY OF MONTANA, } ss  
COUNTY OF LEWIS AND CLARKE, }

The undersigned, being first duly sworn, each for himself, and not one for the other, depose and says:

I do solemnly swear, that I will support, protect and defend the Constitution of the United States and the Organic Act of the Territory of Montana, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Territory, 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.

Henry N. Blake,

Jac. F. Forbis,

Robert C. Wallace.

Frank D. Cooper,

Peter B. Mills,

Joseph S. Allen.

W. B. Settle,

Joseph A. Baker,

Richard O. Hickman,

Henry J. Wright,

Caldwell Edwards,

S. H. Erwin,

A. E. Mayhew,  
Joseph D. Armstrong,

Olando B. Batten,

P. W. McAdow,

J. F. Maloney,

Jas. E. Kanouse,

W. T. Jacobs,

Daniel O'Grady,

John E. Clutter,

H. R. Comly,

Thos. Dean,

Lee Mantle,

I do hereby certify that I administered the foregoing oath to the above-named members of the House of Representatives of Montana Territory, on the 8th day of January, A. D. 1883; that I administered said oath in the Hall of the House of Representatives, in Helena, county and Territory aforesaid; and that the office mentioned