

LAWS, RESOLUTIONS ^{AND} MEMORIALS

—OF THE—

Territory of Montana,

PASSED AT THE

THIRTEENTH REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY,

HELD IN HELENA, THE SEAT OF GOVERNMENT OF SAID TERRITORY
COMMENCING JANUARY 8, A. D. 1883, AND ENDING
MARCH 8, A. D. 1883.

TO WHICH ARE PREFIXED

SECTIONS OF THE REVISED STATUTES OF THE UNITED STATES, AND
SUBSEQUENT ACTS OF CONGRESS, RELATING TO GOVERNMENT
IN THE TERRITORY OF MONTANA.

PUBLISHED BY AUTHORITY.

GEO. E. BOOS,
PUBLIC PRINTER AND BINDER,
HELENA, MONTANA.
1883.

GEO. E. BOOS,
PRINTER AND BOOKBINDER.
HELENA, MONTANA.

CERTIFICATE OF AUTHENTICATION.

—()—

TERRITORY OF MONTANA, } ss.
SECRETARY'S OFFICE, }

I, ISAAC D. McCUTCHEON, Secretary of the Territory of Montana, do hereby certify that the printed laws, resolutions and memorials contained in this volume are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the thirteenth regular session of the Legislative Assembly of said Territory, begun January 8th A. D. 1883, and ending March 8th, A. D. 1883, and held at Helena, the seat of government of said Territory, with the exceptions of corrections in orthography and punctuation, and omissions or substitute words inserted in brackets.

[SEAL.]

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory. Done at Helena, the seat of government of the Territory of Montana, this 5th day of August, A. D. 1883.

ISAAC D. McCUTCHEON,
Secretary of the Territory of Montana.

—0—

Members of the 13th Legislative Assembly.

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THE TERRITORIES.

REVISED STATUTES OF THE UNITED STATES.

TITLE XXIII. CHAPTER ONE.

Provisions Common to all the Territories.

Sec. 1839. Nothing in this title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such Territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

Right of Indians in person and property not impaired by this Title. &c.; Boundaries, &c., Mont. 26 May 1864

Sec. 1840. Nor shall anything in this Title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

Authority to regulate Indians. Ibid.

Sec. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

Executive power. Ibid.

SEC. 1842. Every bill which has passed the legislative assembly of any Territory shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law: [*Provided*, That so much of this section as provides for making any bill passed by the legislative assembly of a Territory a law, without the approval of the governor, shall not apply to the Territories of Utah and Arizona.]

Veto power,
Ibid.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the Secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

Secretary,
Ibid.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

Secretary's
Duties,
Ibid.

Salaries of
governors and
secretaries.
23 Jan. 1873.
1 May, 1876.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the gov-

ernors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected.

Legislative power.
Mont. 26 May, 1864; 3 March, 1869; 21 June, 1871.

SEC. 1847. Previous to the first election for members of the legislative assembly of a Territory in which Congress may hereafter provide a temporary government, the governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts is entitled under the act providing such temporary government for the particular Territory. The persons having the highest number of legal votes in each of the districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

Census and election.
Mont. 26 May, 1864.

SEC. 1848. After such first election, however, the time, place, and manner of holding elections by the people in any newly-created Territory, as well as of holding all such elections in Territories now organized, shall be prescribed by the laws of each Territory.

Time and place of holding elections.
Ibid.

SEC. 1849. The apportionment of representation, which the governor is authorized to make by section eighteen

Apportionment.
Ibid.

hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such first election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population, except Indians not taxed; and thereafter in such new Territory as well as in all Territories now organized, the legislative assemblies, respectively, may re-adjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

Laws to be submitted to Congress.
Ibid.

Sec. 1850. All laws passed by the legislative assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

Extent of legislative power.
Ibid.

Sec. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Limit of time of sessions.
23 Jan. 1873.

Sec. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Members of legislature prohibited from holding certain offices.
Mont. 26 May 1861.

Sec. 1854. No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory. The exception of postmasters shall not apply in the Territory of Washington.

Prohibition of extra compensation to certain officers.
23 Jan. 1873.

Sec. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

Election of justices of the peace and militia officers.
Mont. 26 May 1861.

Sec. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective legislatures may provide by law.

SEC. 1857. All township, district, and county officers except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

Other officers.
Ibid.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

Vacancies,
how filled.
8 June, 1872

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

Qualifications of voting
and holding
office at first
election
Mont 26 May
1861

SEC. 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

At future
elections.
Ibid

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

25 Jan 1867

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in

any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Subordinate
officers of leg-
islature
24 Jan 1873

Sec. 1861. The subordinate officers of each branch of every legislative assembly shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one door-keeper, one messenger, and one watchman, who shall each receive a compensation of five dollars per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to any Territory.

Delegate to
Congress
Mont 26 May,
1861

Sec. 1862. Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

Time, places
and manner of
electing Dele-
gate
Ibid

Sec. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and manner of holding the election shall be prescribed by the law of each Territory. [See § 25.]

Supreme
courts of Ter-
ritories
Ibid.

Sec. 1864. The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

Judicial dis-
tricts and
courts.
Ibid, 7 April
1874.

Sec. 1865. Every Territory shall be divided into three judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

Sec. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

Jurisdiction of courts.
Ibid, 7 April 1874.

Sec. 1867. No justices of the peace in any Territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

Jurisdiction of justices of the peace.
Ibid.

Sec. 1868. The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

Chancery and common law jurisdiction.
Ibid.

Sec. 1869. Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the Territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

Appellate jurisdiction of supreme court
Ibid

Sec. 1870. The supreme court of each Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

Clerk of Supreme court.
Mont. 26 May 1861.

Sec. 1871. Each judge of the supreme court of the respective Territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

Clerk of district court.
Ibid.

Sec. 1872. Every district clerk shall be also the register in chancery, and shall reside and keep his office at the place where the court is held.

Register in chancery; residence and office.
Ibid.

Sec. 1873. Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or sub-divisions of each judicial district.

Judicial districts; how defined.
Ibid.

Sec. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

Judges of supreme court to hear certain causes.
Ibid.

District attorneys
Ibid. SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

Marshals.
Ibid. SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

Appointment of governor, &c.
Ibid. SEC. 1877. The governor, secretary, chief justice, and associate justices, attorney, and marshal of every Territory shall be nominated and, by and with the advice and consent of the Senate, appointed by the President.

Oath of office; how qualified.
Ibid.
1 May, 1876.
But see act Fifth Congress, on page 25. SEC. 1878. The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

Salaries of justices.
17 June, 1870. SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each.

Salary of attorney.
Mont. 26 May 1864. SEC. 1880. The salary of the attorney of the United States for each Territory shall be at the rate of two hundred and fifty dollars annually.

SEC. 1881. The salary of the marshal of the United States for each Territory shall be at the rate of two hundred dollars a year.

Salary of marshal.
Ibid.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justice and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States.

When salaries to be paid.
&c.
Ibid.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, Title "THE JUDICIARY," and no other compensation shall be taxed or allowed.

Fees of clerks
&c.
23 June, 1874.

SEC. 1884. When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

Salary not to be paid when officer is absent.
Mont. 26 May 1864.

SEC. 1885. The legislative assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as soon thereafter as it may be deemed expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for the Territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

Seat of government in a new territory.
Ibid.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made.

Accounts of the Territories no payments unless approved by Congress.
Mont. 26 May 1864.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories.

Limitation
on expenses of
printing.
3 May, 1872.
19 June, 1878.

SEC. 1888. No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

Limitation
on expenses of
legislature
Mont. 26 May
1864.

SEC. 1889. The legislative assemblies of the several Territories shall not grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

Legislatures
not to grant
special char-
ters
2 March, 1867.
10 June, 1872.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

Limitation
on right of re-
ligious corpo-
rations to hold
real estate
Mont. 26 May
1864.

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

Constitution
and laws of
the United
States made
applicable to
all the Terri-
tories.
Mont. 26 May
1864.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or district in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming, and Colorado.

Penitenti-
aries.
10 Jan. 1871.

SEC. 1893. The Attorney General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the Attorney General.

Rules for
their govern-
ment.
10 Jan. 1871.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders

against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

Payment of Marshal, &c., and of expenses of subsistence, &c., of offenders.
Ibid.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

Imprisonment in penitentiaries.
Ibid

CHAPTER TWO.

Of Provisions Concerning Particular Organized Territories.

SECTIONS RELATING TO THE TERRITORY OF MONTANA.

SEC. 1903. All that part of the territory of the United States included within the following limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west, on the forty-fifth degree of latitude, to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south, along the thirty-fourth degree of longitude, to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward, along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary-line of the British Possessions; thence eastward, along that boundary-line to the twenty-seventh degree of longitude west from Washington; thence southward, along the twenty-seventh degree of longitude, to the place of beginning, is created into a temporary government by the name of the Territory of Montana.

Boundaries and establishment of Montana.
26 May, 1864.

Delegate to Congress from Mont'na must be a citizen of the United States.
Ibid.

The judicial power—how vested in Montana.

Writs of error to United States Supreme Court.
Ibid. 23 June, 1874.

Jurisdiction of district courts under Constitution, &c.
Ibid.

Judges of supreme court in Idaho and Montana to define judicial districts, &c.
Ibid.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

SEC. 1909. Writs of error and appeals from the final decisions of the supreme court of either of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme courts created by this Title, or of any judge thereof, or of the district courts created by this Title, or of any judge thereof, upon writs of habeas corpus involving the question of personal freedom.

SEC. 1910. Each of the district courts in the Territories mentioned in the preceding section shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of the respective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of each Territory, as in other cases.

SEC. 1914. The judges of the supreme courts of the Territories of Idaho and Montana, or a majority of them, shall, when assembled at their respective seats of government, define the judicial districts of each of such Territories, and assign the judges who may be appointed for each of such Territories to the several districts; and shall also fix the times and places for holding court in the several counties or sub-divisions in each of such judicial districts, and alter the times and places of holding the courts, as to them may seem proper and convenient; but not less than two terms a year shall be held at each place of holding court in the Territory of Montana.

SEC. 1922. The councils of New Mexico and Utah shall each consist of thirteen members, and the house of representatives of twenty-six members. The council of Washington Territory shall consist of nine members, and the

house of representatives of eighteen members, which may be increased to thirty. The councils of Colorado and Dakota shall each consist of nine members, which may be increased to thirteen, and the house of representatives to thirteen members, which may be increased to twenty-six. The council of Arizona shall consist of nine members, and the house of representatives of eighteen members. The councils of Idaho and Montana shall each consist of seven members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Wyoming shall consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-seven.

Number of council and house of representatives in each Territory. Mont. 26 May 1864. 19 June, 1878.

SEC. 1923. In each of the Territories of Washington, Idaho, and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

Extra sessions legislative assembly in Montana. Mont. 26 May 1864.

SEC. 1926. Justices of the peace, in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

Jurisdiction of Justices of the peace in New Mexico and other Territories. Ibid.

SEC. 1932. The probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or of chancery or divorce causes; and in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court.

Jurisdiction of probate courts in Montana. 2 March, 1867.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive departments of those Territories.

Contingent expenses of certain Territories. Mont. 26 May 1864.

SEC. 1936. The care and custody of the penitentiaries in Montana, Idaho, Wyoming, and Colorado, and the personal property thereunto belonging, and the use and occupation thereof, are transferred to such Territories, respectively, until otherwise ordered by the Attorney General; but the legal title to such penitentiaries and the property shall continue to vest in the United States.

Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories. 24 Jan. 1873.

SEC. 1937. The Territories named in the preceding section shall keep and maintain, in the penitentiaries trans-

Expenses of maintenance of prisoners to be paid from judiciary fund
Ibid.
20 June, 1871.

ferred to their custody and control, all persons convicted in such Territories of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer for alleged violations of the laws of the United States in such Territories, at the rate and price, to be paid by the United States out of the judiciary fund, of one dollar per day for each person so imprisoned.

Legislative expenses in Washington, Idaho and Montana.
Mont. 26 May 1861

SEC. 1940. There shall be appropriated, respectively, for the Territories of Washington, Idaho, and Montana, annually, a sufficient sum, to be expended by the secretary of each Territory herein named upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each Territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury, and shall, semi-annually, account to such Secretary for the manner in which such sums of money have been expended.

No payment of salaries in certain Territories until officers enter on their duties.
Ibid

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice, and associate justices of Washington, Idaho, and Montana Territories until such officers have entered upon the duties of their respective appointments.

Mileage in Idaho and Montana.
Ibid.

SEC. 1943. The members of the legislative assembly of Idaho and Montana Territories shall each receive four dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

Seat of government; how changed in Idaho and Montana.
Ibid.

SEC. 1945. The seat of government, when once fixed by the governor and legislative assembly of Idaho and Montana, respectively, shall not be at any time changed except by an act of such assembly for each Territory, respectively, duly passed and approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

School lands in certain Territories.
Ibid.

SEC. 1946. Sections numbered sixteen and thirty-six, in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named, and in the States and Territories hereafter to be erected out of the same.

Disbursing officers in Washington, Idaho and Montana to give security.
Ibid.

SEC. 1951. All officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territories of Washington, Idaho, and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

SESSION LAWS OF CONGRESS

Relating to Government in Montana.

ENACTED SUBSEQUENT TO THE REVISION.

FORTY-THIRD CONGRESS. SESSION I. CHAPTER 80.—An act concerning the practice in territorial courts, and appeals therefrom.

WHEREAS, by the Organic Acts establishing several of the Territories of the United States, it is provided that certain courts thereof shall have common law and chancery jurisdiction, and doubts having been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said Territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic acts respectively: Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common-law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases, whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and the same are hereby, validated and confirmed: *Provided*, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law.

Common law and chancery jurisdiction of Territorial courts.

Trial by jury.

SEC. 2. That the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of said territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceeding as the said Supreme Court have prescribed or may hereafter prescribe: *Provided*, That on appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and

Appellate jurisdiction of supreme court of the United States; how exercised.

Proceedings on appeal.

Proviso.

also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court, together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal: *And provided further*, That the appellate may make any order in any case heretofore appealed, which may be necessary to save the rights of the parties; and that this act shall not apply to cases now pending in the Supreme Court of the United States where the record has already been filed.

Approved April 7, 1874.

IBID. CHAP. 332.—An act to amend the act entitled "an act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January twenty-fourth, eighteen hundred and seventy-three.

Penitentiaries in Montana, Idaho and Wyoming Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located" approved January twenty-fourth, eighteen hundred and seventy-three, be, and the same is hereby, amended by striking out the words Montana, Idaho, and Wyoming, wherever the same occur in said act, and the said act shall hereafter have no applicability to the Territories of Montana, Idaho, and Wyoming.

To continue under control of United States marshals.

SEC. 2. That the penitentiaries in the Territories of Montana, Idaho, and Wyoming, shall continue under the care and control of the marshal of the United States for said Territories, under and pursuant to the provisions of the act entitled "An act in relation to certain territorial penitentiaries," approved January tenth, eighteen hundred and seventy-one; which said last mentioned act is hereby revived and re-enacted so far as the same applies to the Territories of Montana, Idaho, and Wyoming.

Approved June 20, 1874.

FORTY-THIRD CONGRESS. SESSION II, CHAPTER 114. An act to protect all citizens in their civil and legal rights.

Preamble.

WHEREAS, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Equal enjoyment of inns, public conveyances, theatres, &c.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.

Forfeit to person aggrieved by denial of equal enjoyment of inns, &c.

Punishment for denying, &c.

Election of remedies.

Effect of recoveries.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party; and the district attorneys, marshals and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial

Jurisdiction of courts under this act.

Duty of district attorneys, marshals and commissioners under this act.

Right of civil
action not af-
fected.

Failure of
district attor-
ney to prose-
cute.

Effect of
judgment
against dis-
trict attorney.

court, as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise; and any district attorney who shall wilfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars: *And provided further*, That a judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

Exclusion
from service
as juror

Penalty for
excluding, &c.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

Review in
Supreme
Court.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

Approved March 1, 1875.

Salaries of
Territorial of-
ficers, when to
commence.

Oaths, where
administered.
1 May, 1876.

FORTY-FOURTH CONGRESS. SESSION I. CHAP. 88. EXTRACT.
* * * * And hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory; and said oath shall hereafter be administered in the Territory in which such office is held.

Sessions of
legislature.
15 Aug. 1876.

IBID. CHAP. 287. EXTRACT. Territory of Montana:
* * * * *Provided*, That the next legislative assembly shall convene at the seat of government of the Territory on the second Monday of January, eighteen hundred and seventy-seven, and biennially thereafter.

FORTY-FOURTH CONGRESS. SESSION II. CHAP. 107. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen, and who has filed his declaration to become such, and upon payment of twenty-five cents per acre—to file a declaration under oath with the register and receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter, *Provided however* That the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation: And such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation: And all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for the tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him. *Provided*, that no person shall be permitted to enter more than one tract of land, and not to exceed six hundred and forty acres, which shall be in compact form.

Desert lands may be purchased.

Declaration.

2 March, 1877.

Right to use water.

Water on public lands to be free.

Contents of declaration.

Perfection of title.

Limit to quantity of land purchasable.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more creditable witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

Desert lands defined

SEC. 3. This act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Localities in which act to apply.

Accused persons may testify.
16 Feb., 1878.

FORTY-FIFTH CONGRESS. SESSION II. CHAP. 37. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request, but not otherwise, be a competent witness. And his failure to make such request shall not create any presumption against him.

Wood cut on unsurveyed land
30 April, 1878.

IBID. CHAP. 76. EXTRACT. * * * * * *And provided further*, That where wood and timber lands in the Territories of the United States are not surveyed and offered for sale in proper sub-divisions, convenient of access, no money herein appropriated shall be used to collect any charge for wood or timber cut on the public lands in the Territories of the United States for the use of actual settlers in the Territories, and not for export from the Territories of the United States where the timber grew: *And provided further*, That if any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by the United States authority wherever found.

Timber and mineral lands may be taken for certain purposes.
2 June, 1878.

IBID. CHAP. 150. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all citizens of the United States and other persons, bona fide residents of the States of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

Proviso.

Sec. 2. That it shall be the duty of the register and receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such

lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Taking, &c.,
for unauthorized
purposes.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

Penalty.

IBID. CHAP. 168. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That the words "the legislative assemblies of the several Territories shall not grant private charters or especial privileges" in section eighteen hundred and eighty-nine of the Revised Statutes of the United States shall not be construed as prohibiting the legislative assemblies of the several Territories of the United States from creating towns, cities, or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges, necessary to their local administration, by either general or special acts; and that all general and special acts of such legislative assemblies heretofore passed creating and providing for the government of towns, cities, or other municipal corporations, and conferring such rights, powers and privileges upon the same, as were necessary to their local administration, be, and the same are hereby, ratified and confirmed and declared to be valid, any law to the contrary notwithstanding, subject, however, to amendment or repeal hereafter by such territorial assemblies. But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city, or other municipal corporation, or to authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs.

Municipal
corporations
in Territories.
8 June, 1878.
Sec. 1889 R.
S., page 133
construed.

Private rights

Contracts.

Corporation
debts.

IBID. CHAP. 329. EXTRACT. * * * * * That from and after the adjournment of the next session of the several territorial legislatures the council of each of the Territories of the United States shall not exceed twelve members, and the house of representatives of each shall not exceed twenty-four members, and the members of each

Councils and
houses of re-
presentatives
in Territories.
19 June, 1878.

Number. branch of the said several legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive six dollars per day for the same time. And the several legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population, except "Indians not taxed:" *Provided*, The number of council districts shall not exceed twelve, and the representative districts shall not exceed twenty-four in any one of said Territories, and all parts of sections eighteen hundred and forty-seven, eighteen hundred and forty-nine, eighteen hundred and fifty-three, and nineteen hundred and twenty-two of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

officers of
legislatures.
Salaries. That the subordinate officers of each branch of said territorial legislatures shall consist of one chief clerk, who shall receive a compensation of six dollars per day; one enrolling and engrossing clerk, at five dollars per day; sergeant-at-arms and doorkeeper, at five dollars per day; one messenger and watchman, at four dollars per day each; and one chaplain, at one dollar and fifty cents per day. Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory. And section eighteen hundred and sixty-one of the Revised Statutes is hereby repealed, and this substituted in lieu thereof: *Provided*, That for the performance of all official duties imposed by the territorial legislatures, and not provided for in the organic act, the secretaries of the Territories respectively shall be allowed such fees as may be fixed by the territorial legislatures. And in no case shall the expenditure for public printing in any of the Territories exceed the sum of two thousand five hundred dollars for any one year.

Secretary's
fees.

Printing
Amended by
act approved
Aug. 5, 1882

April 16, 1880. FORTY-SIXTH CONGRESS. SESSION II. CHAPTER 56.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That when, from any cause, there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such Territory: *Provided*, That such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

Justices of
the peace in
the Territory's
filling vacancies.

Proviso.

IBID. CHAP. 235. EXTRACT. That the legislative assemblies of the several Territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such Territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other Territory or State, and provide that such person or persons may be sentenced to confinement accordingly in such other Territory or State, and all existing legislative enactments of any of the Territories for that purpose are hereby legalized: *Provided*, That the expense of keeping such prisoners shall be borne by the respective Territories, and no part thereof shall be borne by the United States.

Care and custody of convicts of any Territory contracted for in any other Territory or State

Providor.

[PUBLIC—No. 6.]

AN ACT amending section eighteen hundred and fifty-two of the Revised Statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eighteen hundred and fifty-two be, and the same hereby is, so amended as to read as follows:

“SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to sixty days’ duration.”

Duration of session.

Approved December 23, 1880.

FORTY-SEVENTH CONGRESS. SESSION I. CHAP. 389. EXTRACT. And hereafter no expense for printing exceeding three thousand seven hundred and fifty dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories.

Expense for printing.

Approved August 5, 1882.

GENERAL
LAWS OF MONTANA.

ENACTED BY THE THIRTEENTH LEGISLATIVE ASSEMBLY.

CRIMINAL PRACTICE.

AN ACT to amend Sections 389 and 390 of the Criminal Practice Act.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That sections 389 and 390 of the Third Division of the Revised Statutes of Montana, be amended so as to read as follows:

Affidavit, inability to pay fine	How released.	SEC. 389. When judgment of fine and costs is entered against a defendant, and it is ordered that he be committed until the same shall be paid, if at any time thereafter the defendant prove to the court or judge thereof, by his own affidavit, or that of any other person, that he is unable to pay such fine and costs, or any part thereof, the court, or judge thereof, may order the sheriff to release him, upon his having been confined in jail one day for every five dollars of such fine and costs, or any portion thereof remaining unpaid; but if the defendant do not prove to the satisfaction of the court, or the judge thereof, that he is unable to pay such fine and costs, or any part thereof, he shall not be released from confinement, except as hereafter provided, unless the sheriff has made the same upon execution out of his property.
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SEC. 390. Whenever any defendant shall have been committed to jail for the failure to pay any fine and costs adjudged against him, and has failed to prove to the satisfaction of the court, or judge thereof, that he is unable to pay the same, or any part thereof, the court shall order that he be discharged from custody when he shall have served one day for every two dollars of such fine and costs; but this shall not discharge the judgment for fine and costs, which may at any time thereafter, within the time limited by law, be collected upon execution issued thereon.

How released on; failure to show inability to pay fine and costs.

Approved February 27, 1883.

BOUNDARY OF MEAGHER COUNTY.

AN ACT to amend Section 329 of the Fifth Division of the Revised Statutes of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 329 of the Fifth Division of the Revised Statutes be amended so as to read as follows:

SEC. 329. That all that part of Montana Territory embraced within the following boundaries be, and the same is hereby, declared to be Meagher county, to wit: Commencing in the middle of the main channel of the Missouri river opposite the mouth of Sixteen Mile creek; thence easterly along the center of the main channel of said Sixteen Mile creek four miles; thence north to the northern boundary of Gallatin county; thence due east along said line to the one hundred and ninth degree of longitude; thence due north along the one hundred and ninth degree of longitude to the middle of the main channel of the Musselshell river; thence down the middle of the main channel of Musselshell river to a point due east of the mouth of Smith's river; thence due west along the southern boundary line of Choteau county to the middle of the main channel of the Missouri river; thence up the middle of the main channel of the Missouri river to the place of beginning.

Boundary of Meagher Co.

Approved February 7, 1883.

POSTMASTERS.

AN ACT to exempt Postmasters from Jury duty.

Be it enacted by the Legislative Assembly of the Territory of Montana.

SECTION 1. All postmasters who have qualified and are acting as such under the laws of the United States, in

addition to the persons who are specified in the act entitled "An Act exempting certain persons from jury duty;" approved February 19, 1881, shall be exempt from serving as grand or trial jurors in any courts within the Territory.

Approved February 3, 1883.

ASSAULT AND BATTERY.

AN ACT fixing the punishment in cases of Assault and Battery.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That section 58 of the Fourth Division of the Revised Statutes of Montana be, and the same is hereby amended so as to read as follows:

Assault and
battery de-
fined.

Penalty.

SEC. 58. Assault and battery is the unlawful beating of another; and a person convicted thereof shall be fined in a sum not less than ten (10) nor more than one hundred (100) dollars, or imprisonment in the county jail not less than one nor more than three (3) months, or both such fine and imprisonment, at the discretion of the court.

Approved February 7, 1883.

COMPENSATION OF COUNTY COMMISSIONERS

AN ACT to increase the compensation and mileage of County Commissioners.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That section 347 of the Fifth Division of the Revised Statutes relating to county officers, be so amended as to read as follows:

SEC. 347. Each member of the board of county commissioners shall be paid by the county twenty cents per mile for the distance necessarily traveled in going to and returning from the county seat, and eight dollars per day, out of the contingent fund of the several counties, for each day while in actual session, and no other compensation shall be allowed.

Approved January 31, 1883.

SPECIAL POOR TAX.

AN ACT to provide for the collection of Special Poor Tax of persons who pay no property tax.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. It shall be the duty of the respective assessors of the several counties of this Territory to collect the special poor tax now required by law of such persons as pay no property tax at the time the same is levied, and for the purpose of enforcing such collections the said assessor shall have the power and authority to sue therefor in the name of the Territory of Montana, by attachment or otherwise, and may serve all papers or processes necessary to be served in such proceedings, and be entitled to the same fees as are by law allowed to sheriffs for like services: *Provided, however,* That such fees shall in all cases be paid by the parties owing such tax

From whom tax to be collected.

How collected

Proviso.

SEC. 2. And in all cases where the person or persons owing such poor tax shall be at the time of the levy thereof by the assessor employed by any individual, company, corporation or association, the said assessor may deliver to the superintendent or other managing agent of said individual, company, corporation or association, a ticket or notice of such levy against such employe or employes, and from the time of the delivery of such ticket or notice to such superintendent or other managing agent, the said individual, company, corporation or association, shall be liable to such assessor for such tax, to the amount of any sum owing to such employe, and may pay the same to such assessor upon receiving his receipt therefor, and the sum so paid may thereafter be deducted from the wages or salary of such employe or employes by the said individual, company, corporation or association.

How collected from persons in employ of corporations, &c.

SEC. 3. And that for the purpose of making a correct and complete levy of such tax upon the employe or employes of any such individual, company, corporation or association, upon the demand of the assessor the said individual, company, corporation or association, are hereby required to furnish to said assessor a true, correct, and complete list of the names of such employes, and if after such demand the said individual, company, corporation or association, shall refuse or neglect for the space of five days to furnish such list, then the said assessor shall immediately proceed to make such levy according to his best information, and after such levy and notice as hereinbefore provided, the said individual, company, corporation or association, as the case may be, shall be liable to such

Corporations &c., to furnish list of employes.

Liability of corporation &c. for tax.

assessor for the whole tax thus levied to the extent of the sum owing the employe.

Compensation of Assessors.
 SEC. 4. That for the collection of the special poor tax of persons who pay a property tax, the assessor shall not be entitled to receive any other or further compensation than is provided in section 454 of the Fifth Division of the Revised Statutes of Montana; and so much of section 1,021 of the Fifth Division of the Revised Statutes of Montana as shall conflict herewith is hereby repealed.

SEC. 5. That all acts or parts of acts in conflict herewith be, and the same are, hereby repealed.

Approved February 15, 1883.

AN ACT to prohibit the sale of Firearms and Ammunition to minors.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Penalty.
 SECTION 1. Any person who shall, after the passage of this act, sell, barter, give, or in any manner dispose of, any firearms or ammunition of any description whatever, to any person under the age of sixteen years, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail for any term not exceeding three months.

Approved February 23, 1883.

AN ACT providing for the Election of Public Administrators.

Be it enacted by the Legislative Assembly of the Territory of Montana:

When elected.
 Term of office.
 SECTION 1. That at the next general election to be held in the Territory of Montana, and every two years thereafter, there shall be elected in each county in the Territory one public administrator, whose term of office shall begin on the third Monday of December following, and who shall hold his office for two years, and until his successor is elected and qualified.

SEC. 2. The duties and fees of public administrators to be elected under this act shall be the same as those now prescribed by law for public administrators. Duties and fees.

SEC. 3. Before entering upon the duties of his office, the public administrator shall take and subscribe the oath now prescribed by law for other county officers, and shall execute a bond to the Territory of Montana in the sum of ten thousand dollars, with two or more sufficient sureties to be approved by the probate judge of the county, and conditioned for the faithful performance of the duties of his office, and which bond shall be filed and recorded in the office of the county clerk and recorder. Oath of office.

Bond.

SEC. 4. That it shall be the duty of the probate judge to require of the public administrator, from time to time, such additional bonds as may be necessary to secure the interests of estates in the hands of public administrators: *Provided*, The bonds so required shall not exceed in amount the bonds required by law to be given by administrators. The bonds to be given under this section shall be approved, filed, and recorded as provided in section 3 of this act. Additional bonds.

Proviso.

Bonds how approved.

SEC. 5. Upon failure of any public administrator to give the bond as required in this act, or as may be required by the probate judge, his office shall become vacant, and upon vacancy in the office of public administrator, from any cause whatever, the office shall be filled by appointment by the probate judge. Office to become vacant if bonds not given.

Approved January 31, 1883.

AN ACT concerning Railroad Corporations

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 310 of Article III, Chapter XV, of the Fifth Division of the Revised Statutes of Montana be amended so as to read as follows:

SEC. 310. That every railroad corporation organized under the provisions of this article shall be required to commence operations on the line of its road within two years from the filing of its certificate with the secretary of the Territory, and thereafter to grade at least ten miles each year, and to complete the whole of its road within five years from the date of the filing of its certificate. And if it shall fail to comply with any of the requirements of this section, it shall forfeit its charter and all the rights Where railroad corporations to begin operations.

Amount to be graded each year.

When to be completed. Penalty.

How penalty
enforced.

and privileges conferred by this article as to any uncompleted portion of its line of road. Upon the written application of any district attorney of a district through which the line of said road would pass, made to the district court, setting forth the alleged cause of such forfeiture, it shall be the duty of such court, after notice to the corporation, to examine the cause, and if in its judgment sufficient cause exists for such forfeiture to declare and enforce the same.

Approved February 26, 1883.

AN ACT to amend Section 488, Fifth Division of the Revised Statutes of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That section 488 of the Fifth Division of the Revised Statutes of Montana be, and the same is hereby amended to read as follows:

Petition by
whom to be
signed.

Taxpayers
defined.

Sufficiency
of petition,
how proved.

SEC. 488. It shall be the duty of the county commissioners of any county of this Territory, whenever a petition is presented to them signed by a majority of the legal voters and taxpayers of such county, praying that the county seat be changed to any place named in such petition, to give notice to the people of their county, sixty days at least before the next general election to be held in such county, that the change named in such petition will be submitted to the voters of such county at such election: *Provided*, That the term "taxpayers" used in this section shall be deemed to mean "*ad valorem* taxpayers," and that for the purpose of testing the sufficiency of any petition which may be presented to the county commissioners as provided in this section, the county commissioners shall compare such petition with the poll books in the county clerk's office constituting the returns of the last election held in their county, for the purpose of ascertaining whether such petition bears the names of a majority of the voters listed therein; and they shall make a similar comparison of the names signed to the petition with those appearing upon the listed assessment roll of the county for the purpose of ascertaining whether the petition bears the names of a majority of the *ad valorem* tax-payers as listed in said assessment roll; and if such petition then shows that it has not been signed by a majority of the legal voters of the county who are *ad valorem* tax-payers

thereof, it shall be deemed insufficient, and the question of removal of the county seat shall not be submitted.

SEC. 2. That all laws or parts of laws in conflict herewith be, and the same are hereby, repealed.

SEC. 3. This act to be in force on and after its passage.

Approved February 26, 1883.

AN ACT providing for the Redemption of Territorial Bonds.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the territorial treasurer shall forthwith set aside and reserve a sufficient amount of the moneys now in the Territorial treasury, and forthwith place the same in the sinking fund of said Territory; and said moneys so placed shall be used for the redeeming and paying of all the outstanding bonds of the Territory of Montana and the interest thereon; and which moneys, so placed in the sinking fund, shall be applied by the territorial treasurer to the redemption of the outstanding bonds as provided in section 8 of "An act to provide for the funding of the outstanding indebtedness, and the redemption of the ten per cent. bonds of the Territory of Montana," approved July 21, 1879.

Sinking fund
how created

How applied

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed.

Approved January 30, 1883.

AN ACT to regulate City and Village Plats.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. Whenever any city, town or village shall be laid out, the proprietor or proprietors of the city, town, or village, or addition laid out, shall cause to be made an accurate plat or map thereof, setting forth:

Plat or map
to be made.

First—All streets, alleys, avenues, and highways, and the width thereof;

What it shall
show.

Second—All parks, squares, and all other grounds reserved for public uses, with the boundaries and dimensions thereof;

Third—All lots and blocks, with their boundaries, designating such lots and blocks by numbers, and giving the dimensions of such lots.

Sec. 2. All such maps or plats shall be acknowledged by the proprietor, or some person for him, duly authorized by deed before some officer authorized to take the acknowledgment of deeds, and a copy thereof, so acknowledged, shall be filed in the office of the clerk of the county, and also in the office of the clerk of such city or town, if said town be incorporated, and all such plats shall be sworn to by the surveyor executing such survey, before some person authorized to administer oaths in the Territory of Montana, such oath to state the width of all the streets and alleys, and that such town or addition has been laid out according to the map so acknowledged.

To be acknowledged.
Where filed.
To be sworn to by surveyor

Sec. 3. There shall be two or more stone monuments placed at points to be designated by the surveyor, to serve as a guide for future reference, and from which to make additions to the town, or to re-survey any portion of it, and the points where the same may be located shall be designated on the plat. Said monuments must be placed a sufficient depth in the ground to prevent being disturbed.

Monuments, where placed.
How placed.

Sec. 4. The clerk of the county shall file all such plats, and place them in a book to be kept by him for that purpose. The paper upon which such plats are made shall not exceed in size thirty by thirty-six inches. The clerk of the county in whose office the same is filed shall certify thereon the day and hour upon which the same was so filed for record, and shall preserve the same by pasting such plats into the book kept by him for such purpose, with gummed stubs suitable therefor, and the preservation of such plats in the manner aforesaid shall be deemed of sufficient record of such town plat. The fee of the clerk of the county in which such plats shall be recorded, shall be for placing the same on record ten (10) dollars.

Duty of county clerk.
Size of plats.
How filed and preserved.
Clerk's fee.

Sec. 5. All such original plats, or the record thereof, or copies therefrom, together with all certificates and acknowledgments thereon, certified by the clerk having custody thereof, shall be evidence in all courts and places.

What shall be evidence in courts.

Sec. 6. Upon the filing of any such map or plat, the fee of all streets, alleys, avenues, highways, parks, and other parcels of ground reserved therein to the use of the public, shall vest in such city or town, if incorporated, in trust for the uses therein named and expressed; or if such town be not incorporated, then in the county until such town shall become incorporated, for the like uses.

Rights of the public on filing plat.

Sec. 7. All additions to any city or town shall be so surveyed and platted, that the streets of such addition shall conform to and be extensions of the streets of the

Additions, how surveyed and platted.

original town, or as near as may be, in the same direction, unless in the judgment of the town council, if such there be, and if not, then the county commissioners, a change is desirable.

SEC. 8. Said plat must be recorded before any lots or blocks in said city, town, or addition are offered for sale, except when thirty acres or more shall be platted, then ninety (90) days' time shall be given for recording such town plat or addition, and for all such lots or blocks sold or leased after ninety (90) days, and until such a time as said plat is recorded, the proprietor or proprietors of any town site, addition, or any part thereof, shall forfeit and pay for each lot so sold or leased, a penalty of not less than ten (10) dollars, and not more than fifty (50) dollars. Such penalty may be recovered in a suit brought in the name of the people of the Territory of Montana against such person or persons so offending, and such penalty, when recovered, shall be paid into the county treasury of the county wherein the premises are situated, for the benefit of the common school fund.

Plat to be recorded before offering lots for sale.

Penalty.

SEC. 9. The proprietor or proprietors of any city, town, village, or any addition thereto, or any part thereof, or his or her heirs or assigns, may at any time before selling or conveying any lots or parts of lots therein, or upon re-acquiring all lots or parts of lots, which may have been sold by his or her writing, under his or her hand and seal, acknowledged in like manner as deeds are required to be acknowledged, and filed in the office of the clerk of the county wherein such town is situated, declare the plat or map thereof vacant, and such declaration shall have the effect to divest all right of the city, town, village or the county, or the public, in or to any lots or lands within the limit of such plats, and to vacate and annul such map or plat; and upon a partial vacation of such town or addition, such streets, alleys, and other places, as by the terms of this act vest in the town or county for the use of the public, as have sole reference to the part vacated, to be selected and designated by the town council, if the town be incorporated, and if not, then by the county commissioners, shall re-vest in the proprietor or proprietors of the part so vacated.

How plat vacated.

Effect of partial vacation.

Approved February 19, 1883.

AN ACT to amend the Fourth Division of the Revised Statutes of Montana, entitled Criminal Laws.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That sections numbered 131, 133, 134, 135, 136, 155, 163, 174, 206, of the Fourth Division of the Revised

Statutes of Montana, entitled, "Criminal Laws," be amended so as to read as follows:

SEC. 131. If any person shall willfully and maliciously disturb the peace of any neighborhood or family, by loud or unusual noises, or by tumultuous and offensive conduct, threatening, traducing, quarrelling, challenging to fight, or fighting, every person convicted thereof, shall be fined in a sum not exceeding one hundred (100) dollars, or imprisonment in the county jail not exceeding two (2) months, or both such fine and imprisonment, in the discretion of the court.

SEC. 133. If two or more persons shall, by agreement, fight in a public place, to the terror of the citizens of this Territory, the person so offending shall be deemed guilty of an affray, and shall be severally fined in a sum not exceeding one hundred (100) dollars, or imprisoned in the county jail not more than one month, or by both such fine and imprisonment, in the discretion of the court.

SEC. 134. If two or more persons shall assemble together to do an unlawful act, and separate without doing or advancing toward it, such persons shall be deemed guilty of an unlawful assembly, and, upon conviction thereof, shall be fined severally in a sum not exceeding one hundred (100) dollars, or imprisonment in the county jail not exceeding three (3) months, or both such fine and imprisonment, in the discretion of the court.

SEC. 135. If two or more persons meet to do an unlawful act upon a common cause of quarrel, and make advances toward it, they shall be deemed guilty of a riot, and, on conviction thereof, shall be severally fined in a sum not exceeding one hundred (100) dollars, or imprisoned in the county jail not exceeding three (3) months, or by both such fine and imprisonment, in the discretion of the court; and if two or more persons shall actually do an unlawful act of violence, either with or without a common cause of quarrel, or even do an unlawful act in a violent, tumultuous and illegal manner, they shall be deemed guilty of a riot, and upon conviction thereof shall be fined in any sum not exceeding one hundred (100) dollars each, or be imprisoned in the county jail for any term not exceeding three (3) months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 136. Every person who shall willfully disquiet or disturb any congregation or assembly of people, met for religious worship, by making a noise, or by rude or indiscrete behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, or menace, threaten, or assault any person there being, shall be deemed guilty of a misde-

meanor, and punished by a fine not exceeding one hundred (100) dollars, or by imprisonment in the county jail not exceeding three (3) months, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

SEC. 155. Every apothecary, druggist, or other person who shall sell or deliver any arsenic, corrosive sublimate, prussic acid, or any other active poison, without having the word "POISON," and the true name thereof in *English*, written or printed upon a label attached to the vial, box or parcel containing the same, shall be punished by a fine not exceeding one hundred (100) dollars, or imprisoned in the county jail not exceeding three (3) months, or by both such fine and imprisonment, at the discretion of the court.

Sale of poison.

Penalty.

SEC. 163. If any person shall knowingly sell any goods, wares, or merchandise, or any valuable thing, by false weight or measure, or shall knowingly use false measures at any mill in taking toll for grinding corn, wheat, rye, or other grain, he shall be deemed a common cheat, and, on conviction, shall be fined not exceeding one hundred (100) dollars, or imprisonment in the county jail not more than three (3) months, or by both such fine and imprisonment in the discretion of the court.

Using false weights or measures.

Penalty.

SEC. 174. Every person who shall maliciously, unlawfully, and willingly break, destroy, or injure the door or window of any dwelling house, shop, store, or other house or building, or sever therefrom any gate, fence, or enclosure, or any part thereof, or any material of which it is formed, or sever from the freehold any produce thereof, or anything attached thereto, or pull down, injure, or destroy any gate-post, railing, or fence, or any part thereof, or cut down, lop, girdle, or otherwise injure or destroy any fruit, or ornamental, or shade tree, being the property of another, shall, on conviction, be fined not more than one hundred (100) dollars, or imprisonment in the county jail not exceeding three (3) months, or by both such fine and imprisonment, in the discretion of the court.

Breaking door or window of certain buildings.

Destroying gate, posts, &c.

Injuring fruit or shade trees, &c.

Penalty.

SEC. 206. Hereafter it shall be unlawful for any person, either as principal, agent, or otherwise, on any general election day to sell, barter, give, or furnish, or cause to be furnished to any person or persons whomsoever, any spirituous or malt liquors, wine, or cider, or any intoxicating liquors, or intoxicating drinks of any kind or character. That each and every person violating any of the provisions of this section, shall, for each offense, upon conviction thereof, be punished by a fine not less than ten (10) dollars, nor more than one hundred (100) dollars, or imprisonment in the county jail for not more than one month, or by both such fine and imprisonment, in the discretion of

Intoxicating drinks not to be furnished on election day.

Penalty.

the court. The provisions of this section shall not be construed to include druggists or other persons who shall in good faith sell or dispose of the articles hereinbefore mentioned for medicinal or mechanical purposes only.

Approved February 16, 1883.

AN ACT providing for the Incorporation of Institutions of Learning.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That hereafter, any five or more persons Who may form. may form a corporation for the purpose of organizing, conducting, and maintaining any seminary, college, or university in this Territory.

SEC. 2. That said persons shall make a declaration, in writing, which they shall sign and acknowledge as provided by law for making acknowledgments to deeds, and cause the same to be recorded in the office of the recorder of deeds in the county where such institution is located, and shall file with the secretary of the Territory of Montana a copy thereof. Declaration, how made.

SEC. 3. In said declaration there shall be stated:

First—The name of the corporation. What to contain.

Second—The number of trustees who shall have the general care of the said institution, which number shall not be less than five, nor more than fifteen, and by what body to be elected.

Third—The number and names of first trustees.

Fourth—The place of business of the institution.

Fifth—The particular character of the institution.

SEC. 4. Said trustees may be divided into three classes. Term of trustees. One class, at the first election, shall be chosen for one year, and one class for two years, and one class for three years; thereafter, one class shall be elected each year.

SEC. 5. The number of trustees may be increased or diminished by the body who elects the same, provided that the number is not increased to a number larger than fifteen, or diminished to a number less than five. Trustees may be increased or diminished

SEC. 6. The said corporation may be formed under the auspices of any church or society. If formed under the auspices of any church organization, the trustees may be elected by any presbytery, conference, convocation, or Church societies may form.

other ruling body of such church. If by any society, then by the members of the society.

SEC. 7. The corporation so formed shall have the power of employing teachers or professors, to fix their salaries, to prescribe the conditions under which pupils may be admitted to the seminary, college, or university, created by said corporation, what studies they shall pursue, and make rules for the general government and management of the institution so created, not in violation of law. The trustees of said corporation shall have the power to elect one of their number president of the board, and to supply his place in case of his death, resignation, or removal; to fill the vacancies in the board of trustees until the next meeting of the body authorized to elect the same; to appoint a president or principal of the institution organized or created, who shall hold his office at the pleasure of the said board of trustees, and whose duties shall be such as they may prescribe; to elect one of their number secretary, and any person they may think advisable, treasurer of the same. The treasurer may be a trustee, or not, as the board shall elect. The trustees may select such teachers and other officers of the institution created as they may deem advisable, and may make all necessary by-laws for their government.

May employ teachers and fix salaries.

May make conditions for admission of pupils

May make rules, &c.

May choose officers.

SEC. 8. The corporation so formed shall have power of perpetual succession, the right to use a common seal, the right to sue and be sued, the right to purchase, or receive by gift, grant, devise, or bequest, any property, real or personal, for the purpose of conducting and maintaining said institution, and which may be necessary therefor or proper for that purpose; the right to borrow money, execute promissory notes and mortgages upon its property, and to make contracts and contract debts equal to, but not in excess of, the value of the property owned by the same.

Power of succession.

Seal.

May hold real or personal property

May borrow money.

SEC. 9. The corporation so formed shall have the right to grant literary honors, such as are usually granted by such institutions, and, in testimony thereof, to give suitable diplomas under its seal, and under the signatures of such officers as the trustees may deem proper and expedient.

May grant literary honors.

SEC. 10. Every diploma granted by such corporation shall entitle the possessor to all immunities which by usage or statute are allowed to possessors of similar diplomas granted by any other like institution of learning in the United States.

Effect of diploma

Approved March 3, 1883.

AN ACT relative to the Jurisdiction of Justices' Courts.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 715 of Chapter I of Title XVIII, of the First Division of the Revised Statutes of Montana be amended to read as follows:

SEC. 715. Justices' courts shall have jurisdiction of the following cases:

Jurisdiction
of justice's
courts.

First—In all civil actions where the amount claimed does not exceed the sum of three hundred dollars.

Second—Of actions to recover the possession of personal property when the value of such property does not exceed three hundred dollars.

Third—Of actions for a forcible or an unlawful entry upon, or a forcible or unlawful detainer of lands, tenements, or other possessions.

Limitation

The jurisdiction conferred by this section shall not extend, however, to civil actions in which the title to real property shall come in question.

Approved March 2, 1883.

AN ACT to establish Boards of Health.

Be it enacted by the Legislative Assembly of the Territory of Montana.

Board of
health, how
constituted

SECTION 1. After the passage of this act, it shall be the duty of the commissioners of each county, at the first regular meeting of the board of county commissioners, to appoint one intelligent person residing therein, who shall be a licensed physician, and the person so appointed, together with said board of county commissioners, shall constitute a county board of health for the county of their residence, and shall hold their office for the term of two years, and until their successor shall be appointed. Any vacancy in said board caused by the death or resignation of said physician, or the refusal of said physician to act as a member thereof, shall be filled by the board of county commissioners.

Vacancy,
how filled.

Rules and
regulations to
prevent spread
of disease.

SEC. 2. Said county board of health shall make and establish for their county, or any district or place therein, such sanitary rules and regulations as they may deem nec-

essary and proper to prevent the outbreak and spread of contagious or infectious diseases; and any person failing or refusing to comply with or obey said rules and regulations of said boards shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten, nor more than one hundred dollars.

Penalty

SEC. 3. It shall be the duty of every practicing physician to report, promptly, to the county board of health of the county in which he resides, all or any disease of an infectious or contagious nature under treatment by him, and said board shall at once take the necessary precaution to prevent the spread of such contagious or infectious disease.

Duty of physicians.

SEC. 4. The board of health of any county may declare quarantine therein, or in any particular district or place therein, against the introduction of any contagious or infectious disease prevailing in any other State, county, or place, and of any and all persons and things liable to spread such contagion or infection. The said county board shall have power and authority to enforce such quarantine until the same is raised by themselves, and may confine any such afflicted person or persons liable to spread such contagion or infection to the house or premises in which he or she resides, or if such persons have no residence in the county, to a place to be provided by them for the purpose.

Quarantine may be declared.

And may be enforced.

SEC. 5. All necessary expense incurred by the said county board of health in enforcing the provisions of this act shall be paid for out of the county treasury from the general fund of the county.

Expenses.

Approved March 3, 1883.

AN ACT in relation to Licenses.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 805 of the Fifth Division of the Revised Statutes of Montana be and the same is hereby amended to read as follows:

SEC. 805. Any person or persons, or association of persons, who shall keep any house or saloon, or room or club rooms, where any banking game or other game of chance is dealt or played for money, or anything representing money, or having a money value is used, bet, ventured, or hazarded, in any city, town or village, whose population

Who shall pay.

Amount for place of business, is greater than 500 persons, shall, before starting such business, pay to the county treasurer a license of \$40 per month; and in addition thereto such person or persons shall pay a license for each table, (which table shall not exceed eight feet in length by four feet in width), on which the game commonly called "faro" is dealt or played, twenty-five dollars per month; and such person or persons shall pay a license for each table, (which shall not exceed eight feet in length and four and one-half feet in width) on which the games commonly called "percentage stud horse poker," or "percentage draw poker," or "twenty-one," or "high ball," or "short faro," is dealt or played, of \$100 per month; and such person or persons shall pay for any room wherein the game called 'keno' is played, dealt or conducted, a license of \$150 per month, which shall be exclusive of all other games; and such person or persons shall pay a license for each table on which the game called "roulette" is played, of \$150 per month; and for each and every other banking game not mentioned in this section, such person or persons shall pay a license of \$150 per month. In any city, town or village whose population is less than 500 persons and more than 200, such person or persons shall pay a license of one-half the amount paid in towns, cities or villages whose population is greater than 500 persons, and in all places whose population is less than 200 persons, such person or persons shall pay a license of one-fourth the amount paid in cities, towns or villages whose population is greater than 500 persons. But this section shall not be construed to authorize or permit any game prohibited by the laws of this Territory "

Faro tables.

Poker tables.

Keno.

Roulette, &c.

Half rate in towns less than 500 and more than 200 inhabitants.

Quarter rate in towns less than 200 inhabitants.

SEC. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1883.

AN ACT to amend Section 506, Chapter XIX of the Fifth Division of the Revised Statutes of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 506, of Chapter XIX, of the Fifth Division of the Revised Statutes of Montana be, and is hereby amended so as to read as follows:

SEC. 506. Whenever it is brought to the attention of the Governor and Superintendent of the Public Instruction of this Territory that there is a deaf, mute, or blind child be-

tween the ages of eight and sixteen years, whose parents or guardian are financially unable to defray the traveling expenses attendant upon going to, or returning from, said institution of learning, then it shall be the duty of the governor and superintendent of public instruction to procure suitable transportation for said child and such escort as may be necessary and required for the safe transportation to and from said institution, and certify the same up to the auditor, who shall draw his warrant on the territorial treasurer for said amount.

Transportation and escort to be procured.

[The foregoing act having been presented to the governor of the Territory of Montana for his approval, was, on February 24, 1883, returned by the governor to the House of Representatives, in which it originated, without his approval and with his objections thereto. The objections were entered at large upon the journals of the House of Representatives; the vote by which the bill was passed was reconsidered, and on the question being put, "Shall this bill pass, the objections of the governor to the contrary notwithstanding?" it was passed by a two-thirds vote of the House of Representatives. The bill was then sent to the Council, together with the objections of the governor. The vote by which the bill was passed was then immediately reconsidered, and upon the question "Shall this bill pass, the objections of the governor to the contrary notwithstanding?" it was passed by a two-thirds vote of the Council.]

AN ACT concerning Depositions taken out of this Territory.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 661 of the first division of the Revised Statutes of Montana be amended so as to read as follows:

SEC. 661. When the testimony of any non-resident witness or witnesses shall be necessary in any civil action pending in any court in this Territory, it shall be lawful for the party wishing to use the same, on giving to the adverse party, or his attorney, or the clerk of the court in which the action is pending, when the defendant has not appeared therein, five days previous notice, together with a copy of the interrogatories intended to be put to such witness or witnesses, to sue out from the proper clerk's office a commission, under the seal of the court, to be directed to any person as commissioner, or to any judge or justice of the peace, clerk of a court of record, or notary

Notice and copy of interrogatories to be served.

Commission to whom directed

public of the county, or town, or city, in which such witness or witnesses may reside, authorizing and requiring him to cause such witness or witnesses to come before him, at such place and time as he may designate and appoint, and faithfully to take his, her, or their deposition, or depositions, upon all such interrogatories as may be enclosed with, or attached to, such commission, both on the part of the plaintiff and the defendant, and none others, and to certify the same when taken, together with the said commission and interrogatories, to the court in which such cause may be pending, with the least possible delay. If issued to any country out of the United States, it may be directed to any minister, ambassador, consul, vice-consul, or consular agent of the United States in such country, or to any person agreed upon by the parties.

Approved February 19, 1883.

AN ACT concerning the Publication of Summons.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. When the person on whom the service of a summons is to be made resides out of the Territory, or has departed from the Territory, or cannot, after due diligence, be found within the Territory, or conceals himself to avoid the service of the summons, or when the defendant is a foreign corporation, having no managing or business agent, cashier, or secretary within the Territory, and an affidavit stating any of these facts is filed with the clerk of the court in which the action is brought, and such affidavit also states that a cause of action exists against the defendant in respect to whom the service of the summons is to be made, and that he or it is a necessary or proper party to the action, the judge of the court in which the action is commenced, or the clerk of said court, in the absence of the judge, shall cause the service of the summons to be made by the publication thereof.

SEC. 2. Such publication of the summons shall be made in a newspaper published in the county; but if there be no newspaper published in such county, then such publication shall be made in a newspaper published in any adjoining county in the same judicial district, in four numbers thereof, which shall be published in successive weeks. In case of such publication, when the residence of any defendant, or any agent, cashier, or secretary of such corporation is stated in the affidavit mentioned in this act, the clerk of the said court shall, forthwith, deposit in the post-

office, a copy of the summons, directed to the person or agent or officer of such corporation to be served, at such place of residence. When publication is made according to this act personal service of a copy of the summons and complaint, out of the Territory, when the proof thereof shall be duly certified and authenticated, shall be equivalent to the deposit of said copy of the summons in the postoffice. The service of the summons shall be complete on the day on which the fourth publication thereof shall be made in said newspaper.

Copy to be mailed.
Publication equivalent to service.

SEC. 3. Sections 73 and 74, of the First Division of the Revised Statutes of Montana, and section 4 of the act entitled "An Act to amend the code of civil procedure," approved February 23, 1881, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1883.

AN ACT to amend an act, entitled "An Act to require persons keeping saloons or gambling houses to prohibit boys from stopping therein, approved February 14, 1881.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That section 1 of said act be amended so as to read as follows:

SEC. 1. Any person or persons who, keeping a saloon or dram shop, or gaming house, or other place of resort wherein intoxicating liquors are sold by retail, or games of chance are played, shall permit any minor to resort to or stop therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the county jail not less than one nor more than 30 days, or by both fine and imprisonment.

Penalty.

Approved March 3, 1883.

AN ACT to amend an act to provide for the payment of Stock killed or Injured by Railroads.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That section 2 of an act entitled "An Act to provide for the payment of stock killed or injured by railroads," approved February 23, 1881, be amended to read as follows:

Manner of making claim for an animal killed

SEC. 2. If the owner of the animal or animals so killed, or his or her authorized agent, shall make affidavit before some officer authorized to administer oaths, that he or she was the owner, or authorized agent of the owner of the recorded brand found upon the animal or animals so damaged or killed at the time of such killing or damaging, and such person shall, within six months after such killing or damaging, deliver such affidavit to the agent or an officer of such company or corporation; or shall make affidavit that the animal damaged or killed, as aforesaid, had no recorded mark or brand, and that he or she is the owner of such animal, describing it; and the corporation or company shall pay to such person delivering such affidavit, or such affidavit last as aforesaid, as follows:

SCHEDULE.

Yearlings, each.....	\$23.00
Two Years old, each.....	27.00
Cows, three years old and over, each.....	30.00
Steers, (unbroken) three years old and over, each,.....	45.00
Steers, (work cattle), each.....	50.00
Sheep, each.....	3.00

Not more than market value to be paid

Milch cows, thorough-bred, and graded cattle and sheep shall be paid for at their cash value; horses, mules and asses shall be paid for at their cash value; *Provided*, That no railroad company shall, at any time, be required to pay more than the market value of any animal killed or damaged. In all cases where such railroad company or corporation shall kill any of the stock mentioned in this act, and for which no price or sum is fixed, the owner or agent of such stock shall, after the filing of such affidavit of ownership, as aforesaid, select some disinterested freeholder of the county where such killing took place, and shall notify such company or corporation of said selection; and such company or corporation shall, within three days thereafter, select some suitable person to act with the person so selected, and the two so selected shall select a third, and the three so selected shall, without delay, proceed to appraise the value of the stock so killed, a majority of which three appraisers shall be sufficient to determine the same, and shall certify, under oath, such appraisement to an agent or superintendent of such company or corporation. In case such railroad company or corporation shall refuse or neglect to appoint such appraiser, it shall be the duty of the justice of the peace nearest to the place, in the county where such stock is so killed, to select one disinterested person as appraiser, and to administer to him an oath to honestly appraise the value of such stock, which appraiser shall, without delay, proceed to act in conjunction with the person selected by the owner, and they shall, at once, proceed as hereinbefore provided for them as appraisers; and such railroad or corporation shall, within thirty days

Arbitration to determine value

Appraisement to be certified.

after the receipt of certificate, pay to the owners of such stock so killed, or his or her agent, the amount of such appraisal, together with all the costs as aforesaid; and in all cases where the value of such stock is established by this act, such company or corporation shall pay for such stock within thirty days after the delivery of the affidavit of ownership of stock as hereinbefore provided; and if said company or corporation shall fail to pay for said stock within the time as hereinbefore provided, the owner of such stock may commence proceedings in any court of competent jurisdiction for the amount found to be due and owing for such injured or killed stock, and the findings of such appraisers shall be taken and held to be conclusive evidence of the value and ownership of, and the injury to, such stock, and the court shall add, and tax as costs in the action, the costs of the proceedings upon the appraisal hereinbefore specified.

Appraisal -
ment and cost
to be paid.

In case of
failure to pay
suit may be
instituted.

Judgment.

Approved March 2, 1883.

AN ACT to Amend the Montana School Law.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 1095, of the Fifth Division of the Revised Statutes of Montana, concerning the Montana school law, be so amended as to read as follows:

Section 1095. A county superintendent of common schools shall be elected in each organized county in this Territory at the general election preceding the expiration of the term of office of the present incumbent, and every two years thereafter, who shall take office on the first Monday in December next succeeding his election, and hold for two years, or until his successor is elected and qualified. The person so elected shall take the oath or affirmation of office, and shall give an official bond to the county in a sum to be fixed by the board of county commissioners of said county. The county commissioners of any county shall, by appointment, fill any vacancy that may occur in the office of county superintendent until the next general election: *Provided*, That all persons, otherwise qualified, shall be eligible to the said office of county superintendent of common schools, without regard to sex.

County su-
perintendent
to be elected.

Term of office.

Oath.

Bond.

Qualifica-
tions.

SEC. 2. That section 1097 of said division be amended by striking from said section the fourth subdivision thereof, and re-number the remaining subdivisions.

SEC. 3. That section 1102 of said division be so amended as to read as follows:

Section 1102. Each county superintendent shall receive annually, as compensation for his services, a sum proportionate to the number of school census scholars in his county, which sum shall be estimated by the board of county commissioners at the rate of one dollar for each census scholar, and be payable quarterly, out of the county general fund, in the same manner as other county officers are paid; *Provided*, That such annual compensation aforesaid shall not, in any event, exceed the sum of one thousand dollars.

SEC. 4. That section 1108 of said division be so amended as to read as follows:

Section 1108. An annual school meeting for the election of a school trustee or trustees, and district clerk, shall be held in each district on the first Saturday in April of each year at the district school-house, if there be one, and if there be none at a place designated by the board of trustees. The term of all trustees now holding office shall expire upon the election and qualification of their successors. The trustees shall post written or printed notices of election, specifying the day, time and place of meeting, in at least three public places in the district, one of which shall be the school-house, at least six days previous to the time of meeting, but no such meeting shall be illegal for the want of due notice. All elections shall be held by ballot, and the trustees shall have power to determine the hours which the ballot-box shall be kept open, having given due notice thereof in the posted notice of election. Every person, without regard to sex, who is over twenty-one or more years of age, and is a resident of the school-district, and a taxable inhabitant thereof, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and the chairman of the board of trustees shall thereon administer to the person challenged, an oath in substance as follows: You do swear (or affirm) that you are a citizen of the United States or have declared your intention to become a citizen of the United States, that you are twenty-one years of age, according to the best of your information and belief, that you have resided in this Territory twenty days next preceding this election, and that you are a taxable resident of this school district, and that you have not before voted this day. If the elector shall refuse to take the oath his vote shall be rejected, and any person guilty of illegal voting shall be punished as provided in the general election laws of this Territory. The trustees shall be inspectors and judges of election, and if they are not present at the time for opening the polls, then the electors present

may appoint the officers of election. A poll and tally list shall be kept by the clerk of the board of trustees, and with the exceptions mentioned in this section, the election shall be conducted as far as practicable in the form and manner of the general election. Any one of the old trustees shall have power to administer to any trustee elect the oath of office, and the clerk of election shall issue the certificate of election to any trustees elect, who shall forward it, with the oath attached or endorsed thereon, to the county superintendent of public schools: *Provided*, All persons otherwise qualified shall be eligible to said office of school trustee, without regard to sex.

Poll and tally list to be kept.

Who may administer oath.

Certificate of election.

Qualification of trustees.

SEC. 5. That section 1,112 of said division be so amended as to read as follows:

Section 1112. It shall be the duty of the district clerk to record all proceedings of the board in a suitable record book; to record in the same book the proceedings of the annual school meetings, or of special school meetings, and to keep an accurate and detailed account of all receipts and expenditures of school moneys. At each annual school meeting the district clerk shall present his record book for public inspection; shall make a statement of the financial condition of the district, and of the action of the trustees: *Provided*, That the record book shall be open to the inspection of the public; shall make an annual report during the month of September of each year, for the school year next preceding, to the county superintendent, in the manner and form, and on the blanks prescribed by the superintendent of public instruction, and shall make a report, whenever required, directly to the territorial superintendent of public instruction of the text books used in the schools. It shall also be the duty of said district clerk to give written notice to the county superintendent of the time of opening of the school in his district, the length of the term, and the name of the teacher thereof. Any district clerk failing to perform the duties required of him by this section shall be deemed guilty of a misdemeanor, and liable to a fine of not less than five, nor more than twenty dollars.

Duty of district clerk.

Record book to be open for inspection.

Clerk to give notice of opening of school.

Penalty

SEC. 6. That section 1113 of said division be amended by striking from said section the thirteenth and fourteenth subdivisions thereof.

SEC. 7. That section 1159 of said division be so amended as to read as follows:

Section 1159. That the county superintendent of common schools in any county in this Territory, containing five, or more than five, organized school districts, shall hold annually a teachers' institute, at such time and place as may be agreed upon between him and the territorial

Teachers institutes.

Length of session. superintendent, and such institute shall continue in session not less than three nor more than five days. He shall give at least thirty days notice of the time and place of holding such institute by publication in some newspaper published in the county, and one written notice to each qualified teacher in the county. It shall be the duty of the territorial superintendent of public instruction to attend the different county institutes, and in the event of his failure so to do he shall forfeit ten dollars of his salary for each such neglect.

Notice of holding.

Territorial superintendent shall attend.

Sec. 8. That section 1160 of said division be so amended as to read as follows :

Section 1160. It shall be the duty of all teachers engaged in the county, and of all persons holding certificates, either territorial or county, to attend such institute and participate in the exercises thereof; and all teachers who may have charge of schools at the time of holding the annual institute shall adjourn their schools for the time during which the institute shall be held.

Teachers shall attend institutes

May adjourn schools.

Sec. 9. That section 1199 of said division be so amended as to read as follows :

Section 1199. The territorial superintendent of public instruction shall cause to be published not less than seven hundred copies of each annual report, nor more than one thousand copies, in pamphlet form. On each alternate year he shall embody in his said report copies of the school laws, beginning with 1883.

Annual report to be published.

Sec. 10. That there be added to article I, of chapter LV of said division the following additional sections to-wit :

Sec. 1149. A. That every parent, guardian, or other person in the Territory of Montana, having control of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school, or private school, taught by a competent instructor, for a period of at least twelve weeks in each year, six weeks of which time shall be consecutive, unless such child or children are excused from such attendance by the board of trustees of the school district in which such parent, guardian, or person having control of such child or children resides. Upon its being shown to their satisfaction that such parent or guardian was not able, by reason of poverty, to clothe such child properly; or that such child's bodily or mental condition has been such as to prevent his attendance at school, or application to study for the period required; or that such child or children are taught at home by a competent instructor, in such branches as are usually taught in the public schools, subject to the

Every child to be sent to school.

Excuse for not attending school.

same examination as other pupils of the district in which the child resides; or that he has already acquired the ordinary branches required by law; or that there is no school taught within one mile of the domicile or place of residence of such child or children; *Providing*, That no child shall be refused admission to any public school on account of race or color.

SEC. 1149. B. Any parent, guardian, or other person failing to comply with the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor, and fined in a sum not less than five nor more than ten dollars for the first offense, nor less than ten nor more than twenty dollars, or thirty days imprisonment in the county jail, for the second and every subsequent offense. Said action shall be prosecuted in the name of the Territory of Montana before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury for the support of common schools.

Penalty for not complying with foregoing section.

Fines for support of schools.

SEC. 1149. C. It shall be the duty of any school trustee to inquire into all cases of neglect of the duty prescribed in this act, and ascertain from the person or persons neglecting the reasons, if any, therefor, and shall forthwith proceed to secure the prosecution of any offense occurring under this act, and any trustee neglecting to secure such prosecution for such offense within ten days after a written notice has been served on him by any taxpayer in said district or city, unless the person or persons so complained of shall be excused by the district board of trustees for reasons hereinbefore stated, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than ten nor more than fifty dollars, which fine shall be prosecuted for and in the name of the Territory of Montana, and such fine, when collected, shall be paid into the county treasury as in section 1149, B., of this act.

Duties of trustees under section 1149. A

Penalty for neglect.

SEC. 1149. D. If, upon the trial of any offense, as charged in section 1149, C., it shall be made to appear to the satisfaction of the court or judge trying the same, that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant or person instituting such proceedings, and collected as fines in other cases.

Malicious prosecution.

SEC. 1149. E. County certificates shall be issued by county superintendents, and shall continue in force, respectively, for one, two and three years, according to standard of scholarship. The examination may be written or oral, in the discretion of the county superintendent, and shall include the following branches, to-wit: Reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, and the practice of teaching. There shall be at least two public examinations

Certificates may be issued

Examination of teachers.

Questions to
be submitted
to territorial
superintendent.

in each county each year, and the questions used in such examinations shall be prepared by the county superintendent and submitted to the territorial superintendent for his approval and correction: *Provided*, The county superintendent may at any time hold other examinations as circumstances may require.

Proviso.

First grade
certificates.

Second grade
certificates.

Third grade
certificates.

SEC. 1149. F. First grade certificates shall continue in force for two years, and shall be granted to persons who have had twelve months successful experience in teaching, and who shall make a general average in their examination of not less than 85 per cent., nor less than 70 per cent. in any one study. Second grade certificates shall continue in force two years, and be issued to persons whose general average in examination is not less than 80 per cent. nor less than 60 per cent. in any one study. Third grade certificates shall be issued to those who make a general average of not less than 70 per cent; and in no case shall any person receive a third grade certificate who makes less than 60 per cent. in any one branch.

Approved March 8, 1883.

AN ACT relative to the procuring of Licenses by persons keeping Roller Skating Rinks.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. Every keeper of a roller skating rink shall procure a license, and shall pay therefor the sum of twenty-five dollars per quarter.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1883.

AN ACT concerning Disincorporations.

Be it enacted by the Legislative Assembly of the Territory of Montana;

SECTION 1. That all of the provisions of section 286 of the Fifth Division of the Revised Statutes of Montana, concerning the disincorporation of corporations, shall be, and the same are hereby made applicable to corporations formed under the act of the legislative assembly of the

Territory of Montana, of date February 9, 1876, entitled "An Act to provide for the formation of corporations other than those for pecuniary profit;" also to corporations formed under sections 292, 293, 294, 295, 296 and 297 of the Fifth Division of the Revised Statutes of Montana.

Approved March 2, 1883.

AN ACT to prevent the spread of Contagious Diseases among Sheep.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. There shall be appointed by the governor, Governor shall appoint. in each county of the Territory of Montana, a qualified elector of such county, who shall be known as a sheep commissioner, who shall serve for a term of two years, or Term of office. until his successor is appointed, who shall, before entering upon the duties of his office, subscribe an oath and enter into bond, with two or more sufficient sureties, to be approved by the county commissioners, conditioned for the faithful performance of the duties of his office. Each inspector shall have power to appoint deputies, not exceeding one for each precinct, for whose acts he shall be responsible, and by any of whom he may perform any act required by him by this chapter. It shall be the duty of the inspector of sheep, at any time, upon the written request of one or more citizens of his county owning or having possession of sheep, that sheep owned by or in possession of any other person is affected with scab or scabies, and that such owner or other person has been notified of the fact, and fails to take proper steps to cure such diseased sheep, it shall be the duty of the inspector, without delay, to examine such sheep, and if he shall find said sheep to be affected with said disease, he shall, within thirty days, take said sheep into his possession and cause them to be cured. He may call to his assistance such aid May call assistance. as may be necessary for that purpose, and the owner or owners of said sheep shall be liable to said sheep inspector for all necessary expenses, costs, and charges incurred in curing the sheep, including the compensation of three dollars per day to such inspector for every day or part of a day in which he shall be necessarily employed, together with the expenses of traveling to and from such place. Owner of sheep to pay costs, &c. Compensation of inspector in such cases. *Provided*, That if the complaint shall be false, the party complaining shall be liable to the sheep inspector for his compensation of three dollars per day for every day or part of a day employed in the examination of said sheep, and expenses of travelling, as aforesaid. The indebtedness in- In case of false complaint, complainant liable for costs.

curred under the provisions of this chapter may be recovered by such sheep inspector in his official character by an action in any court having jurisdiction of the amount.

Parties bringing sheep into territory must obtain certificate.

SEC. 2. Any person, company, or corporation, intending to bring or cause to be brought into the Territory of Montana any sheep or bands of sheep, must first obtain from an inspector of scab, duly appointed under this chapter, a certificate that said sheep or bands of sheep are sound and free from scabs or scabies before crossing the boundary line of said Territory; and any person, company or corporation, desiring to move his or their sheep from one county to another, or from one section to another, shall secure from the sheep inspector of the county which he leaves, or which he enters, a certificate of inspection and travelling permits, duly signed, that such sheep are free from scab or any other infectious or contagious diseases; and any person willfully or negligently violating the provisions of this chapter shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not less than fifty dollars, nor more than five hundred dollars, for a band of one thousand sheep, or less, so affected, and an additional fine of not less than fifty dollars nor more than five hundred dollars for each additional one thousand sheep or fraction thereof in such affected band.

Permit to drive sheep in the territory.

What certificate to contain.

Penalty.

Diseased sheep to be securely kept.

SEC. 3. Any person or persons, now or hereafter, having ownership of or in any sheep infected by scab or any other infectious disease, shall keep the same secure from contact with other sheep, and shall not be permitted to move or drive the same upon any highway, byway, or across any range, where other sheep are liable to range or be driven: *Provided*, That the owner or owners of such sheep so infected may move the same by first obtaining a written permission of the sheep commissioner of the county wherein he wishes to move them, which permission shall state the manner in which they are to be moved, and the place to which they are to be moved, and the route designated: *Provided*, That the sheep commissioner shall not give permission to any person or persons to move any sheep so affected across any range where healthy sheep are accustomed to range. Any person or persons violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than two hundred and fifty nor more than two thousand dollars.

Proviso.

How moved.

Proviso.

Penalty.

Duty of owner of diseased sheep.

SEC. 4. Whenever, on any examination of any sheep or herds of sheep, kept or herded in any county in the Territory of Montana, the sheep inspector shall find such sheep, or any portion of them, affected with scab, or any other infectious or contagious diseases, he shall forthwith notify the owner or person in charge of such diseased sheep, in

writing, to put such diseased sheep, and the sheep or herd in which they have been kept, into an enclosure, or by other sufficient means be kept from contact with other sheep, and to proceed immediately to treat them for the cure of such disease under his supervision; and any person, company or corporation, who shall refuse or neglect to immediately put such sheep into an enclosure, or by other sufficient means secure them from contact with other sheep, or shall refuse or neglect for thirty days after such notice to proceed to treat such sheep for the cure of such disease, under the supervision of an inspector, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, and no more than two hundred dollars; and for each day of such neglect or refusal to treat such sheep after thirty days from such notice such person or corporation shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty dollars, nor more than fifty dollars; and in addition to the punishment provided in this section the inspector shall, in case of a refusal or neglect to secure such diseased sheep from contact with other sheep, immediately upon notice being given, as hereinbefore provided, or in case of refusal or neglect of fifty days after notice to treat such sheep for the cure of such disease, seize such sheep, and by enclosure or other sufficient means secure them from contact with other sheep, and proceed without other unnecessary delay to treat them for the cure of such disease; and the expense of such seizure, keeping and treatment, together with the fees of the inspector while engaged therein, shall be charged on the sheep so seized, and the inspector shall hold the sheep until the same is paid; or if not paid within ten days after such treatment is completed he shall collect the same, together with the costs and expenses of collection, by advertising and selling such sheep, or so many thereof as may be necessary, in the manner provided by law for the sale of personal property upon execution: *Provided*, No person, company or corporation shall be required to dip a band of sheep from the first day of November until the first day of June of each year.

To treat
them for cure.

Penalty for
refusal or neglect.

Provido.

SEC. 5. The per diem of the sheep inspector shall be as follows: For inspecting, granting certificates, and travelling permits, three dollars, together with ten cents per mile necessarily traveled in making such inspection.

Compensation
of inspector.

SEC. 6. Any person, company or corporation, violating any of the provisions of this chapter, shall be liable in civil action for all damages sustained by any other person, company or corporation, in consequence of such violation.

Damages.

SEC. 7. On any action or proceedings, civil or criminal, arising under this chapter, all persons having an interest

in sheep, concerning which such action or proceeding is had, shall be deemed the owners of such sheep, and owners shall be liable, severally and jointly, for violation of this chapter. Any herder, shepherd, or other persons, in charge of sheep, who shall willfully refuse to give an inspector information as to the condition of the sheep in his charge, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than twenty-five dollars, nor more than two hundred and fifty dollars. In criminal actions against corporations under this chapter, no arrests shall be necessary, but a summons, containing notice of the time and place of trial, together with a copy of the complaint filed before the justice of the peace or clerk of the court in which the action is commenced, shall be served in the manner, and for the same time as in civil actions.

Penalty for refusal to give information concerning condition of sheep.

Commencement of criminal actions under this act

SEC. 8. Courts of justice of the peace shall have concurrent jurisdiction with the judicial courts of all misdemeanors defined in this chapter, and of all criminal proceedings for such misdemeanor. The provisions of this chapter requiring the inspectors of sheep to prosecute for violations of its provisions shall not be so construed as to prevent such prosecutions from being commenced and prosecuted by other persons as other criminal actions are commenced and prosecuted.

Jurisdiction of courts.

SEC. 9. All fines and penalties arising from the provisions of this chapter, shall, one-half, go to the general school fund of the county in which the action is brought, and the other half go to the county fund.

Fines and penalties.

SEC. 10. On and after the passage of this act, Article VII of the Fifth Division of the General Law, act of February 11th, 1876, excepting section 18, shall be and is hereby repealed.

SEC. 11. The provisions of this bill shall take effect on and after its passage: *Provided*, No person, company or corporation shall be required to dip a band of sheep as provided by section 4, prior to August 1st, 1883.

Approved March 5, 1883.

AN ACT to Prevent the Carrying of Deadly Weapons.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. It shall be unlawful for any person within the limits of any city, town, or village in this Territory,

Unlawful to carry concealed weapons.

to bear, concealed upon his person, any dirk, dagger, pistol, revolver, or other deadly weapon.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars, nor more than one hundred dollars.

Penalty

SEC. 3. This act shall not apply to peace officers in the discharge of their official duties.

Exception.

Approved March 5, 1883.

AN ACT to amend section 348 of the Fifth Division of the Revised Statutes of Montana, relating to County Commissioners.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 348 of the Fifth Division of the Revised Statutes of Montana, be amended to read as follows:

Section 348. The board of county commissioners of each county shall have power at any meeting, except as provided in the second sub-division of this section:

Power of county commissioners

First—To make such orders concerning the property belonging to the county as they may deem expedient.

Second—That only at the regular meetings, in March, June, September and December, they shall examine and settle all accounts of the receipts and expenses of the county, and examine, settle and allow all accounts chargeable against the county, and, when so settled, they may issue county orders therefor, as provided by law.

When to allow accounts.

Third—To build and keep in repair county buildings, and cause the same to be insured in the name of the county treasurer for the benefit of the county, and in case there be no county buildings to provide suitable rooms for county purposes.

To build, repair and insure county buildings.

Fourth—To apportion and order the levying of taxes as provided by law, and to borrow money upon the credit of the county, a sum sufficient for the erection of county buildings, or to meet the current expenses of the county in case of a deficit in the county revenue.

To levy tax and borrow money.

Fifth—To represent the county, and have the care of county property, and the management of the business and concerns of the county in all cases where no other provision is made by law.

To care for and manage county property.

Sixth—To set off, organize, and change the boundaries of townships in their respective counties, designate and give names to them, and to fix the time and place of holding the first election therein.

Seventh—To establish one or more election precincts in any township, as the convenience of the inhabitants may require.

Eighth—To lay out, alter, or discontinue any road running through one or more townships in the county, and to perform such other duties respecting roads as may be required by law.

Ninth—To grant licenses for keeping ferries in their respective counties, and such other licenses as may be prescribed by law.

Tenth—To set aside a sum not less than one nor more than twenty-five per cent. of the county fund, annually, which shall be known as the "contingent fund," to defray incidental expenses of the county; and if a surplus of such contingent fund, so set aside, remain, it shall be paid out on registered warrants as other county funds are, at the expiration of each quarterly settlement.

Eleventh—To perform such other duties as are, or may be, prescribed by law.

Approved March 1, 1883.

AN ACT to authorize school trustees to issue bonds to build or provide school houses.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. The board of school trustees of any school district within the Territory shall, whenever a majority of the trustees so decide, submit to the electors of the district the question, whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed two per cent. of the taxable property in said district, and bearing a certain rate of interest, not exceeding seven per centum per annum, and payable and redeemable at a certain time, for the purpose of building or providing one or more schoolhouses in said district, and purchasing land necessary for the same.

SEC. 2. Such election shall be held in the manner prescribed by section 1133 of the Fifth Division of the Revised

Statutes of Montana, but the ballots shall contain the words: "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of trustees shall issue such bonds in such form as the board may direct, and shall bear the signature of the chairman of the board of trustees, and shall be countersigned by the clerk of the said school district; and the coupons attached to the bonds shall be signed by said chairman and said clerk. And each bond so issued shall be registered by the county treasurer in a book provided for that purpose, which shall show the number and amount of each bond, and the person to whom the same is issued. And the said bonds shall be sold by the said school trustees as hereinafter provided.

Form of
bonds and
manner of
issue.

Bonds to be
registered.

SEC. 3. The school trustees shall give notice by advertisement in some newspaper published in this Territory, for a period of not less than four weeks, to the effect that the said school trustees will sell said bonds (briefly describing the same) and stating the time when, and the place where, such sale will take place: *Provided*, That the said bonds shall not be sold for less than their par value, and that the said trustees are authorized to reject any bids, and to sell said bonds at private sale, if they deem it for the best interest of the district; and all moneys arising from the sale of said bonds shall be paid, forthwith, into the treasury of the county in which such district may be located to the credit of said district, and the same shall be immediately available for the purpose of building or providing the schoolhouses authorized by this act.

Notice of
sale.

Not to be
sold for less
than par.

SEC. 4. The faith of each school district is solemnly pledged for the payment of the interest and the redemption of the principal of the bonds which shall be issued under this act. And for the purpose of enforcing the provisions of this act, each school district shall be a body corporate, which may sue and be sued by, or in the name of, the board of school trustees of such district.

Faith of
school dis-
trict pledged
for payment.

SEC. 5. The school trustees of each district shall ascertain and levy, annually, the tax necessary to pay the interest when it becomes due, and a sinking fund to redeem the bonds at their maturity; and said tax shall become a lien upon the property in said school district, and be collected in the same manner as other taxes for school purposes.

Taxes to pay
interest and
for sinking
fund.

SEC. 6. When the sum in said sinking fund shall equal or exceed the amount of any bond then due, the county treasurer shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the numbers thereof, and preference shall be given to the oldest issue; and if at the

Redemption
of bonds.

expiration of the said thirty days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease; but the treasurer shall at all times thereafter be ready to redeem the same on presentation, and when any bonds shall be so purchased or redeemed, the county treasurer shall cancel all bonds so purchased and redeemed by writing across the face of such bond or bonds, in red ink, the word "redeemed," and the date of such redemption.

Payment of
interest.

SEC. 7 The county treasurer shall pay out of any moneys belonging to a school district the interest upon any bonds issued under this act by such district when the same shall become due, upon the presentation at his office of the proper coupon, which shall show the amount due, and the number of the bond to which it belonged; and all coupons so paid shall be reported to the school trustees at their first meeting thereafter.

SEC. 8. The school trustees of any district shall cause to be printed or lithographed, at the lowest rates, suitable bonds, with the coupons attached, when the same shall become necessary, and pay therefor out of any moneys in the county treasury to the credit of said school district.

Penalty for
refusing to
pay over fun's

SEC. 9. If any of the school trustees of any district shall fail or refuse to pay into the proper county treasury the money arising from the sale of any bonds provided for by this act, they shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the territorial penitentiary for a term of not less than one year nor more than ten years.

SEC. 10. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1883.

AN ACT concerning the jurisdiction of the supreme court.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 677 of the First Division of the Revised Statutes of Montana be amended so as to read as follows:

SEC. 677. The supreme court shall have appellate jurisdiction in all cases tried in the district courts, and shall hold its sessions at the capital at the times fixed by law.

Approved February 17, 1883.

AN ACT concerning oaths of office.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. All persons authorized by the laws of the Territory of Montana to administer oaths may administer oaths of office to notaries public.

Approved February 17, 1883.

AN ACT in relation to county licenses.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That all moneys collected for license taxes in the several counties of this Territory under the provisions of any act concerning licenses, now in force, or that hereafter become a law, shall be paid into the county treasury of the county wherein the same are collected, and seventy-five per cent. of the whole amount so collected shall be retained in the county treasury of such county for the use of such county, and the remaining twenty-five per cent. shall be paid over by the county treasurer to the territorial treasurer for the use of the Territory.

Seventy-five per cent. for the county.

Twenty-five per cent. for the Territory.

SEC. 2. That section 819 of the Fifth Division of the Revised Statutes of Montana be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1883.

AN ACT regulating insurance companies.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That hereafter when any number of persons associate themselves together for the purpose of forming an insurance company for any other purpose than life insurance, they shall publish a notice of such intention, once in each week for four consecutive weeks, in some public newspaper in the county in which such insurance,

To give notice of formation of company.

What certificate shall contain.

Attorney-general to examine certificate and report to auditor.

company is proposed to be located; and they shall also make a certificate under their hand, specifying the name assumed by such company, and by which it shall be known, the object for which said company shall be formed, the amount of its capital stock, and the place where the principal office of said company shall be located, which certificate shall be acknowledged before and certified by some notary public, or clerk of court of record, and forwarded to the territorial auditor, who shall submit the same to the attorney general for examination, and, if it shall be found by the attorney general to be in accordance with the provisions of this act, and not in conflict with the constitution and laws of the United States and this Territory he shall make certificate of the facts and return it to the territorial auditor, who shall reject the name or title applied for by any company when he shall deem the same too similar to any one already appropriated by any other company, or likely to mislead the public.

Certificate to be recorded.

SEC. 2. When the said certificate of the said company shall have received the approval of the territorial auditor, the said company shall cause the same to be recorded as now required by law for recording articles of incorporation, and said persons, when incorporated, and having in all respects complied with the provisions of this act, are hereby authorized to carry on the business of insurance, as named in such certificate of incorporation, and by the name and style provided therein, and shall be deemed a body corporate, with succession, they and their associates, successors and assigns, and shall be capable of suing and being sued in any court of law or equity in this Territory.

Not less than \$200,000 nor more than \$1,000,000 capital.

Fifty per cent. to be paid up and the remainder secured.

Security to be approved.

Premiums upon which mutual companies form.

SEC. 3. No joint stock company shall be incorporated under the provisions of this act with a smaller capital than two hundred thousand dollars, nor more than one million dollars, as may be specified in the certificate of incorporation, which stock shall be divided into shares of one hundred dollars each, of which capital at least fifty per cent. shall be fully paid up in cash, and that for the remainder of its capital there are in its possession notes of its stockholders, secured by at least one surety, or by mortgages on unincumbered real estate within this Territory, worth at least twice the amount of such notes, which notes or other security shall be approved by the territorial auditor; nor shall any company, on the plan of mutual insurance, commence business in this Territory until agreements have been entered into for insurance with at least two hundred applicants, the premiums upon which shall amount to not less than twenty-five thousand dollars, of which at least five thousand dollars shall have been paid in actual cash, and for the remainder of which notes of solvent parties, founded upon actual and *bona fide* applications for insurance, shall have been received; no one of the notes re-

ceived, as aforesaid, shall amount to more than five hundred dollars, and no two thereof shall be given for the same risk, or made by the same person or firm, except when the whole amount of such notes does not exceed the sum of five hundred dollars, nor shall any note be regarded or represented as capital stock unless a policy be issued upon the same within thirty days after the organization of the company taking the same, upon a risk which shall be for no shorter period than twelve months; each of said notes shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of losses by fire or inland navigation, and such incidental expenses as may be necessary for transacting the business of said company; and no notes shall be accepted as a part of such capital stock unless the same shall be accompanied by a certificate of the clerk of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good and responsible for the same in property not exempt from execution by the laws of this Territory, and no such note shall be surrendered while the policy for which it was given continues in force.

Amount of
notes limited.

Notes to be-
come part of
capital stock
must be certi-
fied.

SEC. 4. Having published the notice, and filed the publisher's affidavit of the publication thereof with the territorial auditor, together with the certificate as required by the first section of this act, the persons named in the certificate of incorporation, or a majority of them, shall be commissioned to open books for the subscription of stock to the company at such times and places as to them may seem convenient and proper, and shall keep the same open until the full amount specified in the certificate is subscribed; or in case the business of such company is proposed to be conducted on the plan of mutual insurance, then open books to receive propositions and enter into agreement in the manner, and to the extent, specified in the third section of this act.

Incorpo ra -
tors may open
books for sub-
scription to
stock.

SEC. 5. The affairs of any company organized under the provisions of this act shall be managed by not more than twenty-one nor fewer than five directors, all of whom shall be stockholders. Within thirty days after the subscription books shall have been filed a majority of the subscribers shall hold a meeting for the election of directors, each share entitling the holder thereof to one vote, and the directors thereof shall continue in office until their successors have been duly chosen and have accepted the trust.

Number of
directors.

SEC. 6. It shall be lawful for any insurance company organized under this act, or incorporated under any law of this Territory, to invest its capital and the funds accumulated in the course of its business, or any part thereof, in

May invest
its funds.

Security Re-
quired:

bonds and mortgages on unincumbered real estate within the Territory of Montana worth double the sum loaned thereon, exclusive of buildings, unless such buildings are insured in some responsible company or companies, and the policy or policies transferred to said company, and also in stocks of this Territory, or stocks or treasury notes of the United States, in the stocks and bonds of any county or incorporated city in this Territory which may have been heretofore authorized to be issued by the legislature of this Territory, and to lend the same, or any part thereof, on the security of such stocks, or lands, or treasury notes, or upon bonds and mortgages, as aforesaid, and not otherwise, and to change and reinvest the same in like securities, as occasion may from time to time require; but any surplus money over and above the paid up capital stock of any such company organized under this act, or incorporated under any law of this Territory, may be invested in or loaned upon the pledge of public stocks of the United States, or any of the States, or stocks, bonds or other evidences of indebtedness of any solvent, dividend paying institution, incorporated under the laws of this Territory, or the United States, except their own stock. *Provided always*, That the current market value of such stock, bonds, or other evidences of indebtedness, shall be at all times during the continuance of such laws, at least twenty per cent. more than the sum loaned thereon.

Examina-
tion to be
made by au-
ditor, or by
some person
appointed by
him.

SEC. 7. Upon receiving notification that the requirements of the preceding sections have been complied with, the territorial auditor shall make an examination, or cause one to be made, by some disinterested person officially appointed by him for that purpose, and if it shall be found (if the examination shall be made other than by the auditor, then the finding shall be certified under oath), that the capital herein required by the company named, according to the nature of the business proposed to be transacted by such company, has been paid in and possessed by it in money, or in such stock, notes, bonds, or mortgages as are required by the third and sixth sections of this act, then he shall so certify, and if the examination be made by any other than the auditor, then the finding shall be certified under oath, or if it is proposed to be a mutual insurance company, that it has received and is in actual possession of the capital, premiums, or *bona fide* engagements of insurance, or the securities, as the case may be, to the extent and value required by the third and sixth sections of this act, the name and residence of the maker of each premium note forming part of the capital of any such proposed mutual insurance company, and the amount of such note shall be returned to the auditor. The corporators or officers of any such company, or proposed company contemplated by this act, shall be required to certify under oath

to the territorial auditor that the capital exhibited to the person making the examination directed in this section was *bona fide* property of the company so examined; the certificates above contemplated shall be filed in the office of said auditor, who shall thereupon deliver to such company a certified copy of the same, with his written permission for them to commence business as proposed in their written certificate of incorporation, which, on being placed on record in the office of the recorder of the county in which the company is to be located by the recorder in a book prepared by himself for that purpose, shall be their authority to commence business and issue policies, and such certified copy of said certificate may be used in evidence for or against said company with the same effect as the originals.

Sec. 8. It shall be lawful for any company organized under this act, or doing business in this Territory :

First—To insure houses, buildings and all other kinds of property against loss or damage by fire or other casualty, and to make all kinds of insurance on goods, merchandise, or other property in the course of transportation, whether on land, water or any vessel afloat, wherever the same may be. Powers of
insurance
companies,

Second—To make insurance on the health of individuals, and against the personal injury, disablement, or death, resulting from traveling or general accident by land or water.

Third—To insure the fidelity of persons holding places of public or private trust.

Fourth—To receive on deposit, and insure the safe keeping of books, papers, moneys, stocks, bonds, and all kinds of personal property.

Fifth—To insure horses, cattle and other stock against loss or damage by accident, theft, or any unknown or contingent event whatever, which may be the subject of legal insurance; to lend money on bottomery or *respondentia*, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may make on mortgages, bottomery or *respondentia*, and generally to do and perform all other matters and things proper to promote these objects: *Provided*, That no company shall be organized to issue policy of insurance for more than one of the above mentioned purposes; and no company that shall have been organized for either one of said purposes shall issue policies of insurance for any other; and no company organized under this act, or transacting business in this Territory, shall ex-

Proviso.

pose itself to loss on any one risk or hazard to an amount exceeding ten per cent. of its paid up capital, nor to write on a risk within the corporate limits of any one city an amount representing more than the paid up capital of the company, unless the excess shall be insured by the same in some other good and reliable company or companies; and provided that the restriction as to the amount of risk any company shall assume shall not apply to companies organized to guarantee the fidelity of persons in places of public or private trust, nor to companies that receive on deposit and guarantee the safe keeping of books, money and papers, and other property.

When directors to be elected. SEC. 9. The annual meeting for the election of directors shall be holden during the month of January, as the by-laws of the company may direct: *Provided, however,* That if for any cause the stockholders shall fail to elect at any annual meeting, then they may hold a special meeting some day subsequent thereto for that purpose by giving thirty days notice thereof in some newspaper in general circulation in the county in which the principal office of the company shall be located; and the directors chosen at any such annual or special meeting, shall continue in office until the next annual meeting, and until their successors, duly elected, shall have accepted.

Special meeting may be held in case of failure to elect at annual meeting.

How president chosen. SEC. 10. The directors shall choose by ballot a president from their own number, and shall fill vacancies which shall arise in the board or in the presidency thereof, and the board of directors thus constituted, or a majority of them, when convened at the office of the company, shall be competent to exercise all the powers vested in them by this act.

May appoint secretary and other officers. SEC. 11. The directors of any such company shall have power to appoint a secretary and other officer or agent necessary for transacting the business of the company, paying such salary and taking such securities as they may deem reasonable; they may ordain and establish such by-laws and regulations, not inconsistent with this act or with the constitution and laws of the United States and this Territory as shall appear to them necessary for regulating and conducting the business of the company; and it shall be their duty to keep full and correct entries of their transactions, which shall at all times be open to the inspection of the stockholders and to the inspection of persons invested by law with the right thereof.

May establish by-laws.

Policies may be with or without seal. SEC. 12. All policies or contracts of insurance made or entered into by the company may be made either with or without the seal of said company, but such policies shall be subscribed by the president, or such other officer as may be designated by the directors for that purpose, and shall be attested by the secretary thereof.

How signed.

SEC. 13. Transfers of stock may be made by any stockholder, or his legal representative, subject to such restrictions as the directors shall, from time to time, establish in their by-laws, except as hereinafter provided.

Transfers of stock.

SEC. 14. Whenever any company, organized under this act, with less than the maximum capital limited in section three hereof, shall, in the opinion of the directors thereof, require an increased amount of capital, they shall, if authorized by the holders of a majority of the stock to do so, file with the territorial auditor a certificate setting forth the amount of such desired increase, not exceeding said maximum, and thereafter such company shall be entitled to have the increased amount of capital fixed by said certificate; and the examination of securities composing the capital stock thus increased shall be made in the same manner as provided in section seven of this act for the capital stock first paid in.

May increase capital.

SEC. 15. It shall not be lawful for the directors, trustees, or managers of any insurance company organized under this act, or incorporated under any law of this Territory, to make any dividends except from the surplus profit arising from their business, and in estimating such profits there shall be reserved therefrom a sum equal to fifty per cent. of the amount received as premiums on unexpired risks and policies, which amount so reserved is hereby declared to be unearned premiums; and there shall also be reserved all sums due the corporation on bonds and mortgages, bonds, stocks and book accounts, of which no part of the principal or interest thereon has been paid during the year preceding such estimate of profits and upon which suit for foreclosures or collections has not been commenced, or which after judgment has been obtained thereon, shall have remained more than two years unsatisfied, and upon which interest shall not have been paid; and in case of any such judgment the interest due or accrued thereon and remaining unpaid, shall also be reserved. Any dividends made contrary to these provisions shall subject the company making it to a forfeiture of their charter.

Dividends to be made from surplus profit only.

How profits estimated.

SEC. 16. No company organized under this act shall purchase, hold or convey any real estate, save for the purpose and in the manner herein set forth, to-wit:

What real estate may be held.

First—Such as shall be requisite for its convenient accommodation in the transaction of its business.

Second—Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for money due; or

Third—Such as shall have been conveyed to it in satisfaction of debts previously contracted in the legitimate business of the company, or for money due; or

Fourth—Such as shall have been purchased at sales, or upon judgments, decrees, or mortgages obtained or made for such debts; and it shall not be lawful for any such company to purchase, hold, or convey real estate in any other case, or for any other purpose, or acquired in any other manner, except that it may convey real estate which shall be found in the course of its business not necessary for its convenient accommodation in the transaction thereof; and all such last mentioned real estate shall be sold and conveyed within three years after the same shall have been deemed by the territorial auditor unnecessary for such accommodation, unless the company shall procure a certificate from the said auditor that the interest of said company will materially suffer by a forced sale, in which event the sale may be postponed for such a period as said auditor shall direct in said certificate.

Liability on
notes deposited
for capital
stock.

SEC. 17. All notes deposited with any mutual insurance company at the time of its organization, as provided for in section three hereof, shall remain security for losses and claims until the accumulation of the profits invested as required by the sixth section of this act, shall equal the amount of cash capital required to be possessed by stock companies organized under this act, the liability of each note decreasing proportionately as the profits are accumulated; but any note which may have been deposited with any mutual insurance company subsequent to its organization, in addition to cash premiums, or any insurance effected with such company may, after the expiration of the time of such insurance, or upon the cancellation by the company of the policy, be relinquished and given the maker thereof, or his legal representative, upon paying his proportion of losses and expenses which may have accrued thereon during such term. The directors or trustees of any such company shall have the right to determine the amount of the note to be given in addition to the premiums by any person insured in such company; and every person effecting insurance in any mutual company, and also their heirs, executors, administrators and assigns, continuing to be so insured, shall thereby become members of said company during the period of insurance, and shall be bound to pay for losses, and such necessary expenses as aforesaid, accruing to said company, in proportion to his or their deposit note or notes: *Provided*, That any person insured in any mutual company, except in the case of notes required by this act to be deposited at the time of its organization, may at any time return the policy for cancellation, and upon the payment of the amount due

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at such time upon the premium note shall be discharged from further liability thereon.

SEC. 18. The directors shall, as often as they deem necessary, after receiving notice of any loss or damage, settle and determine the sums to be paid by the several members thereof as their respective portions of such loss, and publish the same in such manner as they shall deem proper, or the by-laws shall have prescribed; but the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company within thirty days after the publication of said notice; and if any member shall, for the space of thirty days after personal demand, or by letter, for payment shall have been made, neglect or refuse to pay the sum assessed upon him as a proportion of any loss aforesaid, the directors may sue for and recover the whole amount of his deposit note or notes, with cost of suit, but execution shall issue for assessment and costs as they accrue only, and every such execution shall be accompanied by a list of losses for which such assessment was made; if the whole amount of deposit notes shall be insufficient to pay the loss occasioned, the sufferers insured by the said company shall receive toward making good their respective losses a proportionate share of the whole amount of said notes, according to the sums to them respectively insured; but no member shall ever be required to pay for any loss more than the whole amount of his deposit note or notes.

If maker neglect or refuse to pay assessment for loss, he may be sued.

Judgment may be for amount of note.

Execution for assessment and costs as they accrue.

Liability not to exceed amount of note.

SEC. 19. Every insurance company hereafter organized as provided in this act shall, if it be a mutual company, embody the word "Mutual" in its title, which shall appear upon the first page of every policy and renewal receipt; and every company doing business as a cash stock company, shall, upon the face of its policies, express in some suitable manner that such policies were issued by stock companies.

Title.

SEC. 20. It shall be the duty of the president, or of the vice-president and secretary of each company organized under this act, or incorporated under any laws of this Territory, or doing business in this Territory, annually, on the first day of January of each year, or within ninety days thereafter, to prepare under oath, and deposit in the office of the territorial auditor, a full, true and complete statement of the condition of such company on the last day of the month preceding that in which such statement is filed, which last statement shall exhibit the following items and facts in the following forms, viz:

Annual statement to be made.

First—The amount of capital stock of the company.

What to contain.

Second—The names of the officers.

Third—The name of the company and where located.

Fourth—The amount of capital stock paid up.

Fifth—The property or assets held by the company, specifying the value, as near as may be, of the real estate owned by such company, the amount of cash on hand and deposited in banks to the credit of the company, and in what bank the same is deposited, the amount of moneys, stocks or bonds deposited in any foreign country, State or Territory of the United States, for the special benefit of the assured therein; the amount of cash in the hands of agents and in course of transmission; the amount of loans secured by first mortgages on real estate, with the rate of interest thereon, specifying the location of such real estate, and its assessed valuation; the amount of all other bonds and loans, and how secured, with the rate of interest thereon; the amount due the company on which judgment has been obtained; the amount of stocks of this Territory, of the United States, of any incorporated city of this Territory, and of any other stock owned by the company, specifying the amounts, numbers of shares, and par and market value of each kind of stock; the amount of stock held by such company as collateral security for loans, with amount loaned on each kind of stock, its par and market value; the amount of assessment on stock, and premium notes paid and unpaid; the amount of interest actually due and unpaid; all other securities and their value; the amount for which premium notes have been given on which policies have been issued.

Sixth—The liabilities of such company, specifying the losses adjusted and due; losses adjusted and not due; losses unadjusted; losses in suspense, and the cause thereof; losses resisted and in litigation; dividends either in script or cash, specifying the amount of each declared, but not due; dividends declared and due; the amount required to reinsure all outstanding risks on the basis of fifty per cent. of the premium on all unexpired risks under one year, and, pro rata, on all unexpired risks having more than one year to run; the amount due banks or other creditors; the amount of money borrowed, and the security therefor; all other claims against the company.

Seventh—The income of the company during the previous year, specifying the amounts received for premiums exclusive of premium notes; the amount of premium notes received; the amount received for interest; the amount received for assessments, calls on stock or notes, or premium notes; the amount received from all other sources.

Eighth—The expenditures during the preceding year, specifying the amount of losses paid during said term, stating how much of the same accrued prior, and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement; the amount paid for dividends; the amount paid commissions; salaries, expenses, and other charges of agents, clerks, and other employees; the amount paid for salaries, fees and other charges of office and directors; the amount paid for local, territorial, national, internal revenue and other taxes and duties; the amount paid for all other expenses, expenditures, including printing, stationery, rents, furniture, etc.

Ninth—The largest amount insured in any one risk.

Tenth—The amount of risks written during the year then ending.

Eleventh—The amount of risks in force having less than one year to run.

Twelfth—The amount of risks in force having more than one and not over three years to run.

Thirteenth—The amount of risks having more than three years to run.

Fourteenth—The following question must be answered, viz: "Are dividends declared on premiums received for risks not terminated?" The territorial auditor shall withhold the certificate of authority from any such company neglecting or failing to comply with the provision of this section.

SEC. 21. The territorial auditor is hereby authorized and empowered to address any enquiries to any insurance company in relation to its doings and condition, or any other matter connected with its transactions which he may deem necessary for the public good, or for a proper discharge of his duties, and it shall be the duty of any company so addressed to promptly reply in writing thereto.

Auditor may require a report at any time.

SEC. 22. The statement of any company the capital of which is composed in whole or in part of notes, shall, in addition to the foregoing, exhibit the amount of notes originally forming the capital, and also what proportion of said notes are still held by such company and considered capital.

What statement to show concerning notes.

SEC. 23. It shall not be lawful for any insurance company, association, or partnership, organized or associated for any of the purposes specified in this act, incorporated

Foreign insurance companies.

by, or organized under, the law of any other State, or the United States, or any foreign government, directly or indirectly, to take risks, or transact any business of insurance in this Territory, unless possessed of two hundred thousand dollars of actual paid up capital, exclusive of any assets of any such company as shall be deposited in any other States or Territories or foreign countries, for the special benefit or security of the insured therein; and any such company desiring to transact any such business as afore-

Shall appoint an attorney in each county.

said, by any agent or agents in this Territory, shall appoint one attorney in each county in which agencies are established, resident at the county seat, and shall file with the territorial auditor a written instrument, duly signed and sealed, authorizing such attorney of such company to acknowledge service of process for and in behalf of such company in this Territory, consenting that such service of process, mesne or final, upon such attorney, shall be taken and held as valid as if served upon the company, to the laws of this Territory, or any other Territory or State, and waiving all claim of right or error by reason of such acknowledgment or service, and also a certified copy of

Shall file certified copy of charter together with statement.

their charter or deed of settlement, together with a statement under the oath of the president or vice-president, or other chief officer, and the secretary of the company for which they may act, stating the name of the company and the place where located, the amount of its capital with a detailed statement of the facts and items as required from companies organized under the laws of this Territory, as per section twenty hereof; such statement shall also show

What statement to show.

to the full satisfaction of the territorial auditor that said company, if organized without the United States of America, has deposited in some one of the United States or Territories a sum not less than one hundred thousand dollars for the special benefit or security of the assured therein, and shall file also a copy of the last annual report, if any, made under any law of the State, Territory, or foreign country by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired by the liabilities, as stated in section twenty of this act, to the extent of twenty per cent. thereof while such deficiency shall continue.

Certificate of authority to do business.

Sec. 24. It shall not be lawful for any agent, or agents, or individual, to act for any insurance company referred to in this act, directly, or indirectly, in taking risks, or transacting business of insurance in this Territory, without procuring from the territorial auditor a certificate of authority that such company has complied with all the requirements of this act.

Sec. 25. The statements and evidence of investments required of foreign companies, as above, shall be renewed

annually, in such manner and form as required by this act, and as said auditor may direct, with any additional statement of the amount of the losses incurred and premiums received in this Territory during the preceding period, so long as such agency continues; and the said auditor, on being satisfied that the capital, securities and investments remain secure, as heretofore provided, shall furnish a renewal of his certificate, as aforesaid.

Sec. 26. Every agent of any insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town, or village, in which the company is located, and the State or government under the laws of which it is organized, and shall in no case advertise any merely authorized capital, but shall in all such advertisements be limited to actual paid up capital and cash assets liable for fire losses only. The term agent or agents used in the foregoing section shall include an acknowledged agent or surveyor, or any other person or persons who shall in any manner, directly or indirectly, transact or aid in transacting the insurance business of any insurance company not incorporated by the laws of this Territory. The provisions of the foregoing sections relative to foreign companies shall apply to all such companies, partnerships, associations or individuals, whether incorporated or not. *Provided*, That none of the provisions of this clause shall be deemed operative in regard to insurance upon goods or merchandise in transit.

Sec. 27. Every insurance company organized under the laws of, or doing business in this Territory, shall conform to all the provisions of this act, applicable thereto, on or before the first day of July, 1883, and when necessary, any existing company shall change its charter and by-laws so as to conform thereto by a vote of a majority of its board of directors, and any president, secretary, or other officer of any company, organized under the laws of Montana, or any officer or person doing or attempting to do business in this Territory for any insurance company organized without this Territory, failing to comply with any of the requirements of this act, or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail for a period of not less than thirty days, nor more than six months.

Sec. 28. It shall be the duty of the territorial auditor, whenever he shall deem it expedient so to do, in his judgment, to appoint one or more persons, not officers, agents or stockholders of any insurance company doing business

in this Territory, to examine into the affairs and condition of any insurance company incorporated or doing business in this Territory, or to make such examination himself; and it shall be the duty of the officers or agents of such company to cause their books to be opened for the inspection of the auditor or the person or persons so appointed, and otherwise facilitate such examinations so far as may be in their power so to do, and for the purpose of arriving at the truth in such cases the auditor, or person or persons so appointed by him, shall have power to examine, under oath, the officers or agents of any company, or others, if necessary, relative to the business and condition of said company, and, whenever the auditor shall deem it best for the interest of the public so to do, he shall publish the result of such investigation in one or more papers of this Territory; and, whenever it shall appear to said auditor, from such examination that the assets and funds of any company incorporated in this Territory are reduced or impaired by the liabilities of said company, as described under the head of liabilities in the statement required by this act, more than twenty per cent. below the paid-up capital stock required by this act, he may direct the officers thereof to require the stockholders to pay in the amount of such deficiency within such a period as he may designate in such requisition; or he shall communicate the fact to the attorney general, whose duty it shall then become to apply to the district court, or if in vacation, to one of the judges thereof, for an order requiring said company to show cause why their business should not cease, and the court, or judges, as the case may be, shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of said court, or judge, that the assets and funds of said company are not sufficient as aforesaid, or that the interests of the public require it, the said court or judge shall decree a dissolution of said company and a distribution of its effects. The said court or judge shall have power to refer the application of the attorney-general to a referee to inquire into and report upon the facts stated therein.

Auditor to have access to books.

May publish result of investigation.

If capital impaired twenty per cent. he may require deficiency to be paid in.

May communicate impairment to attorney general.

Order to show cause why business should not cease.

SEC. 29. Any company receiving the aforesaid requisition from the said auditor, shall, forthwith, call upon its stockholders for such amounts as will make its paid up capital equal to the amount filed by this act, or the charter of said company; and in case any stockholder shall refuse or neglect to pay the amount so called for, after notice, personally given, or by advertisement, in such time and manner as said auditor shall approve, it shall be lawful for said company to require the return of the original certificate of stock held by such stockholder, and, in lieu thereof, to issue new certificates for such number of shares as the said stockholders may be entitled to in the proportion that

Duty of company when called upon to make up deficiency.

If stockholder refuses to pay, his stock to be returned

the ascertained value of the funds of said company may be found to bear to the original capital of the said company, the value of such shares for which the new certificates shall be issued to be ascertained under the direction of the said auditor, the company paying for the fractional part of shares; and it shall be lawful for the directors of such company to create new stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company; and in event of any additional losses accruing upon new risks, taken upon the expiration of the period limited by the said auditor in the aforesaid requisition for the filling up of the deficiency in the capital of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof.

New stock may be issued.

Directors individually liable for certain losses.

SEC. 30. If upon the examination it shall appear to the said auditor that the assets of any company chartered upon the plan of mutual insurance under this act are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to joint stock companies, and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the time limited by the said auditor for filling up the deficiency in the capital, and before such deficiency shall be made up; any transfer of the stock of any company organized under this act, made during the pending of any investigation required above, shall not release the party making the transfer from his liability for losses which may have accrued previous to such transfer.

Deficiency of assets in mutual companies.

Trustees and directors made personally liable.

Transfer of stock pending investigation, not to release liability.

SEC. 31. The territorial auditor shall be authorized to examine into the condition and affairs of any insurance company, as provided for in this act, doing business in this Territory, not organized under the laws of this Territory, or cause such examination to be made by some person or persons appointed by him, having no interest in any insurance company, and whenever it shall appear to the satisfaction of said auditor that the affairs of any such company are in an unsound condition he shall revoke the certificate granted in behalf of such company, and shall cause the notification thereof to be published in some newspaper in general circulation, published at the territorial capital, and the agent or agents of such companies are, after such notice, required to discontinue the issuing of any new policy, or the renewal of any previously issued.

Auditor may revoke certificate of authority.

Revocation to be published.

SEC. 32. There shall be paid by every company, association, person or persons, agent or agents, to whom this act shall apply, the following fees: For filing and examination of the first application of any company and issuing the certificate of license thereon, twenty-five dollars,

Fees of auditor.

which shall go to the auditor; for filing each annual statement herein required, fifteen dollars; for each certificate of authority, one dollar; for every copy of paper filed as herein provided, the sum of ten cents per folio, and fifty cents for certifying the same and affixing the seal of office thereto; all of which fees shall be paid to the officer required to perform the duties.

Deposit required of companies from other states to be same as required by such states of companies from this Territory.

SEC. 33. Whenever the existing or future laws of any other State or Territory of the United States shall require of insurance companies, incorporated by or organized under the laws of this Territory, having agencies in such other State or Territory, or of the agents thereof, any deposit of securities in such State or Territory, for the protection of policy holders or otherwise, or any payment for taxes, fines, penalties, certificates of authority, license fees, or otherwise, greater than the amount required for such purposes from similar companies of other States or Territories by the then existing laws of this Territory, then, and in every such case, all companies of such States or Territories establishing or having theretofore established, any agency or agencies in this Territory, shall be and are hereby required to make the same deposit for a like purpose with the auditor of this Territory, and to pay said auditor for taxes, fines, penalties, certificates of authority, license fees, or otherwise, an amount equal to the amount of such charges and payments imposed upon or required by the laws of such State or Territory of the companies of this Territory or the agents thereof.

Certificate of compliance with law, to be published.

SEC. 34. It shall be the duty of every insurance company of the kind provided in this act, doing business in this Territory, organized under the laws of this Territory, or any other State, Territory, or country, to publish once, annually, in two newspapers of general circulation, one of which papers shall be published at the capital of the Territory, and in case of companies organized in the Territory one of which shall be published in the county where the principal office is located, a certificate from the territorial auditor that such company has in all respects complied with the laws of this Territory relating to insurance.

Companies to pay expenses of examination.

SEC. 35. The necessary expenditure for any examination made, or ordered to be made, by the auditor of this Territory under this act, shall be certified by him and paid on his requisition by the company which is the subject of such examination. *Provided*, That the territorial auditor shall have the power, upon receiving information that the capital of any company is impaired, to call upon any such company for a full statement of its condition, and in event of refusal or neglect of any company to answer the requisition of the auditor, as aforesaid, he shall pro-

If company fails to make statement, when requir-

ceed to make the examination required by this act, and to take the necessary action to terminate the business of said company in this Territory.

ed, auditor to take steps to terminate business.

SEC. 36. It shall be the duty of the territorial auditor to cause to be prepared and furnish to each of the companies organized under the laws of this Territory, and to attorneys or agents of companies incorporated by other States or Territories, and foreign governments, who may apply for the same, printed forms of statements required by this act, and he may, from time to time, make such changes in the form of these statements as shall be deemed by him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Auditor to furnish printed forms.

SEC. 37. Each and every insurance company transacting business in this Territory shall be taxed upon the excess of premiums received over losses and ordinary expenses incurred within the Territory during the year previous to the year of listing in the county where the agent conducts the business, properly proportioned by the company at the same rate that all other personal property is taxed, and the agent shall render the list, and be personally liable for the tax; and if he refuses to render the list, or to make affidavit that the same is correct to the best of his knowledge and belief, the amount may be assessed according to the best knowledge and discretion of the assessor, and the county board of equalization may, at their discretion, add fifty per cent. to the amount returned by the assessor. Insurance companies shall be subject to no other taxation under the laws of this Territory except taxes on real estate and the fees imposed by section thirty-two of this act. And all moneys received from such insurance companies in payment of taxes, as provided for in this section, shall be applied to the maintenance of the fire department of the town or city where such business shall be carried on, if there shall be such fire department there established; if not, then such moneys shall be paid into the general fund of such county.

Taxes.

SEC. 38. It shall not be lawful for any company organized upon the mutual plan to do business and take risks upon the stock plan, neither for a company organized as a stock company to do business upon the plan of a mutual insurance company.

SEC. 39. Nothing in this act shall be so construed as to prevent any number of persons, not exceeding two hundred; from making mutual pledges, and giving valid obligations to each other, for their own insurance from loss by fire or death; but such association of persons shall in no

Mutual pledges may be made.

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case insure any property not owned and occupied by one of their own number, and no life except that of one of their own number; nor shall the provisions of this act be applicable to such associations or companies. *Provided*, Such associations or companies shall in no case pay any salaries or compensation to officers, agents, or other employees, and shall receive no premiums nor make any dividends.

SEC. 40. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 8, 1883.

AN ACT concerning assessments upon the stock of corporations.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Trustees have power to levy and collect assessments.

SECTION 1. The trustees of any corporation formed under the general laws of this Territory shall have power to levy and collect, for the purpose of paying the proper and legal expenses of such corporation, assessments upon the capital stock thereof, in the manner and form, and to the extent hereafter provided, and not otherwise.

Assessments not to exceed five per cent. of capital.

SEC. 2. No one assessment shall exceed five per cent. of the stated amount of the capital stock of the corporation named in the articles of incorporation, and none shall be levied while any portion of any previous assessment shall remain unpaid or uncollected, except in cases where all the powers of the corporation shall have been exercised in accordance with the terms of this act for the purpose of collecting such previous assessment, and except, also, the collection of a previous assessment against one or more stockholders be restrained by injunction or otherwise, in which case further assessment may be made and collected according to this act.

SEC. 3. No assessment shall be made or levied except by order of the board of trustees, concurred in by a majority of said board, and duly entered upon the records of the corporation.

Order shall specify amt and when, where and to whom payable.

SEC. 4. Every order levying an assessment shall specify the amount thereof, and the time when the person or persons to whom, and the place or places where the same is payable. It shall also appoint a day, subsequent to the full term of publication of the assessment notice, on which

the stock upon which assessment remains unpaid, shall be deemed delinquent, which said day shall not be less than thirty nor more than sixty days from the time of the making of said order levying the assessment, and a day for the sale of delinquent stock, which shall not be less than fifteen nor more than sixty days from the time appointed for declaring such stock delinquent.

SEC. 5. Upon the making of such an order the Secretary shall cause to be published immediately a notice thereof in the following form:

(Name in full, location of works.) Notice is hereby given, that at a meeting of the trustees of said company, held on the (date) an assessment of (amount) per share was levied upon the capital stock of said company, payable (when, to whom, and where, particularly). Any stock upon which said assessment shall remain unpaid on the (day fixed) shall be deemed delinquent, and will be duly advertised for sale at public auction, and unless payment shall be made before, will be sold on the (day appointed) to pay the delinquent assessment, together with the costs of advertising and expenses of sale. (Signature of secretary, with particular location of office).

Notice, what to contain.

SEC. 6. Said notice shall be published once each week, for four successive weeks, in some daily or weekly paper published at the place designated in the articles of incorporation as the principal place of business of the corporation, and also in some paper published in the county in which the works of the corporation are situated, if a paper be published therein: *Provided*, That if the works of the corporation are not situated within some of the States or Territories of the United States, then publication in a paper of the county shall not be necessary: *Provided also*, That if there is no newspaper published at the place designated as the principal place of business of the corporation, then the publication shall be made in the newspaper published nearest thereto. *And provided also*, That the notice specified in section five of this act may be served by delivering a copy thereof, certified by the secretary, to each stockholder personally; and in case of such service upon all of the stockholders of the corporation, then no notice by publication shall be necessary, and such personal notice shall be deemed complete.

Publication of notice.

Proviso.

Proviso.

Proviso.

SEC. 7. If any portion of the assessment mentioned in said notice shall remain unpaid on the day specified therein for declaring the stock delinquent, the secretary shall, unless otherwise ordered by the board of trustees, cause to be published in the same papers in which the notice provided for in section five shall have been published, a notice substantially in the following form:

Proceeding if assessment remains unpaid.

Notice. (Name in full, location of works.) Notice—There is delinquent upon the following described stock, on account of assessment levied on (date) (and assessments levied previous thereto, if any.) the several amounts set opposite the names of the respective shareholders, as follows: (Names, number of certificate, number of shares, amount); and in accordance with law, (and an order of the board of trustees made on the (date), if any such order shall have been made), so many shares of each parcel of said stock as may be necessary, will be sold at the (particular place) on the (date), at (the hour), of said day, to pay said delinquent assessment thereon, together with costs of advertising and expenses of the sale. (Name of secretary with particular location of office.)

What notice to state. SEC. 8. Said last named notice shall state every certificate of stock, with the number of shares which it represents, and the amount due thereon, separately, except where certificates may not have been issued to parties entitled thereto, in which case the number of shares and amount due thereon, together with the fact that the certificates for such shares have not been issued, shall be stated.

Publication of notice. SEC. 9. Said notice when published in a daily or weekly paper, or in both, shall be published as follows: When published in a daily paper, the same shall be published for a period of ten days, excluding Sundays and holidays, previous to the day of sale. When published in a weekly paper, the same shall be published for two weeks previous to the day of sale. The first publication of all delinquent sales shall be at least fifteen days prior to the day of sale.

Corporation may sell delinquent stock. SEC. 10. By the publication of the said notices, as hereinbefore provided, the corporation shall acquire jurisdiction to sell and convey a full, complete, perfect and absolute title to all of the stock described in the notice of sale upon which any portion of the assessments or costs of advertising shall remain unpaid at the hour appointed for the sale, but shall sell no more of said stock than is necessary to pay assessments due and costs of sale.

Such stock to be sold at auction. SEC. 11. On the day, and at the place, and as nearly as may be, at the hour appointed in the notice of sale, the secretary, who is hereby fully empowered and authorized, shall, unless ordered by the board of trustees, sell, or cause to be sold at public auction, to the highest bidder for cash, so many shares of each parcel of said described stock as may be necessary to pay the assessment and charges thereon, according to the terms of said notice of sale: *Provided*, That if payment be made before the time fixed for sale, the party paying shall only be required to pay the actual cost of advertising.

Proviso.

SEC. 12. The person offering at such sale to pay the assessment and costs for the smallest number of shares, or fraction of a share, shall be deemed the highest bidder. Bids.

SEC. 13. If at a sale of any stock under the foregoing provisions of this act no bidder shall offer to take and purchase the same for the amount of the assessments, and costs, and charges, then due upon the same, then, and in such case, the same may be purchased and bid in by the company or corporation, through the secretary or president, or any director or trustee thereof, at a sum equal to the amount of the assessments, costs and charges due upon the same; and in pursuance and by virtue of such purchase the said assessments, costs, and charges, shall be credited as satisfied and paid in full on the books of such corporation, and entry of the transfer of such stock to such corporation, in pursuance of such sale and purchase, shall be made on the books of such corporation. While such stock shall remain the property of such corporation the same shall not be assessable, nor shall any dividends be declared upon the same; but all assessments and dividends shall be apportioned upon and against the other stock of such company not owned by such corporation. All purchases of its own stock made by any corporation in accordance with the provisions of this section, shall be held valid, and as vesting the legal title to the same in said corporation; and the stock so purchased shall be held subject to the control of the remaining stockholders, who may make such disposition of the same as they may deem fit, in accordance with the by-laws of the corporation, or vote of a majority of all the remaining shares. Whenever any portion of the capital stock of any corporation is held by said incorporation by purchase as aforesaid, a majority of the remaining shares of stock in said corporation shall be held to be a majority of the shares of stock in said incorporation for all purposes of election, or voting on any question before a stockholder's meeting. Company may bid in stock.

SEC. 14. The times or dates fix in any notice of assessment, or notice of delinquent sale, published according to the provisions of this act, may be once extended for a period of not more than thirty days, by order of the board of trustees, duly made and entered on the records of the corporation; but no order extending the time for the performance of any act specified in any notice shall be effectual unless notice of such extension or postponement be appended to and published with the notice to which the order relates. How stock bid in by company disposed of.

SEC. 15. No assessment duly levied shall be rendered invalid by a failure to make proper publication of the notices hereinbefore provided for, nor by the non-performance of any act required to be performed in order to enforce the payment of the same; but in case of any Notice may be extended.

substantial error or omission in the course of proceedings for collection, all previous proceedings, except the levying of the assessment, shall be void, and publication shall be begun anew.

Party seeking to take advantage of irregularity must pay assessments.

Limitation of action.

SEC. 16. No action shall be sustained to recover any stock, or invalidate the sale of any stock for delinquent assessments, upon the ground of any irregularity in making the assessment, or for any irregularity in or defect of, the notice of such sale, or for any defect or irregularity in the sale, unless the party seeking to maintain such action shall first pay or tender to the corporation, or the party holding such stock so sold, the sum for which the same was sold, together with all subsequent assessments which may have been paid thereon, and interest on such sums from the time they were paid; and no such action shall be maintained unless the same shall be commenced by the filing of the complaint and the issuance of a summons thereon within six months after such sale shall have been made.

Corporations to accept provisions of this act.

SEC. 17. The provisions of this act shall only apply to such corporations hereafter formed as shall specify in its articles of incorporation the fact that the stock of such corporation shall be assessable; and any company or corporation hereafter formed, that wishes to avail itself of the provisions of this act, and render its stock assessable, shall specify in its articles of incorporation, in addition to the statement now required by law, a statement to the effect that the stock of such corporation is assessable, and thereupon, such company or corporation shall be liable to, and have the benefit of, all the provisions of this act; but should the articles of such corporation contain no such statement, then the provisions of this act shall not apply to such company or corporation.

Corporations heretofore formed may render stock assessable under this act.

SEC. 18. Any corporation heretofore formed under the laws of this Territory, may, by and with the unanimous consent of its stockholders in writing, spread upon the records of such corporation, render its stock assessable under the provisions of this act. The board of trustees of any corporation heretofore formed under the laws of this Territory, where such corporation desires to avail itself of the provisions of this act, shall file and have recorded in the office of the territorial secretary, and of the county clerk and recorder where the original articles of incorporation were filed, a certificate, duly acknowledged as provided in cases of articles of incorporation, stating that the stock of such corporation has been rendered assessable, and thereafter, the stock of such corporation shall be liable to assessments, as provided in this act.

Approved March 5, 1883.

AN ACT to amend section 1007 of the fifth division of the revised statutes of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 1007, of chapter LIII, article I, of the Fifth Division of the Revised Statutes of Montana be, and the same is hereby, amended by adding thereto the following:

Provided, That in the event said assessor is unable to find the secretary, clerk, or other proper officer of said corporation or company, said assessor is hereby empowered to make such assessment according to his best knowledge and information, and if such assessment contains a correct description of the property of such corporation or company, the same shall not be invalid by reason of any mistake in the name of the owner thereof, or a failure of such secretary, clerk, or other officer, or company, to make a list of its property.

Proviso.

Approved March 2, 1883.

AN ACT concerning the storage of gunpowder.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. No person or persons, company, or corporation, shall store, deposit, or keep in any city, town, or village, in this Territory, any gunpowder, giant or hercules powder, nitro glycerine, gun-cotton, dynamite, or other powerful or dangerous explosives, of a greater quantity than will be sufficient to meet the demands of retail trade, or than may be necessary for the actual and present use of the person or persons, company, or corporation keeping or storing the same.

No greater quantity to be stored than demanded by retail trade.

SEC. 2. No person or persons company or corporation, shall store, deposit, or keep, within the limits of any city, town, or village, in this Territory, or within one mile of any residence, any large quantity of gunpowder, giant or hercules powder, nitro glycerine, gun cotton, dynamite, or other dangerous or powerful explosives, nor establish or keep any powder house, magazine, or store house where such explosives are stored or kept. Any person or persons, company, or corporation, storing, depositing, or keeping, any of the aforementioned explosives, or any dangerous

Greater quantity not to be stored within one mile of city, etc.

explosives, as prohibited in this and the preceding section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not to exceed one hundred dollars for each offense.

Approved March 1, 1883.

AN ACT to apportion the members of the Legislative Assembly.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. The members of the Council shall be apportioned to the several counties of this Territory as follows:

Beaverhead county, one member.

Custer county, one member.

Deer Lodge county, one member.

All territory embraced within the limits of Gallatin county on March 3, 1883, one member.

Jefferson county, one member.

Lewis and Clarke county, one member.

Dawson and Yellowstone counties, jointly, one member.

Choteau county, one member.

Madison county, one member.

Meagher county, one member.

Missoula county, one member; and

Silver Bow county, one member.

SEC. 2. The members of the House of Representatives shall be apportioned to the several counties of this Territory as follows:

Beaverhead county, one member.

Custer county, two members.

Yellowstone county, one member.

Choteau county, one member.

Dawson county, one member.

Deer Lodge county, two members.

All territory embraced within the limits of Gallatin county on March 3, 1883, three members.

Jefferson county, one member.

Lewis and Clarke county, two members.

Madison county, one member.

Meagher county, two members.

Missoula county, two members.

Silver Bow county, three members.

The counties of Lewis and Clarke and Jefferson, one member, jointly.

The counties of Madison and Beaverhead, one member, jointly.

Approved March 8, 1883.

AN ACT to provide for the payment of board of territorial convicts in county jails.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. The sheriffs of the several counties of this Territory shall be entitled to receive for the board of all persons convicted under the laws of this Territory and sentenced to confinement in the territorial prison, from and after the day on which sentence is pronounced, until their removal from the county jail, which shall be within five days after the adjournment of the term of court, the sum of one dollar per day, payable by the territorial auditor, by warrant on the territorial treasurer, upon the sheriff filing with the territorial auditor his account therefor, stating the name of the prisoner boarded, the date the sentence was pronounced, and the date of removal from the county jail, which account shall be verified by the oath of such sheriff.

Approved March 8, 1883.

AN ACT to amend the code of civil procedure.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That upon the trial of any civil cause hereafter tried in any court of the Territory of Montana the court may, in its discretion, upon the request of either of the parties, plaintiff or defendant, exclude any or all of the witnesses for either party from the court room until said witness shall have been called to give in his testimony in the cause.

Approved March 8, 1883.

AN ACT to provide for the care and maintenance of territorial convicts.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 230 of the Fifth division of the Revised Statutes of Montana be and the same is hereby amended to read as follows:

Section 230. That the Governor of the Territory is hereby authorized and empowered to make, enter into,

Proviso.

and execute, on behalf of, and in the name of the Territory, upon the best terms that can be obtained, contracts with the authorities of the United States, for the keeping, clothing and maintenance, in the United States penitentiary at Deer Lodge, of all persons sentenced to confinement in the territorial penitentiary for offenses against the laws of this Territory: *Provided*, That the amount contracted to be paid by the Territory shall not exceed the sum of one dollar per day for keeping, clothing and maintaining each convict.

SEC. 2. This act shall be in force and take effect from and after its passage.

Approved February 23, 1883.

AN ACT to authorize county commissioners to issue bonds to redeem outstanding indebtedness.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Commissioners may issue coupon bonds to redeem present indebtedness.

SECTION 1. The county commissioners of each county of this Territory shall have, in addition to the powers already conferred by law, authority to issue, on the credit of said county, coupon bonds to an amount sufficient to enable them to redeem all legal outstanding bonds, warrants, or orders, of said county, at any time when they shall deem it expedient for the interest of their respective counties; said bonds shall be redeemable and payable at such times as said commissioners shall determine, and the rate of interest thereon shall be fixed by said commissioners, but the same shall not exceed seven per centum per annum.

Bonds and coupons how signed.

SEC. 2. The commissioners shall fix the denomination of each bond issued under this act, and prescribe the form thereof; and each bond, and all coupons attached thereto, shall be signed by the chairman of the board of county commissioners and the treasurer of such county; and each bond shall also be sealed and countersigned by the clerk of such county, and each coupon shall be signed by the said clerk. Each bond issued shall be registered by the said county treasurer in a book provided for that purpose, which shall show the number and amount of each bond, and when and to whom issued.

Notice of sale.

SEC. 3. When the county commissioners of any county shall issue any bonds authorized by this act, it shall be their duty to sell the same, and give notice by advertisement in some newspaper published in the county, or if

there be no newspaper published in such county, then in any newspaper published in an adjoining county of this Territory, and also in one or more newspapers published in the City of New York, State of New York, for a period of not less than thirty days prior to the time said bonds are to be sold; such advertisement shall be for sealed proposals, which shall state the amount of such bonds for sale, and the party or parties offering the highest price therefor shall be entitled to receive the amount of such bonds which he or they may offer to buy; but no bonds shall be sold for any price less than the par value thereof.

SEC. 4. The proceeds of the sales of the bonds provided for by this act shall be paid into the county treasury of said county, and shall be applied to the payment of the legal bonds, warrants or orders of said county which may be outstanding and unpaid, in the order in which said bonds, warrants, or orders, become due. Proceeds of sales

SEC. 5. All bonds, coupons, warrants, or orders, which shall be called in or redeemed, or paid, under the provisions of this act, and in lieu of which coupon bonds shall be issued, shall be cancelled in the same manner in which county warrants are then cancelled; and the county commissioners shall preserve, in a book provided for that purpose, a correct description of such bonds, coupons, warrants, or orders, so cancelled, and the amount of the principal and interest paid to redeem the same. Cancellation of bonds.

SEC. 6. The faith of each county in this Territory is solemnly pledged for the payment of the interest and the redemption of the principal of every bond which shall be issued under the provisions of this act.

SEC. 7. The county commissioners of each county in this Territory shall cause suitable bonds, with coupons attached, to be printed or lithographed, when the same shall be necessary, and shall pay therefor out of any moneys in the treasury of such county not otherwise appropriated.

SEC. 8. When the county commissioners of any county in this Territory shall be prepared, under the provisions of this act, to redeem or pay any legal outstanding indebtedness of such county, they shall cause a notice to be published in the newspapers mentioned in section three of this act, that they will, within thirty days from the date of such notice, redeem or pay such indebtedness, briefly describing the same; such notice shall also be sent by mail to the owner or holder of such indebtedness, in case the said commissioners have notice or knowledge of the address of such owner or holder; and if, at the expiration of the said thirty days, the holder or holders shall fail or Notice of payment.

neglect to present the same for payment interest thereon shall cease; but the treasurer of such county shall at all times thereafter be ready to redeem the same on presentation.

SEC. 9. It shall be the duty of each board of county commissioners of any county which issues bonds under this act, to cause to set aside at the proper times a sum of money in the county treasury thereof sufficient to pay the interest accruing on such bonds.

Money to be
set aside to
pay interest.

SEC. 10. The county treasurer of each county of this Territory shall pay the interest upon the bonds authorized to be issued under the provisions of this act when the same becomes due, on the presentation to him of the proper coupons therefor; and all bonds and coupons which may be paid by such county treasurer, shall be returned by the treasurer to the board of county commissioners at his next settlement after such payment; and the said commissioners shall cancel said bonds and coupons in the manner provided by law for the cancellation of county warrants.

Interest to
be paid when
due.

SEC. 11. Any person or persons who shall falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or shall wilfully aid or assist in making, forging, counterfeiting or altering, any bond or coupon authorized to be issued under the provisions of this act, or shall pass, utter, publish or sell, or attempt to pass, utter, publish or sell, or shall have, or keep in possession, or conceal with the intent to utter, publish or sell, any such forged, counterfeited, or altered bond or coupon, with intent to defraud any corporation, or person or persons, shall be deemed guilty of felony, and shall, upon conviction thereof, be punished by imprisonment in the territorial penitentiary for a term of not less than one year, nor more than fourteen years.

Penalty for
forging, etc.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 6, 1883.

AN ACT to provide for the levy and collection of street taxes in incorporated towns and cities.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. It shall be competent for the municipal authorities of any town or city incorporated under the laws of this Territory to provide by ordinance for the levy

and collection of a tax of not exceeding two mills on the dollar on all taxable property within the corporate limits of such town or city, and also a special tax of three dollars on each able bodied man between the ages of twenty-one and forty-five years, residing within the corporate limits of such town or city, which shall constitute a street fund, and shall be expended in opening, improving and keeping in repair the streets and alleys of such town or city.

Street fund,
how created.

SEC. 2. All ordinances for the levy and collection of street taxes, either special or *ad valorem*, shall provide that persons liable to pay the same may work out such taxes, if they elect so to do, under the direction of the street commissioner or supervisor of such town or city, upon the streets thereof, and shall provide for giving notice of the time and place when and where such work shall be required to be done.

Persons lia-
ble to pay,
may work out
taxes.

SEC. 3. Whenever any such town or city shall provide by ordinance for the levy and collection of such street taxes no further or other road tax shall be levied or collected by the county treasurer of the county in which such town or city is situated of or from the residents thereof, nor shall any portion of the road taxes collected in the county be expended upon the streets or alleys of such corporate town or city, and thirty per cent. of the *ad valorem* tax collected under and by virtue of any such ordinance shall be paid into the county treasury by the city treasurer, and so much of said thirty per cent. as may be necessary shall be apportioned to the road district in which such town or city is situated, to be expended on roads of said district outside town limits, and the surplus, if any, shall be for the credit of the general road fund.

No other
street tax shall
be levied.

SEC. 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1883.

AN ACT concerning records of placer mining locations.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 873 of the Fifth Division of the Revised Statutes of Montana be and the same is hereby amended to read as follows:

Section 873. Any person or persons who shall hereafter discover any mining claim upon any vein or lode, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable

Statement to
be filed.

deposits, or who shall hereafter discover or locate any placer deposit of gold, or other deposit of minerals, including building stone, limestone, marble, coal, salines and saline springs, clay, sand or other mineral substance having a commercial value, shall, within twenty days thereafter, make, and file for record in the office of the recorder of the county in which said discovery or location is made, a declaratory statement thereof, in writing, on oath made before some person authorized by law to administer oaths, describing such claim in the manner provided by the laws of the United States.

Providso,

Sec. 2 All records of placer mining locations, or locations of valuable mineral deposits, which have heretofore been made in the county records of the county in which the same may be situated, shall have the same force and effect as though such record had been authorized by law, except in cases where the rights of third persons had been acquired before the passage of this act, and such records shall be admitted in evidence before any court in the same manner as the records of location of quartz or lode mining claims: *Provided further*, That the provisions of this act shall only be construed to impart notice to the public of such claim, but no person shall, by reason of this act, acquire any or further rights.

Approved March 5, 1883.

AN ACT concerning the inmates of public institutions,

Be it enacted by the Legislative Assembly of the Territory of Montana:

Appointee
shall visit
asylum and
prison.

Report.

SECTION 1. It shall be lawful for the governor of the Territory of Montana, once a year, and whenever oftener he may deem it necessary, to appoint a person learned in the science of medicine and surgery, who shall be a resident practicing physician in the Territory of Montana. It shall be the duty of said appointee to visit the insane asylum and territorial penitentiary, and examine the management of said institutions, as to their diet, medical and surgical attention, and all matters and things pertaining to or affecting the health of the same; and he shall forthwith make report to the governor of the result of his investigation, with such suggestions as he may deem necessary to promote the health of the institutions examined by him.

SEC. 2. The physician performing such service shall receive twenty (\$20) dollars per day while so employed.

and such actual expenses as may be incurred. The auditor shall draw his warrant on the territorial treasurer for such expense, on the governor's certificate, in favor of the person entitled thereto. *Provided*, That the time allowed for the examination of any institution, at any one time, shall not exceed three (3) days.

Compensation.

Proviso.

Approved March 7, 1883.

AN ACT relative to the boundary line of Silver Bow county.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the territory included within the following metes and bounds shall constitute Silver Bow county, to-wit: Beginning at a point where the first standard parallel north of the base line according to the government survey of public lands in Montana Territory intersects the main range of the Rocky Mountains; thence running west along said first standard parallel, to the point where said parallel intersects the Deer Lodge guide meridian; thence south six miles, more or less, to the southeast corner of township number four, north of range number ten, west of the principal base and meridian for Montana Territory; thence west to the intersection of the middle branch of Stony creek; thence up the middle branch of Stony creek to the summit of the Rocky Mountains; thence in a southerly direction to the nearest stream of water that empties into the Big Hole river; thence down the center of said river to the mouth of Camp creek; thence up Camp creek to its right hand fork; thence up said fork to its source; thence in a direct line to the summit of Table Mountain; thence in a direct line to Parson's bridge on the Jefferson river; thence westerly along Parson's toll road, leading from Parson's bridge to Butte City, to the point where said road crosses Fish creek; thence up Fish creek to the head of Belcher's ditch; thence in a direct line to the forks of Little Pipestone creek, near the site of Parson's old toll gate; thence up the north fork of Little Pipestone creek to its source; and thence in a direct line to the nearest point of the summit of the Rocky Mountains; and thence along the summit of the Rocky Mountains to the place of beginning.

SEC. 2. The boundaries of Jefferson county are hereby changed to conform to the boundaries herein established.

Approved March 7, 1883.

AN ACT prescribing the fees of probate judges.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Judge shall keep an account of all fees, except as trustee.

SECTION 1. Each probate judge in this Territory shall keep, or cause to be kept, books of account, wherein shall be entered all fees received by him for, or in connection with, the discharge of his official duties, excepting all fees so received on account of his duties as trustee for any town site, and said books shall be public records, subject to the inspection of any person.

Shall report fees to commissioners each quarter.

Compensation limited to \$2,500.

Excess to be paid into the treasury.

SEC. 2. It shall be the duty of each probate judge to make a report at the end of each quarter to the board of county commissioners of his county, showing each and all fees so entered and received by him during each quarter, excepting the townsite fees mentioned in section one of this act. Such report shall be verified by the oath of the probate judge. If it shall appear from such reports that such probate judge has received more than twenty-five hundred dollars in any one year as said fees, he shall pay, forthwith, into the treasury of his county the amount in excess of said sum of twenty-five hundred dollars, and upon the neglect or failure of such probate judge so to do, he shall be deemed guilty of embezzlement, and his sureties upon his official bond shall be liable for the payment of all sums so unpaid.

Clerk not allowed fees.

SEC. 3. No fees of any kind shall be allowed or taxed in favor of the clerk of the probate court or the probate judge for his services as such clerk, ex-officio.

Approved March 8, 1883.

AN ACT to amend the code of civil procedure of the Territory of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That Section 22 of the first division of the Revised Statutes of Montana, entitled code of civil procedure, be amended to read as follows:

Actions not to abate by reason of marriage, death or other disability.

Section 22. An action, or cause of action, or defense, shall not abate by the death, marriage, or other disability of a party, or by the transfer of any interest therein, but shall, in all cases where a cause of action or defense arose in favor of such party prior to his death, marriage, or other disability or transfer of interest therein, survive, and be

maintained by his representatives or successors in interest; and in case such action has not been begun, or defense interposed, the action may be begun or defense set up in the name of his representatives or successors in interest; and in case the action has been begun or defense set up, the courts shall, on motion, allow the action or proceeding to be continued by or against his representatives or successors in interest. In case of any transfer of interest the action or proceeding may be continued in the name of the original party, or the court may allow the person to whom the transfer is made to be substituted in the action or proceeding. This amendment shall apply to causes of action now existing, heretofore existing, and now pending. That the section of which this is amendatory be, and the same is hereby repealed.

Approved March 7, 1883.

AN ACT to amend Section 332 of the fifth division of the Revised Statutes of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That Section 1, of an act entitled "An act to amend Section 332, of the fifth division of the Revised Statutes of Montana", approved February 15, 1883, be, and the same is hereby amended to read as follows:

Section 1. That the southern boundary line of Dawson county shall be as follows, to-wit: Commencing ten miles south of the intersecting point of the twenty-seventh degree of longitude west from Washington with the forty-seventh degree of north latitude; thence due west, and parallel with said parallel of forty-seven degrees, to the Musselshell river; thence following the line of said river to the northern boundary line of Meagher county; thence west along said line to the one hundred and eighth meridian of longitude. And the northern boundary line of Custer county shall be made to conform with the southern boundary line of Dawson county, so far as said Dawson county extends.

SEC. 2. That an act of the Legislative Assembly of the Territory of Montana, entitled "An act to amend Section 332 of the fifth division of the Revised Statutes of Montana," approved February 15, 1883, and all acts and parts of acts in conflict with this act be, and the same are hereby repealed.

Act of February 15, 1883, repealed.

Approved March 8, 1883.

AN ACT to amend Section 332 of the fifth division of the Revised Statutes of Montana.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the southern boundary line of Dawson county shall be as follows, to-wit: Commencing thirty miles south of the intersecting point of the twenty-seventh degree of longitude west from Washington with the forty-seventh degree of north latitude; thence due west, and parallel with said parallel of forty-seven degrees, to the Musselshell river; thence following the line of said river to the northern boundary line of Meagher county; thence west along said line to the one hundred and eighth meridian of longitude. And the northern boundary of Custer county shall be made to conform with [to] the southern boundary line of Dawson county so far as said Dawson county extends.

Approved February 15, 1883.

AN ACT to regulate service of process upon corporations.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Upon whom
and where ser-
vice may be
made.

SECTION 1. Any corporation doing business in this Territory may be served with summons, or other process, by serving a copy of such process upon the president, secretary, treasurer, or other officer of the corporation, or upon the agent designated by such corporation as the person upon whom service shall be made, as required by law, and if none of the persons above mentioned can be found in the county, then service may be made upon any clerk, superintendent, general agent, cashier, principal director, ticket agent, station keeper, managing agent or other agent, having the management, direction, or control, of any property of such corporation.

SEC. 2. If none of the persons in section one of this act described can be found in the county in which such action is commenced, then service may be made as provided in section one of this act upon any of the persons therein described, in any county in this Territory.

Approved March 3, 1883.

AN ACT to amend an act, entitled an act exempting certain persons from jury duty, approved February 19, 1881.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 781 of the fifth division of the Revised Statutes, as the said section appears incorporated in section one of an act entitled an act exempting persons from jury duty, approved February 19, 1881, be, and the same is hereby amended so as to read as follows:

Section 781. The following persons shall be exempt from serving as grand or trial jurors, viz: All priests or ministers of the gospel, attorneys and counselors at law, practicing physicians, editors, all county, township, or territorial officers, the officers and members of any organized fire department or company in this Territory; the number of firemen hereby exempted shall not exceed twenty-eight, including officers for each company organized, and such members from each company shall be selected from the roll of such company according to the seniority of membership; and a list containing the names of such persons shall be made out by the secretary of each such company, and filed with the clerk of the board of county commissioners on the first Monday of December, March, June and September, and any failure to file the list hereby required shall be considered as a waiver of such exemption. Failure to file list shall be deemed a waiver.

SEC. 2. All acts or parts of acts in conflict with this act be, and the same is, hereby repealed.

Approved March 8, 1883.

AN ACT to secure manufacturers and owners of railroad equipments and rolling stock in making conditional sales and contracts for the lease thereof.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That in all cases where railroad equipment and rolling stock may have been, or shall be, sold to any person, firm, or corporation, to be paid for, in whole or in part, in installments, or shall be leased, rented, hired, or delivered, on condition that the same may be used by the person, firm, or corporation purchasing, leasing, renting, hiring, or receiving the same, and that the title to the same shall remain in the vendor, lessor, renter, hirer, or deliverer of the same until the agreed upon price of, or rent for such property shall have been fully paid; such condition in regard to title so remaining in the vendor, In case of sale on partial payments title may remain in vendor.

Proviso. lessor, renter, hirer, or deliverer, until such payments are fully made, shall be valid for all intents and purposes as to subsequent purchasers in good faith, and creditors: *Provided*, The term during which the installments or rent are to be paid, shall not exceed ten years, and such contract shall be in writing, duly executed, acknowledged, and recorded, as hereinafter provided.

Such contract to be recorded.

SEC. 2. Such contract shall be recorded in the office of the Secretary of the Territory, and in the county in which is located the principal office or place of business of such vendee or lessee, and on each locomotive or car that may have been so sold or leased, the name of the vendor, or lessor, or assignee of the vendor or lessor, shall be marked, followed by the word "Owner," or "Lessor," as the case may be.

Mortgage of personal property to be recorded.

SEC. 3. That any mortgage of personal property which constitutes the equipment, or part of the equipment, of any railroad company, may be recorded as provided in section 2 of this act, and if the same is *bona fide* the lien thereby created shall be good for all intents and purposes whatever for such length of time as therein provided, not exceeding said period of ten years.

Satisfaction of claim shall be recorded.

SEC. 4. Upon payment in full of the purchase price, and the performance of the terms and conditions stipulated in any such contract as hereinafter stipulated, a declaration in writing to that effect shall be made by the vendor, or his assignee, which declaration may be made on the margin of the record of the contract, attested by the secretary of the Territory, or county recorder, as the case may be, or the satisfaction may be made by a separate instrument, which shall be acknowledged and recorded in the offices in which the original contract was recorded, and, thereupon, the secretary of the Territory and county recorder, shall write in the margin of the record the word "Satisfied," together with the date of satisfaction, and the page, and book of record of the declaration of the satisfaction.

Approved March 7, 1883.

AN ACT concerning the compensation of county assessor.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That Section 454 of the Fifth Division of the Revised Statutes of Montana be and the same is hereby amended to read as follows:

Section 454. That the assessor of each county in this Territory shall be entitled to receive as fees from their respective counties such sums as the boards of county commissioners may in their discretion audit and allow, not to exceed a percentage of the assessed valuation returned by them, subject to all reductions made by the board of equalization, to be computed as follows: On the first two million dollars, or fraction thereof, of assessed valuation, one mill on each dollar assessed and returned; on all amounts over two million and less than three million [dollars] of assessed valuation, three-quarters of one mill on each dollar assessed and returned; on all amounts over three million and less than four million [dollars] of assessed valuation, one-half of one mill on each dollar assessed and returned; on all amounts over four million [dollars] of assessed valuation, one-fourth of one mill on each dollar assessed and returned.

Sec. 2. This act shall not in any way affect the salary of the present incumbents.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1883.

AN ACT to protect game, fur-bearing animals and fish.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That any person or persons who shall wilfully shoot or otherwise kill, or cause to be killed, any buffalo, moose, elk, white tailed deer, black tailed deer, mountain sheep, Rocky Mountain goat, or antelope, between the first day of January and the fifteenth day of August, of each year, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty dollars, nor more than fifty dollars, for each offense committed.

Killing between Jan 1, and Aug. 15.

Penalty.

Sec. 2. That any person or persons who shall wilfully shoot or otherwise kill, or cause to be killed, at any time, any of the animals mentioned in section one of this act, for the purpose of procuring the hide or head only, and shall not make any use of the meat or carcass thereof for food for himself or themselves, or for the purpose of selling the same to others for food, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than fifty nor more than two hundred dollars,

Killing for head or hide only.

Penalty.

or by imprisonment in the county jail not less than one month, nor more than six months, or by both such fine and imprisonment.

Sec. 3. That any person or persons who shall wilfully hunt, chase, hound, or run with dogs, any of the animals mentioned in section one of this act, at any season or time of year, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each offense committed: *Provided*, That it shall not be deemed a violation of the provisions of this act to use dogs to capture any of the animals mentioned in section one after they have been wounded.

Sec. 4. That any person or persons who shall trap, shoot, or otherwise kill, or cause to be killed, any beaver, otter, martin, or fisher, between the first day of April and the first day of October of each year, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each offense committed: *Provided*, That nothing contained in this section shall prevent persons from catching or killing beaver on their own lands.

Sec. 5. That any person or persons, who shall wilfully shoot, or kill, or cause to be killed, any grouse, prairie chicken, pheasant, fool hen, partridge, or quail, between the first day of January and the fifteenth day of August of each year, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars; and all persons are hereby prohibited, at all times, from killing any of the birds described in this section for speculative purposes, or for market, or for sale; and any person or persons who shall hereafter kill for speculative purposes, or for sale, any of the kinds named in this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each offense committed.

Sec. 6. That any person or persons, who shall wilfully shoot, or kill, or cause to be killed, any wild geese, or wild ducks, between the first day of May and the fifteenth day of August of each year, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each offense committed.

Sec. 7. That any person, who shall wilfully shoot, or otherwise kill, or in any manner whatever cause to be

killed, any robin, meadow lark, thrush, flicker or yellow hammer, oriole, mocking bird, gold finch, snow bird, cedar bird, or any other of the small birds known as singing birds, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five nor more than ten dollars for each offense committed.

Penalty.

SEC. 8. That any person who shall wilfully destroy the nests, or carry away the eggs from the nests of any of the birds or wild fowl mentioned in this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five dollars, nor more than ten dollars for each offense committed.

Destroying
birds' nests.

Penalty.

SEC. 9. That the possession of the dead bodies, or any part thereof, of the animals or birds mentioned in this act, shall be taken as *prima facie* evidence that such person or persons is or are guilty of killing the same.

Possession
of dead bodies
prima facie
evidence of
guilt.

SEC. 10. That a fishing tackle consisting of a rod or pole, line and hook, or spear, shall be the only lawful way that fish can be taken in any of the streams of this Territory. It shall, however, be lawful to use a seine in the Missouri river below the Three Forks, and the Yellowstone river below the mouth of Clark's Fork. That said hook shall not be baited with any poisonous drug or substance, and that it shall be unlawful for any person or persons to make any dams, or use any fish traps, seines, or any similar means for catching fish, or to use any drugs or poison, or giant powder, or other explosive compound, intending to catch, kill, or destroy fish of any species: *Provided*, That it shall not be unlawful to use a seine or net for the purpose of taking fish to transplant into, or stock other streams, lakes, or ponds, or for the purpose of taking minnows, or small fish for bait for hook; and any person or persons, company, or corporation offending against this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each offense committed.

What is law-
ful fishing
tackle.

Where seines
may be used.

Hooks not
to be baited
with poison.

Traps, giant
powder, etc.,
not to be used.

Proviso.

Penalty.

SEC. 11. Any person or persons, agent or employee of any stage or express company, or railroad company, or association of persons, who shall receive for transportation or carriage, or shall sell, or offer for sale, fish that have been caught, taken, or killed, contrary to the provisions of this act, knowing, or having reason to believe, that such fish were so illegally caught, taken, or killed, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each lot or shipment of fish so transported or carried.

Fish illegally
taken not to
be transport-
ed or offered
for sale.

Penalty.

Disposition of fines. **Stay of execution not allowed.** **Proviso.**

SEC. 12. That all fines and penalties mentioned in any section of this act may be collected by a civil action in the name of the Territory of Montana, in any court of competent jurisdiction, upon a proper complaint being filed in the cause; one-half of all fines so collected shall be paid into the county treasury of the county in which the offense was committed, for the benefit of the common schools of said county, and one-half of all fines so collected shall be paid to the person or persons making complaint of the commission of such offense. All such fines and costs shall be collected without stay of execution, and such defendant or defendants may, by order of the court, be confined in the county jail of such county until such fine and costs are paid: *Provided, however,* If the jury, justice of the peace, magistrate, or judge, before whom such complaint shall be tried, shall certify by their verdict, or an order of court, that there was no probable cause to believe the defendant or defendants guilty, then, in that case, the complainant shall pay all costs which have accrued in the case.

Duty of grand juries.

SEC. 13. That it shall be the duty of all grand juries to seek out and investigate all infractions of any provision or provisions of this act, except such cases and infractions as may have been tried by some court of competent jurisdiction, and upon due proof the infraction of any of the said provisions, they shall proceed to indict such party or parties, according to law; and it is hereby made the duty of the court to call the attention of the grand jury to the provisions of this act, and the district court shall have concurrent jurisdiction with the probate court of all offenses committed under the provisions of this act.

SEC. 14. That all acts and parts of acts in conflict with this act be, and the same are hereby repealed.

SEC. 15. This act shall take effect from and after its passage.

Approved March 8, 1883.

AN ACT to provide against escapes of convicts.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That from and after the passage of this act it shall be unlawful for the warden, or any other person in charge of convicts in the territorial penitentiary, or any

contractor or other person entitled to the labor of said convicts, to take or remove any such convicts outside of the enclosures of such penitentiary for the purpose of working said convicts under contract or otherwise. Convicts not to be removed outside enclosure.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Penalty.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1883.

AN ACT concerning witnesses.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. Any person who is recognized to appear in any criminal case, or otherwise detained as a witness, and is unable to give the security required, and in consequence thereof is taken in custody, awaiting a term of court, shall be entitled to receive from the county in which he is so detained the sum of two dollars for each day he is so detained. *Provided*, That the judge of the court in which the action in which such person may be detained is pending shall certify to the board of county commissioners of said county that the testimony of such witness is, or was necessary in such action, for the protection of the public interests.

Fees of person detained as a witness.

Proviso.

Approved March 8, 1883.

AN ACT to amend an act entitled "An act to regulate the fees of sheriffs for board of prisoners."

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the second paragraph of section one of an act entitled "An act to regulate the fees of sheriffs for board of prisoners," approved February 10, 1881, be amended so as to read as follows: The fees allowed sher-

iffs of the respective counties of the Territory of Montana for boarding and dieting prisoners shall not be more than one dollar and twenty-five cents per day for each prisoner. The sheriff shall have a jailor, and as many guards as the county commissioners may deem necessary, who shall receive such compensation as the said county commissioners may allow.

Approved March 7, 1883.

AN ACT to amend section 13 of the Fifth Division of the Revised Statutes of Montana, relating to diseased animals.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 13 of the Fifth Division of the Revised Statutes of Montana be amended to read as follows:

SEC. 13. It shall be unlawful for the owner or owners, or for any person or persons, having in charge any horse, mule, ass, or horned cattle, affected with any contagious disease, to allow said diseased animal or animals to run at large. All animals affected with contagious disease shall be, at once, removed by the owner or owners thereof, or the person or persons in charge of the same, to some secure inside enclosure, where contact with other animals, by reaching over or through the fence of said inclosure, will be impossible; or such diseased animal or animals shall be closely herded six miles away from any farm or from any other stock running at large, and shall be kept in such inclosure, or herded as is herein provided, until they shall die or are entirely cured of any contagious disease. Every person who is the owner, or part owner, or has in his charge, any animals affected with any contagious disease, who shall knowingly neglect, or refuse to remove, or so enclose, or herd away from farms or stock, such animals affected with any contagious disease as hereinbefore provided, shall be guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, and shall be liable for damages to any party injured by such diseased animals running at large.

³
Diseased cattle, etc., not to run at large.
Penalty.

Approved March 5, 1883.

AN ACT to amend an act relative to bounty for killing certain animals.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That sections 657, 658, and 659 of Article III, Chapter XXVI, of the Fifth Division of the Revised Statutes of Montana be amended to read as follows:

Section 657. From and after the passage of this act, there shall be paid out of the territorial treasury for the killing of the animals hereinafter mentioned the following bounties, to-wit: The sum of eight dollars for each bear, eight dollars for each mountain lion, one dollar for each wolf, and fifty cents for each coyote, slain or killed in said Territory. *Provided*, That this act shall not apply to any of the above named animals that are killed within the limits of any Indian reservation; *And provided further*, That any person killing, or causing to have been killed, any one of the above named animals, shall, within thirty days from the date of killing said animal or animals, exhibit the entire skin of said animals, including the tail, and the skin from the forehead, embracing and including the ears of each animal, to any probate judge, or acting justice of the peace within the county in which the said animal or animals were killed, and shall file his affidavit with the said officer, setting forth that affiant killed or caused to be killed the animal or animals from which the skin or skins were taken, and that the same were killed within the bounds of the county in which the application for the certificate is made, and were not killed within the limits of any Indian reservation; and the said probate judge, or justice of the peace shall, before issuing any certificate to any person or persons for killing any of the above mentioned animals, require the affidavit of two respectable freeholders, residents of said county, that, to the best of their knowledge and belief, they were killed within the limits of said county, and not upon any Indian reservation; and the said probate judge or justice of the peace, as the case may be, shall minutely examine each skin presented, in order to prevent fraud, and should said officer, after careful examination, find that the scalp and ears belonging to each skin have not been severed, patched, or punched, he shall, then and there, mark each ear by punching a hole, one inch in diameter, in the same, in presence of the two witnesses, and shall then deliver said skin to the owner, and shall make out and deliver to said owner a certificate showing the number and species of skin so punched, which certificate shall be duly signed by him in his official capacity, and shall be attested by the two freeholder witnesses; and said officer shall receive for his services from the party receiving the certificate the

For bear, wolves and coyotes.

Proviso.

Proviso.

Skin to be exhibited to obtain bounty

Certificate.

Skin to be punched to prevent fraud

Fee of officer examining skin.

sum of fifty cents for each bear, mountain lion or panther skin so punched, and ten cents for each wolf or coyote skin so punched.

Record to be kept. Sec. 658. It shall be the duty of the probate judge or justice of the peace, as the case may be, to keep a record, in a bound book kept for the purpose, of all skins so punched, showing dates, number, and kind of skins so punched, name of the owner, and of the witnesses; and said book shall be transmitted by him to his successor on the expiration of his term of office.

Duty of territorial auditor. Sec. 659. It shall be the duty of the territorial auditor to take all certificates presented that have been issued under the provisions of this act, and he shall give the persons presenting the certificates a warrant on the territorial treasurer for the amount, as specified in section 657 of this act. The person presenting the certificate shall receipt upon the back of it the full amount received, and the auditor and treasurer shall keep an account of all warrants so issued and paid, which shall appear in their annual reports to the governor.

Penalty for forging, etc., certificates. Sec. 659, *a*. Any person who shall falsely make, alter, forge, or counterfeit any of the certificates mentioned in this act, shall be deemed guilty of forgery, and, upon conviction thereof, shall be punished by imprisonment in the territorial prison for a term of not less than one year, nor more than fourteen years.

Penalty for attempt to defraud. Sec. 659, *b*. That any person or persons, who shall patch up any skin or scalp, with intention to defraud the Territory, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than one thousand dollars, and imprisonment in the county jail for not less than three nor more than twelve months, or by both such fine and imprisonment.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the governor.

Approved March 8, 1883.

AN ACT to provide for the establishment of free public libraries.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. The municipal authorities of any town or city, which is now or may hereafter be incorporated under

the laws of this Territory, shall have power to establish and maintain one free public library for the use of the citizens of such town or city, and to that end, and for that purpose, may provide by ordinance for the levy and collection of a tax of not exceeding one mill on the dollar on all taxable property within the corporate limits of such town or city. The city treasurer shall preserve the tax so collected in a fund by itself, to be known as the "Library Fund," and the same shall only be expended for the purchase of books, equipments, and support and maintenance of such public library.

Municipalities may maintain one free public library.

Library fund.

SEC. 2. Before any ordinance for the establishment of a public library, or the levy and collection of a library tax, shall have any force or validity, it shall first be submitted to the qualified electors of the town or city in which it is proposed to found such library. At such election the ballots shall have printed or written thereon the words "For public library," or "Against public library;" and if a majority of the votes cast at such election shall be in favor of such public library, then the ordinance establishing the same, and levying a tax therefor, shall become operative and be in full force; but if a majority be against the establishment of such library, then the ordinance shall remain suspended, and shall not take effect, unless thereafter, upon a petition signed by thirty or more citizens of said town, the municipal authorities re-submit said library ordinance at some regular municipal election thereafter held, and the same is approved by a majority of all the votes cast at such election. The city council of such town or city shall have full power to alter or amend said ordinance in any particular during the time the same is suspended, and to re-submit such altered or amended ordinance.

Ordinance establishing library.

What the ballot shall contain.

Ordinance may be amended.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1883.

AN ACT concerning building corporations.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. Corporations may be organized for the purpose of erecting buildings and improving land, and the stockholders thereof shall have the right to pay for their shares of stock in fixed periodical installments, but the capital stock shall be paid in full within ten years from the date of incorporation.

Capital stock to be paid within ten years.

SEC. 2. Any corporation organized under the provisions of this act shall have the power to purchase, hold or lease, any real estate, or buildings, or improvements, on land not owned by such corporation, and may do all acts necessary and proper to be done in order to effect these purposes.

May hold or
lease real es-
tate, etc.

SEC. 3. Such corporations shall have the power to levy, assess, and collect from its members or stockholders, all sums of money, installments on shares, dues, fines, interest on loans or premiums, bid by such members or stockholders for priority of right to a loan, in such manner and at such times as the by-laws thereof may provide.

May collect
dues, fines and
assessments.

SEC. 4. Such corporations shall have the power to loan to the members or stockholders thereof any surplus moneys, under the regulations specified in the by-laws thereof, but such stockholder or member shall be required to give proper security therefor.

May loan
money.

SEC. 5. Any corporation now organized and doing business in this Territory, may accept the provisions of this act by a vote of the stockholders thereof in pursuance of its by-laws and the statutes of this Territory, and when after such a vote, a certificate of such acceptance, duly signed by the officers thereof, shall be filed in the office of the secretary of the Territory, said corporation shall be entitled to the benefit of this act.

SEC. 6. All the provisions of Chapter XV, of the Fifth Division of the Revised Statutes of Montana, entitled "Corporations," except such as may conflict with this act, shall be applicable to all corporations organized under this act.

Approved March 7, 1883.

AN ACT relative to insane persons.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That all persons hereafter adjudged insane under the laws of this Territory, whether indigent or not, shall be cared for by the Territory, under the contract made by the governor of the Territory, as now provided for the care and maintenance of indigent insane; and no person so adjudged insane shall be refused admission into any asylum provided by the Territory, nor shall the Territory ask or receive any compensation therefor.

[The foregoing act having been presented to the governor of the Territory of Montana for his approval, was

on March 6, 1883, returned by the governor to the House of Representatives, in which it originated, without his approval and with his objections thereto. The objections were entered at large upon the journal of the House, the vote by which the bill was passed was reconsidered, and, on the question being put, "Shall this bill pass, the objections of the governor to the contrary notwithstanding?" it was passed by a two-thirds vote of the House. The bill was then sent to the Council, together with the objections of the Governor. The vote by which the bill was passed, was on March 7, 1883, reconsidered, and upon the question, "Shall this bill pass, the objections of the governor to the contrary notwithstanding?" it was passed by a two-thirds vote of the Council.]

AN ACT to punish persons for unlawfully diverting water.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. Any person who shall divert from any water course or ditch any water flowing therein, and by such diversion shall deprive another of the use of water to which he is entitled by law, and who shall refuse immediately to relinquish the water so diverted, upon demand being made by the person, or by the agent of the person to whom the water rightfully belongs, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not to exceed one hundred dollars, or be imprisoned in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Not to divert
water to
which not en-
titled.

Penalty.

SEC. 2. If any person, by force or threats or intimidation, or putting in fear with arms, or otherwise, near or upon any water course or ditch, shall prevent, or seek to prevent any person from possessing or obtaining any water to the use of which he is entitled by law, and which he then desires for some useful purpose, or by said means shall prevent, or seek to prevent any person who is lawfully entitled to the use of water from diverting the same, as he may desire, when and where he may desire, for a useful purpose, every person so offending shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned in the territorial prison, not less than one year, nor more than five years.

Not to use
force or threats

Penalty.

Approved March 6, 1883.

AN ACT providing for the service of process in criminal cases upon corporations.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. When any indictment shall be found against any corporation in any of the courts of this Territory, the clerk of such shall issue a summons to be directed to such corporation in its corporate name, commanding such corporation to appear at the said court to answer such indictment, a copy of which said summons shall be served on an officer or designated attorney in the county where the indictment is found; and if there be no officer or designated attorney in the county where the indictment is found, then upon any managing agent, ticket agent, clerk, cashier, or secretary, freight agent, superintendent, or general business manager in the county; and if there be none of the above described persons in the county, then upon any of such persons in any county in this Territory. Such notice shall be served at least five days before the time at which the said corporation is by said summons required to appear.

SEC. 2. When the sheriff or other officer shall return said summons certifying the service thereof, as hereinbefore provided, the said corporation shall, on and after the day appointed in such summons for its appearance, be considered, if it do not appear, as in court and as appearing to said indictment; and the court shall order the clerk to enter an appearance for said corporation, and endorse the plea of not guilty on said indictment, and enter the same upon the records of the court, and further proceedings may be had thereon as if the said corporation had appeared and pleaded not guilty thereto; and if the said corporation shall be convicted on said indictment, the court may proceed to pass judgment thereon and cause execution to be issued against the goods and chattels, lands and tenements of the said corporation for the amount of the fine and costs which may be awarded against it in the same manner as on judgment in civil action, and the sheriff shall proceed to sell the goods and chattels, lands and tenements of the said corporation, on said execution, in the same manner as on an execution issuing against a corporation in a civil suit.

Approved March 8, 1883.

AN ACT to prevent the illegal killing of cattle.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That any person or persons, save a licensed butcher, who shall offer any beef for sale at wholesale or retail, shall expose to the purchaser the hide or hides of such animals, and shall preserve the said hides ten days at his usual place of abode, and permit the same to be inspected by any and all persons; and any person violating the provisions of this act shall be guilty of a misdemeanor, and be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

Approved March 3, 1883.

AN ACT in relation to the law division and miscellaneous division of the Montana Library.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That there be, and is hereby appropriated out of any moneys in the territorial treasury the sum of five hundred dollars for the purpose of furnishing and fitting a proper and suitable room or rooms for the law division of the Montana Library, and consultation room for the justices of the supreme court of the Territory of Montana, to be expended by and under the authority and direction of the justices of the supreme court of the Territory of Montana.

Suitable room for law library to be furnished.

SEC. 2. That there be appropriated the sum of two hundred and fifty dollars out of any money in the territorial treasury not otherwise appropriated for the use and benefit of the miscellaneous division of the Montana Library, to be expended by the board of directors of said division in the procuring shelving, cases, and binding of books and papers of said division of the Montana Library.

Miscellaneous library.

SEC. 3. It shall be the duty of the territorial auditor, upon the request of the board of directors of the law and miscellaneous divisions of the Montana library, to draw his warrant on the territorial treasurer, payable to their order, for the said amount of money so appropriated by this act in sections 1 and 2, or so much thereof as may be required by the several boards of directors for the purposes mentioned therein.

Duty of auditor.

Approved March 5, 1883.

AN ACT to amend an act entitled "An act regulating the Montana Library.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section eighteen (18) of "An act regulating the Montana Library," approved February 21st, 1881, be amended to read as follows:

Section 18. There shall be appropriated, annually, in like manner to the law division of said library the sum of three hundred dollars, and to the miscellaneous division of said library the sum of one hundred dollars, to be expended by the board of directors in the purchase of books and papers for the use of the several divisions of the library under their charge. On or before the first day of June, A. D. 1883, and each year thereafter, on or before June 1st, it shall be the duty of the territorial auditor, upon the request of a majority of either of the boards of directors, to draw his warrant on the territorial treasurer, payable to their order, or the order of one of them, for the amount of said appropriations, and to deliver to the said directors said warrants.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1883.

AN ACT to authorize the supreme court of the Territory of Montana to employ a janitor and prescribe his duties.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Supreme
court may em-
ploy janitor.

Duties.

SECTION 1. That the supreme court of the Territory of Montana is hereby empowered and authorized to employ a janitor, whose duty it shall be, under the direction of the justices of that tribunal, to care for the offices assigned to them for judicial purposes, to care for, and have charge of the supreme court room when the supreme court is in session, and to care for the law and miscellaneous divisions of the Montana library.

Compensa-
tion.

SEC. 2. Such janitor shall receive for his services the sum of three hundred dollars a year, to be paid in monthly installments, upon the certificate of the chief justice and clerk of the supreme court, presented to the auditor of the Territory; and the auditor is authorized to draw his war-

rant for such monthly payment upon the territorial treasurer, who shall thereupon pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved March 8, 1883.

AN ACT to provide for the printing of blanks for the use of the governor.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That all blanks necessary to be used by the governor of the Territory of Montana in the performance of any duty required of him by the laws thereof may be printed at the expense of said Territory under the provisions of chapter 51 of the Fifth Division of the Revised Statutes of Montana; and the territorial auditor is hereby authorized to draw his warrants on the territorial treasurer in favor of the governor for such sums as may be found by said auditor to be due and payable on account of such expenses: *Provided*, That for the lithographing or engraving of such blank commissions as may be required by the governor, such prices may be paid as are required to obtain ordinary lithographic work, not to exceed the sum of one hundred dollars.

Approved February 13, 1883.

AN ACT concerning the seal of the Territory.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. The secretary of the Territory of Montana shall have the custody of the seal of the Territory.

SEC. 2. The secretary shall cause to be made a new territorial seal for the use of his office, and the sum of twenty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the territorial treasury, not otherwise appropriated, to defray the expenses of making such seal; and the territorial auditor is hereby authorized to draw his warrant on the territorial treasurer in favor of Isaac D. McCutcheon for

Secretary to
be custodian
of the seal.

such sum as may be found by said auditor to be due and payable on account of such expenses.

To destroy
old seal. SEC. 3. Whenever the secretary shall procure the new territorial seal as provided for in this act, it shall be his duty to cause to be destroyed, in the presence of the territorial auditor and territorial treasurer, the old seal now in his office, and any other seal purporting to be a seal of the Territory, which may come into his possession.

Approved January 30, 1883.

SPECIAL LAWS.

AN ACT to create the county of Yellowstone, and for the election of officers thereof.

*Be it enacted by the Legislative Assembly of the Territory of
Montana:*

SECTION 1. That all that portion of Montana Territory lying and situate within the following boundaries, to-wit: Beginning at a point at the confluence of the Yellowstone and Big Horn rivers; thence, following the center of the channel of said Yellowstone river, to a point opposite the first divide east of White Beaver creek, in Gallatin county; thence, following said divide to the summit of the dividing ridge between the Musselshell and Yellowstone rivers; thence, on a straight line, north to the southern boundary of Meagher county; thence east along said boundary to the one hundred and ninth meridian of longitude; thence following said meridian to the Musselshell river; thence down the center of the channel of said river to what is known as the Big Bend to a point where the old Stanley road crosses the Musselshell river; thence on a direct line to the place of beginning, be, and the same is hereby erected into a new county, which shall be known and called Yellowstone county. That the town of Billings, situated within the boundaries, shall be the county seat of the county of Yellowstone. All laws of a general nature applicable to the several counties of this Territory and the officers thereof, are hereby made applicable to the county of Yellowstone and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this act.

SEC. 2. That the indebtedness of the county of Custer, as the same shall exist on the first day of March, A. D., 1883, shall be apportioned between said county and the county of Yellowstone, by first deducting from said indebtedness all money on hand in the treasury of said county of Custer, and all moneys belonging to said county in the possession or under the control of the county treasurer; also deducting the cost of erecting and furnishing court house, county jail, poor house, and also the valuation of all real estate owned by said county, as shown by the books of the county commissioners; the remainder of the indebtedness shall be divided between said counties in proportion as the taxable property in each county bears to the entire taxable property of the present county of Custer, taking as a standard thereof the assessment for the year 1882.

SEC. 3. The county commissioners of Custer and Yellowstone counties shall meet at the court house, in the town of Miles, on the first Monday of March, A. D. 1883, to adjust the indebtedness between said counties upon the basis named in section 2 of this act. When adjusted, if the county of Yellowstone shall be liable for any part thereof, it is hereby made the duty of the county commissioners of said last named county to cause to be issued to the county commissioners of Custer county a warrant or warrants therefor, which, in the aggregate, shall equal the amount of said indebtedness for which the county of Yellowstone shall, under the adjustment mentioned, be liable; and the said warrant or warrants, if not paid on presentation to the treasurer of Yellowstone county, shall be by said treasurer endorsed "Not paid for want of funds in the treasury," and shall thereafter bear like interest as other county warrants endorsed in like manner issued prior to March 6, 1883. If the county of Yellowstone, upon said adjustment, shall be entitled to any portion of the funds on hand in the county of Custer, it shall be the duty of the county commissioners of the latter county to cause to be issued like warrants for the amount thereof to the county commissioners of Yellowstone county, which warrant or warrants, if not paid on presentation to the treasurer of Custer county, shall be endorsed by said treasurer in like manner as in the former case, and after said endorsement shall bear a like rate of interest.

SEC. 4. An election shall be held in the county of Yellowstone on the second Monday of April, in the year 1883, at the different precincts and voting places appointed at the last general election for the election of the following officers, to-wit: One sheriff, one probate judge, one county clerk, one assessor, one county treasurer, one county surveyor, one coroner, one county superintendent of schools, and three county commissioners. The persons severally elected to said offices, except county commissioners, shall hold office until the next general election in 1884, and until their successors are elected and qualified. The two persons receiving the highest number of votes for county commissioners shall hold the office of county commissioner until the general election to be held in the year 1886, and the person receiving the next highest vote shall hold the office of county commissioner until the general election in 1884. Said several

commissioners shall continue in office until their several successors are elected and qualified. If two or more persons voted for as commissioners at said election receive an equal number of votes, the terms of office of the commissioners between whom such tie exists shall be determined by lot, under the direction of the commissioners mentioned in the next section.

SEC. 5. That John H. Gerrish, Fred H. Foster, and Paul McCormick, are hereby appointed commissioners of Yellowstone county, with like powers and duties as by law are conferred upon county commissioners in other counties of this Territory; said persons, before entering on their duties, shall, severally, give the bond and take the oath required of county commissioners; said bonds shall be filed with the territorial auditor, and thereafter, said persons named shall enter on their duties as commissioners, and shall continue in office until their successors are elected and qualified, as provided in section 4 of this act.

SEC. 6. That in addition to the duties required under the general law relating to the manner of conducting elections, the commissioners named shall, for at least one month prior to the time of holding said election, give notice of the same in some newspaper published within the limits of Yellowstone county; said notice shall state the time of holding said election, the different voting places, and the officers for which votes shall or may be cast; and if more precincts are necessary to accommodate the citizens of said county, the county commissioners are empowered to establish the same.

SEC. 7. Upon receiving a certificate of election from the commissioners mentioned, the persons so elected or receiving said certificates shall, without delay, qualify in the manner required by law and enter on the discharge of the duties of the several offices to which they may be respectively elected; but nothing herein shall be construed as depriving any candidate voted for at said election from contesting the rights of office in the method prescribed by law.

SEC. 8. The county commissioners of Yellowstone county shall, at their first regular meeting after the passage of this act, and after being elected and qualifying, decide upon and levy the rate of taxation in said county for the year 1883, which levy shall be in conformity with the general laws relating to the manner and the amount of taxes authorized to be levied. Said commissioners shall also have power and authority to contract for transcribing such part of the public records of Custer county as they may deem useful and necessary to the county of Yellowstone and its inhabitants, and for this purpose shall have suitable access to the records of Custer county. Said records, when completed, shall be carefully compared with the originals by the county clerk of Custer county, and, if correct, he shall certify to their correctness under his official seal, and thereafter the copies of said records so transcribed and certified to shall be admitted and received in evidence in all courts of law in this Territory, and shall be in all other respects entitled to like faith and credit as said original records. The county clerk of Custer county

shall receive for his services in comparing and certifying the correctness of the copy of said records, six dollars per diem while engaged in said labor, which amount shall be paid by the county of Yellowstone on the completion thereof.

SEC. 9. All township and precinct officers, road supervisors, officers of school districts, and other officers of every kind within the county of Yellowstone, whose election is not herein provided for, shall or may continue to hold said offices and exercise the duties pertaining thereto until the expiration of the term for which said officers were respectively elected or appointed. Whenever district courts are appointed for said county, the clerk or deputy, as the case may be, shall, from the time he enters on his duties, be paid for his public services to be rendered said county and the officers thereof, an annual salary of three hundred dollars, payable in quarterly payments by warrants drawn on the contingent fund of said county, and in addition to said salary, be entitled to the fees prescribed in "An act to provide compensation for the clerks of the district courts," approved July 22, 1879. The county clerk and recorder of said county shall receive for his services as defined in section 1 of "An act in relation to fees of county clerks," approved July 22, 1879, a salary at the rate of seven hundred dollars per annum, payable quarterly by warrants drawn on the general fund of said county, and payable as other warrants are paid. Said officer shall also be entitled to the fees prescribed by law for recording deeds and other instruments, and for all other services rendered by him. The fees and emoluments of all officers of said county shall be as prescribed by law, when not otherwise provided for in this act.

SEC. 10. The county of Yellowstone, and all persons in its name, are hereby prohibited from contracting any indebtedness whereby said county shall become bound in any sum which shall, at the time of contracting the same, exceed two and one-half per cent. of the assessed value of the taxable property of said county, taking the last previous assessment thereof as the standard of valuation, and no cause of action shall lie against said county for any indebtedness contracted in its name above the limitation mentioned, however the same may be evidenced; but nothing herein contained shall deprive the holder of any indebtedness contracted in the name of, or on the behalf of said county from a right of action against the person or persons who actually contracted the same, or who received a consideration therefor.

SEC. 11. This act shall take effect from and after its passage; but the county of Yellowstone shall remain united to the county of Custer for judicial purposes until the first day of May, A. D. 1883, and the officers of Custer county shall act as officers of Yellowstone county until the date above named, except as otherwise provided in this act.

SEC. 12. The county boundaries of the counties of Gallatin and Custer are hereby altered to conform to the county boundaries of Yellowstone county as established in this act.

Approved February 26, 1883.

AN ACT to permanently fix and determine the boundary line of Deer Lodge county, dividing said county from the county of Missoula, and to provide for the appointment of commissioners thereof.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the county commissioners of the counties of Deer Lodge and Missoula, at their regular meetings in their respective counties in June, A. D. 1883, be authorized, and it is hereby made their duty to appoint one commissioner, each, for their respective counties to commence at a point known as Medicine Tree Hill, and plainly mark out and define where the dividing line exists between the said county of Deer Lodge and the county of Missoula, north of said Medicine Tree Hill, in accordance with the provisions of law creating and designating said boundary line.

SEC. 2. That said commissioners appointed under the provisions of this act, shall, each, take an oath before they enter upon the discharge of their duties, before some officer authorized to administer oaths, to faithfully and impartially discharge their duties as such commissioners, which oath shall be subscribed, and filed with the county clerk of their respective counties.

SEC. 3. Said commissioners shall meet at McCarty's bridge, near said Medicine Tree Hill, on the first day of September, A. D. 1883, and immediately proceed to establish said line; and the line thus established shall be, and is hereby declared to be the dividing line between said county of Deer Lodge and the county of Missoula, north of Medicine Tree Hill.

SEC. 4. Said commissioners appointed under the provisions of this act shall receive eight dollars per day for each day actually employed under the provisions of this act.

SEC. 5. That, as soon as said commissioners shall have established and marked said boundary line, they shall cause to be filed with the county clerk of their respective counties a description of said boundary line.

SEC. 6. That the commissioners appointed under the provisions of this act shall be paid from the respective counties they represent by warrants drawn on the contingent fund of their respective counties.

SEC. 7. The said commissioners shall be authorized and empowered to employ a competent surveyor, with necessary assistants, who shall be paid, pro rata, by the respective counties interested, by a warrant drawn upon the contingent fund thereof.

SEC. 8. All expenses incurred under this act shall be ascertained by the commissioners appointed under the provisions of this act, and certified to by the board of county commissioners of the counties respectively interested.

Approved March 8, 1883.

AN ACT concerning the compensation of the deputy clerk of the district court of Dawson county.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the deputy clerk of the district court for Dawson county shall receive, as such, a yearly salary of \$400; and it is provided that said salary shall be in full payment for all services, as clerk in said county, in all civil and criminal causes in which said county, or the Territory, or any officer thereof, as such, shall be a party or in any way liable for costs, and for all claims or charges for any services for said county as such clerk.

Approved February 3, 1883.

AN ACT to enable the citizens of Jefferson county to vote on the proposition of changing the county seat, and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. On the second Monday in May, A. D. 1883, in Jefferson county, there shall be submitted to the qualified electors of said county, to be voted on, the following proposition, viz: To change the county seat of said county seat to Boulder City, and against changing the county seat of said county to Boulder City.

SEC. 2. It shall be the duty of the county commissioners to give notice of the proposition to change the county seat, at least forty days prior to the day of election, by causing the same to be published in some newspaper published in the county for thirty days previous to the day of such election, if any newspaper be published in the county, but if no such newspaper be published in the county, then by posting written or printed notices in ten, or more, public places in the county, and also on the door of each postoffice in the county, and one at the place where the polls are opened, in each precinct in the county, stating the proposition to be voted on, and the time of such election.

SEC. 3. At such election, the ballots of those voting in favor of changing the county seat shall have written or printed thereon, "To change the county seat to Boulder City, yes; and those voting against the change of the county seat shall have written or printed thereon, "To change the county seat to Boulder City, no."

SEC. 4. It shall be the duty of the county commissioners to appoint the judges and clerks of such election in the several precincts now established as election precincts, who shall qualify as other judges and clerks of election; and the said judges and clerks

shall receive, count, and make returns of all such ballots as are legal, in the same manner and at the time as is provided by this bill.

SEC. 5. And the canvassing board shall, within twenty days after such election, make an abstract of all the votes cast; and it shall be the duty of the clerk of the board, forthwith, to make out a copy of such abstract of votes for and against changing the county seat, and deliver the same to the secretary of the Territory, to be filed in his office, and also one copy to the county clerk and recorder which shall be recorded in the records of his office.

SEC. 6. If a majority of the votes cast, so received and counted, shall be in favor of changing the county seat, as heretofore provided, it shall be the duty of the county commissioners, within the period of six months from the date of the election, to cause the books, papers, records and effects of the county to be removed to the place so designated as the county seat, and it shall be the duty of the several county officers to thereafter hold and keep all county books, papers, and records, and their office, at such new county seat.

SEC. 7. The county commissioners are authorized and empowered to sell and dispose of the county property, personal and real, to the highest and best bidder at public sale, notice having been first given, in the same manner as provided for sales of real property on execution, situated at Radersburg, as may be impracticable to remove to the new county seat, if such county seat be removed under the provisions of this act.

SEC. 8. This act shall take effect from and after its passage.

AN ACT to enable the county of Dawson to erect a court house and jail.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the county commissioners of Dawson county, Montana Territory, are hereby authorized and empowered to issue, on the credit of said county, coupon bonds to an amount not exceeding twenty-five thousand dollars, or so much thereof as may be necessary, to enable them to erect a court house and jail and provide the same with necessary and proper furniture. Said bonds shall be redeemable at the pleasure of said county after three years from their date, and shall be dated on the day of their issue, and shall become due and payable fifteen years from their date.

SEC. 2. Said bonds shall be of the denomination of five hundred dollars, and shall bear interest at a rate not exceeding seven per cent. per annum. They shall be in such form as the board of county commissioners may direct, and they shall be signed by the chairman of the board of county commissioners and the treasurer of said

county; they shall also be sealed with the county seal of said county, and countersigned by the clerk of said county. The coupons attached to the bonds shall be signed by the chairman of said board of county commissioners, the treasurer of the county, and the county clerk. Each bond issued shall be registered by the county treasurer in a book provided for that purpose, and such registration shall show the number and amount of each bond, and when and to whom issued; and the faith of said county of Dawson is hereby pledged for the payment of the interest and the redemption of the principal of said bonds.

SEC. 3. For the purpose of carrying into effect the provisions of this act the said commissioners are hereby authorized to have engraved or lithographed, at the lowest possible rate, suitable bonds, with coupons attached, and shall pay therefor out of any moneys in the treasury of said county not otherwise appropriated.

SEC. 4. The said county commissioners shall, whenever it becomes necessary, order the sale of the bonds provided for in this act, and such sale shall be conducted in such manner as said commissioners may prescribe, but said bonds shall not be sold for less than the face thereof.

SEC. 5. The treasurer of said county shall pay in lawful money of the United States, at the expiration of six months from the date of issue of each bond, the interest due thereon, and semi-annually thereafter, upon presentation at his office of the proper coupon, which shall show the amount due and the number of the bond to which it belonged. All coupons so paid shall be reported to the county commissioners at their first meeting thereafter. Should the holders of said bonds to an amount not less than one thousand dollars give the treasurer notice in writing that they desire the bonds so held by them, and the interest accruing thereon, to be paid at a designated national bank in the city of New York, then the said bonds and coupons so held by such person or persons shall be payable at said bank in the city of New York; otherwise said bonds and coupons shall be payable at the office of the said county treasurer.

SEC. 6. The proceeds of the sale of said bonds shall be paid into the county treasury of said county to the credit of the court house fund, and shall immediately become available for the purpose of carrying into effect the provisions of this act.

SEC. 7. The treasurer shall register in a book kept for that purpose all bonds redeemed by him, which shall show the amount of each bond, its number and date, when and to whom issued, and when and from whom redeemed. Said treasurer shall also write across the face of said bond, in red ink, the word "Redeemed," with the date of such redemption, and shall subscribe his name thereto. He shall also cancel such bonds with a cancelling stamp.

SEC. 8. The county clerk shall receive in full compensation for his services in making out and signing and affixing the county seal

to the bonds and coupons contemplated in this act, the sum of fifty cents for each bond issued, anything in the law regulating the fees of the county clerk to the contrary notwithstanding; and the county treasurer shall receive as compensation for receiving and paying out moneys provided for in this act, an amount not exceeding two mills on the dollar for the moneys so received and paid out.

SEC. 9. The county commissioners of said county shall have exclusive supervision of the construction of the buildings authorized by this act. They shall cause suitable plans and specifications to be made, and shall let contracts for material and for the construction of the buildings to the lowest bidder or bidders; and the contractors shall give bonds, with sufficient sureties, for the completion of the work according to the specifications.

SEC. 10. This act shall be submitted to the qualified voters of the said county of Dawson on the 26th day of May, A. D. 1883; and if a majority of the votes cast at such election shall be in favor of this act, then shall it be in full force and effect; but if a majority of the votes so cast shall be against this act, then shall it remain suspended for the term of one year, at which time a second submission shall be had; and if upon such second submission a majority shall be in favor of this act, then the same shall be in full force and effect from the time of its adoption.

Approved February 23, 1883.

AN ACT to provide for the refunding of certain outstanding fifteen per cent. bonds of Missoula county, Montana, with accrued interest thereon, and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That all bonds that may be issued under the provisions of an act entitled "An act to provide for the refunding of the over-due bonds of Missoula county, with accrued interest, and for other purposes," approved February 21, 1879, shall be redeemable at the pleasure of said county after five years from their date, and shall become due and payable ten years from date of issue.

SEC. 2. From and after the passage of this act, all jurors and witnesses summoned to attend the courts of Missoula county shall receive the same per diem and mileage as are allowed jurors and witnesses in other counties of Montana.

SEC. 3. That sections 6, 7, 8, and 9, of "An act to provide for the refunding of the over-due bonds of Missoula county, with accrued interest," approved February 21, 1879, and sections 10, 11, 12, and 13 of "An act in relation to the collection and disbursement of the revenue of Missoula county, and for other purposes," approved Feb-

ruary 16, 1877, be, and the same is hereby repealed; *Provided*, That the provisions of this section shall take effect and be in force from and after the first day of January, 1885.

SEC. 4. That from and after the first day of January, 1885, the laws of the Revised Statutes of Montana, pertaining to the general management and government of other counties of Montana, shall be in full force and effect in Missoula county. Nothing in this act shall be so construed as to interfere with the vested rights of the creditors of Missoula county.

Approved March 3, 1883.

AN ACT to enable the county of Meagher to furnish the court house and complete the jail.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the county commissioners of Meagher county, Montana Territory, are hereby authorized and empowered to issue, on the credit of said county, coupon bonds to an amount not exceeding five thousand dollars, (\$5,000,) or so much thereof as may be necessary in the discretion of said commissioners to enable them to provide the court house of said county with necessary and proper furniture, and to provide iron cells for the county jail, which said bonds shall be redeemable at the pleasure of said county after three years from their date, and shall be dated on the day of their issue, and shall become due and payable fifteen years from their date.

SEC. 2. Said bonds shall be of the denomination of five hundred dollars, and shall bear interest at a rate not exceeding seven per cent. per annum. They shall be in such form as the board of county commissioners may direct, and they shall be signed by the chairman of the board of county commissioners and the treasurer of said county; they shall also be sealed with the county seal of said county, and countersigned by the clerk of said county. The coupons attached to the bonds shall be signed by the chairman of said board, the treasurer of the county, and the county clerk. Each bond issued shall be registered by said county treasurer in a book provided for that purpose, and such registration shall show the number and amount of each bond, and when and to whom issued; and the faith of said county of Meagher is hereby pledged for the payment of the interest and the redemption of the principal of said bonds.

SEC. 3. For the purpose of carrying into effect the provisions of this act, the said commissioners are hereby authorized to have engraved or lithographed, at the lowest possible rates, suitable bonds, with coupons attached, and shall pay therefor out of any moneys in the treasury of said county not otherwise appropriated.

SEC. 4. The said county commissioners shall, whenever it becomes necessary, order the sale of the bonds provided for in this act, and such sale shall be conducted in such manner as said commissioners may prescribe, but said bonds shall not be sold for less than the face value thereof.

SEC. 5. The treasurer of said county shall pay in lawful money of the United States, at the expiration of six months from the date of the issue of each bond, the interest due thereon, and semi-annually thereafter, upon presentation at his office of the proper coupon, which shall show the amount due, and the number of the bond to which it belonged. All coupons so paid shall be reported to the county commissioners at their first meeting thereafter. Should the holders of said bonds to an amount not less than one thousand dollars give the treasurer notice in writing that they desire the bonds so held by them, and the interest accruing thereon, to be paid at a designated national bank in the city of New York, then the said bonds and coupons so held by such person or persons shall be payable at said bank in the city of New York; otherwise said bonds and coupons shall be payable at the office of said county treasurer.

SEC. 6. The proceeds of the sale of said bonds shall be paid into the county treasury of said county to the credit of the court house fund, and shall immediately become available for the purpose of carrying into effect the provisions of this act.

SEC. 7. The treasurer shall register in a book to be kept for that purpose all bonds redeemed by him, which shall show the amount of each bond, its number and date, when and to whom issued, and when and from whom redeemed. Said treasurer shall write across the face of said bond, in red ink, the word "Redeemed," with the date of such redemption, and shall subscribe his name thereto; he shall also cancel such bonds with a cancelling stamp.

SEC. 8. The county clerk shall receive in full compensation for his services, in making out and signing, and affixing the county seal to the bonds and coupons contemplated in this act, the sum of fifty cents for each bond issued, anything in the law regulating the fees of the county clerk to the contrary notwithstanding; and the county treasurer shall receive as compensation for receiving and paying out moneys provided for in this act an amount not exceeding two mills on the dollar for the moneys so received and paid out.

SEC. 9. The county commissioners of said county shall have exclusive supervision of the purchasing and placing of said furniture and iron cells authorized by this act.

SEC. 10. Nothing in this act shall be construed to be mandatory on said county commissioners.

Approved March 1, 1883.

AN ACT to enable the county of Choteau to erect a court house.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the board of county commissioners of Choteau county is hereby authorized and empowered to issue, on the credit of said county, coupon bonds to an amount not exceeding the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable said board to erect and furnish a court house in said county, which said bonds shall be dated on the day of their issue, shall be redeemable at the pleasure of said county after ten years, and shall become due and payable after fifteen years from the date of their issue.

SEC. 2. Said bonds shall be of the denominations of one hundred, and one thousand dollars each, and shall bear interest at a rate not exceeding seven per cent. per annum. Said bonds, and the coupons thereto attached, shall be signed by the chairman of the board of county commissioners and the clerk of said county, and shall be in such form as said board of commissioners may direct. Each bond issued shall, at the date of its issue, be registered by the county clerk on the left hand pages of a book prepared for that purpose, which said book shall show on the left hand pages the number, date, and amount of each bond, and to whom issued; and on the right hand pages the date of redemption, the amount of the bond redeemed, the amount of interest paid thereon, and the name of the person from whom redeemed.

SEC. 3. For the purpose of carrying into effect the provisions of this act the said board of county commissioners is hereby authorized to cause to be engraved or lithographed, at the lowest practicable rates, suitable blank bonds, with coupons attached, and shall pay therefor out of any moneys in the treasury of said county not otherwise appropriated.

SEC. 4. The board of county commissioners shall, whenever it becomes necessary, order a sale of the bonds provided for in this act. Such sale shall be by public auction to the highest bidder for cash, and for not less than the par value of such bonds, and shall be made at the front door of the county clerk's office in said county. Notice of the time and place of such sale shall be given by advertisement in at least two newspapers published in this Territory, and one newspaper published in the city of New York, once a week for at least four weeks prior to the time of such sale; said notice to be complete at least ten days prior to the time of such sale.

SEC. 5. The treasurer of said county shall pay in lawful money of the United States, semi-annually on the first days of January and July of each year, the interest due on said bonds upon the presentation at his office of the proper coupon, which shall show the amount due, and the number of the bond to which it belonged. All coupons so paid shall be returned to the board of county commis-

sioners at the first regular meeting thereof after such payment. Should the holders of such bonds to an amount not less than one thousand dollars give the treasurer notice in writing that they desire the bonds so held by them, and the interest accruing thereon, to be paid at a designated bank in the city of New York, then the said bonds and coupons so held by such person or persons shall be payable at such bank in the city of New York.

SEC. 6. The proceeds of the sale of such bonds shall be paid into the county treasury of said county to the credit of the court house fund, and shall immediately become available for the purpose of carrying into effect the provisions of this act.

SEC. 7. The county clerk shall enter on the right hand pages of the book provided for in section 2 of this act, and opposite to its appropriate number, all bonds returned to the board of county commissioners redeemed, and such entry shall show the amount of each bond redeemed, its number, date of redemption, the amount of interest paid thereon, and from whom redeemed.

SEC. 8. This act shall not be so construed as to entitle the county treasurer to receive as compensation for receiving, keeping, and disbursing the moneys provided for in this act an amount exceeding one hundred dollars.

SEC. 9. The county clerk shall be entitled to receive the sum of fifty cents for each bond issued as full compensation for all services required of him by this act.

SEC. 10. This act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1883.

AN ACT supplemental to an act entitled "An act to enable the county of Choteau to erect a jail," approved February 22, A. D. 1881.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That, in addition to the powers conferred upon the board of county commissioners of Choteau county by the act approved February 22, 1881, the said board are hereby further empowered to issue coupon bonds of said county to an amount not to exceed six thousand (6,000) dollars, or so much thereof as may be necessary, to enable said county to complete the jail referred to in the act to which this act is a supplement.

SEC. 2. Said bonds shall be of the denomination of one hundred (100) dollars each, bear interest at a rate of interest not exceeding

seven per centum, and be redeemable at the pleasure of the county after five years from date of issue.

SEC. 3. Said bonds shall be issued, and in all essentials conform to the provisions of the act to which this act is supplemental.

Approved March 2, 1883.

AN ACT to provide for the funding of the indebtedness of Jefferson county, Montana Territory.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the commissioners of Jefferson county, Montana Territory, are hereby authorized and empowered to issue, on the credit of said county, coupon bonds to an amount not exceeding seventy-five thousand dollars, or so much thereof as may be necessary, to redeem all of the outstanding ten per cent. bonds heretofore issued by said county, together with the interest remaining unpaid thereon, and to take up, cancel, and pay off all warrants issued upon the general fund of said county, or which may hereafter issue upon said general fund, which bonds shall be redeemable at the pleasure of said county after five years from their date, and shall become due and payable twenty years from their date, and shall bear interest at a rate not exceeding six per cent. per annum.

SEC. 2. The bonds authorized to be issued by this act shall be in such form as said commissioners may direct, and shall bear the signature of the chairman of the board of county commissioners of said county, and the treasurer of said county, and shall be sealed with the county seal and countersigned by the clerk of said county. And the coupons attached to said bonds shall be signed by the chairman of said board, the treasurer of said county, and the county clerk; and each bond issued shall be registered by the county treasurer in a book provided for that purpose, and it shall show the number and amount of each bond, and to whom issued; and the said bonds shall be sold by said county commissioners, or their authorized agent or agents, at not less than the par value, as hereinafter provided.

SEC. 3. The said county commissioners shall, as soon as practicable after the passage of this act, give notice in not less than two weekly newspapers published in this Territory, for a period of not less than four weeks, to the effect that said county commissioners will sell said bonds, (briefly describing the same,) or a sufficient amount thereof to take up and to pay off all outstanding county warrants issued upon the general fund of said county, (briefly describing the same,) and stating the time when said sale shall take place; but said county commissioners may, in their discretion, at any time, and without previous notice, negotiate and sell said bonds at private sale,

if in their opinion the interest of said county is best subserved thereby, provided said bonds shall not be sold at private sale for less than par. All moneys arising from the sale of said bonds provided for in this section shall be paid into the treasury of said county to the credit of the general fund, and shall immediately thereafter be applied to the payment of the outstanding warrants of said county, and the unpaid interest thereon.

SEC. 4. The said county commissioners shall, sixty days prior to the time when the ten per cent. bonds of said county of Jefferson, now outstanding shall become redeemable, give notice in the same manner, and for the same time as provided in section 3 of this act, to the effect that said county commissioners will sell said bonds; but said county commissioners may, in their discretion, within thirty days prior to the time when said ten per cent. bonds become redeemable, and without previous notice, negotiate and sell said bonds at private sale, if in their opinion the interests of said county are best subserved thereby, provided said bonds shall not be sold at private sale for less than par. All moneys arising from the sale of bonds provided for in this section shall be paid into the treasury of said county to the credit of the sinking fund, and shall immediately thereafter be applied to the redemption of the outstanding ten per cent. bonds of said county, and the unpaid interest thereon.

SEC. 5. When the said bonds provided for in section 2 of this act shall have been sold, it shall be the duty of the treasurer of said county of Jefferson to give notice thereof in at least two weekly newspapers published in said Territory for four successive weeks, and in said notice call in for payment all outstanding warrants of said county, and from the date of such notice the interest on all of said outstanding warrants shall cease.

SEC. 6. All bonds authorized to be issued by this act shall be of the denomination of five hundred dollars; and the faith of said county of Jefferson is hereby pledged for the payment of the interest and the redemption of the principal of said bonds.

SEC. 7. The treasurer of said county shall pay in lawful money of the United States, at the expiration of six months from the date of the issue of each bond, the interest due thereon, and semi-annually thereafter, upon presentation at his office of the proper coupon, which shall show the amount due and the number of the bond to which it belonged. But in case the holder or holders of the said bonds shall give the treasurer notice in writing that they wish the bonds so held by them, and the interest accruing thereon, to be paid at a designated bank in the city of New York, then the said bonds and coupons shall be payable in said city of New York, otherwise the said bonds and coupons shall be payable at the office of the said county treasurer. And all bonds and coupons so paid by said county treasurer shall be returned by said treasurer to the board of county commissioners at his next settlement with them after such payment; and the said commissioners shall cancel said bonds and coupons in the manner now provided by law for the cancellation of county warrants.

SEC. 8. It shall be the duty of the said county commissioners to cause to be set aside forty per cent. of all moneys collected by said county, or received into the treasury thereof, for the purpose of paying the interest accruing on the bonds issued and sold under the provisions of this act, and all surplus of said forty per cent. received into the treasury, after the payment of the interest aforesaid, shall constitute a sinking fund, and be applied to the redemption of the principal of said bonds, as hereinafter provided.

SEC. 9. Whenever, at any time, the sum in said sinking fund shall exceed the sum of five hundred dollars, and from time to time thereafter when it may so occur, the said treasurer shall cause a notice to be published in one newspaper of Montana Territory, that he will, in thirty days from the date of such notice, redeem said amount of bonds which may then be payable, giving the numbers thereof, preference being given to the oldest issue, and if, at the expiration of said thirty days, the holder or holders of such bonds shall fail or neglect to present the same for payment, interest thereon shall cease; but the treasurer shall at all times thereafter be ready to redeem the same on presentation. Such notice shall be sent by mail to such places in New York City of which the treasurer shall have knowledge by virtue of section 7 of this act, with like effect.

SEC. 10. If, at any time before the expiration of five years from the date of said coupon bonds, there shall accumulate in the sinking fund of said county the sum of five hundred dollars or more, and as often as the same may occur, the treasurer of said county shall purchase of the holder or holders of the said coupon bonds, at not exceeding their par value, such bonds as he may have money in the sinking fund applicable to such purpose to purchase or redeem, and the bonds so purchased and redeemed shall be returned by said county treasurer to the board of county commissioners at his next settlement with them thereafter, and they shall be by them disposed of as provided in section 7 of this act.

SEC. 11. The treasurer of said county, whose duty it shall be to receive and pay out the funds in this act provided, shall, before entering upon the discharge of his duties, execute to the board of county commissioners of said county a bond with two or more sufficient sureties, to be approved by said board, and in such penal sum as they may direct, to the effect that he will faithfully discharge all the duties required of him, and will pay out and properly account to said board of county commissioners for all moneys which may come into his possession by virtue of the provisions of this act, which bond, with the approval of the board endorsed thereon by their clerk, shall be filed in the office of the county clerk of said county.

SEC. 12. The treasurer shall be entitled to receive as compensation for receiving the existing bonds, and for making out and replacing them with new bonds, and for the receiving and paying out the funds necessary to said transfer, one-half of one per cent. of the amount thereof in full payment of such or other services to be by him performed, anything in the act prescribing fees of the county treasurers to the contrary notwithstanding.

SEC. 13. The county clerk shall receive in full compensation for his services in making out and signing, and affixing the county seal to the bonds and coupons contemplated in this act, the sum of fifty cents for each bond issued, anything in the law regulating the fees of county clerks to the contrary notwithstanding.

SEC. 14. This act shall take effect and be in force from and after its passage.

SEC. 15. All acts and parts of acts in conflict with this act be, and the same are hereby repealed.

Approved February 16, 1883.

AN ACT to provide for the refunding of the bonded indebtedness of Beaverhead county.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the county commissioners of Beaverhead county are hereby authorized and empowered to issue, on the credit of said county, coupon bonds to an amount sufficient to enable them to redeem all outstanding bonds of said county which are now redeemable, or may become redeemable in the year 1883, which bonds, so issued, shall be redeemable at the pleasure of said county after five years from their date, and shall become due and payable after ten years from their date.

SEC. 2. Said bonds shall be of the denomination of five hundred dollars each, and shall bear interest at such rate as the board of commissioners of said county shall determine, not to exceed seven per cent. per annum. Said bonds shall be in such form as said commissioners shall direct, and shall be signed by the chairman of the board of county commissioners, and the treasurer of said county, and shall be sealed and countersigned by the clerk of said county. The coupons attached to said bonds shall be signed by the chairman of the board of commissioners, the county treasurer, and the county clerk. Each bond issued shall be registered by the treasurer of said county in a book to be kept by him for that purpose, and such registration shall show the number and amount of each bond, and when and to whom issued.

SEC. 3. The treasurer of said Beaverhead county shall pay in lawful money of the United States, at the expiration of six months from date of issue of each bond, the interest due thereon, and semi-annually thereafter, upon presentation of the proper coupons at his office, which coupons shall show the amount due, and the number of the bonds to which they belonged. Should the holder or holders of said bonds to an amount not less than five thousand dollars give the said treasury notice in writing that he or they desire the bonds so held by him or them, and the interest thereon, to be paid in the city of New

York, State of New York, at some designated bank in said city, then the said bonds, and the coupons thereof, so held by such party or parties, shall be payable as so designated. All bonds and coupons so paid shall be reported by said treasurer to said county commissioners at their first meeting thereafter.

SEC. 4. The county commissioners of said Beaverhead county are hereby authorized and required, and it is hereby made their duty to sell in manner hereinafter provided a sufficient amount of said bonds to enable them to redeem all of the present outstanding bonds of the said county which are now payable, or may become payable in the year 1883. That prior to the time said commissioners shall choose for the sale of said bonds they shall give notice by advertisement in one or more daily newspapers published in the Territory of Montana, and in one or more weekly newspapers published in the city of New York, State of New York, for a period of not less than thirty days; such advertisement shall invite sealed proposals for the purchase of said bonds, which proposal shall state the amount of said bonds proposed to be purchased, and the price offered for the same; and the party so proposing the highest price for the same shall be awarded such amounts as he proposes to take, not exceeding the amount named in said advertisement; which shall be the amount required to redeem the present outstanding bonded indebtedness of said county falling due and payable in the year 1883, or previously; *Provided*, That the said bonds, or any part of them, shall not be sold for an amount less than their par value.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the treasury of said Beaverhead county, and be applied to the payment of the present outstanding bonded indebtedness of said county.

SEC. 6. To enable the county commissioners of said county to carry out the provisions of this act, they are hereby authorized to cause to be printed or lithographed, at lowest attainable price, suitable blank bonds, with coupons attached, and to pay for the same out of any money in the treasury of Beaverhead county not otherwise appropriated.

SEC. 7. Whenever the commissioners of said county shall be prepared under the provisions of this act to redeem the present outstanding bonds of said county, or any portion thereof, they shall cause the treasurer of said county to give written notice to the holder or holders of such present outstanding bonds of his readiness to redeem the same, which notice shall specify the time and place of the redemption thereof, and the number and amount of bonds to be redeemed; and they shall also cause a notice of the same to be published in a newspaper to be published in said Beaverhead county for four successive weeks, and at the date fixed in said notices for the redemption of said outstanding bonds they shall cease to draw interest.

SEC. 8. The treasurer of Beaverhead county shall be entitled to receive for all services rendered in carrying out the provisions of this act, and for receiving and disbursing all money received and paid out

by reason hereof, one-half of one per cent. of the amount so received, anything in the acts prescribing the fees of county treasury to the contrary notwithstanding:

SEC. 9. If any person shall falsely make, forge, counterfeit, or alter, or cause, or procure to be falsely made, forged, counterfeited, or altered, or shall willfully aid or assist in making, forging, counterfeiting, or altering any bond or coupon authorized to be issued under this act, or shall pass, utter, publish, or sell, or attempt to pass, utter, publish or sell, or shall keep, or have in possession, or conceal with intent to utter, publish, or sell any such forged, counterfeited, or altered bond or coupon, with intent to defraud any body, corporate or politic, or any person or persons whatever, every person so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be punished by fine not exceeding ten thousand dollars, and by imprisonment in the penitentiary not exceeding fifteen years.

SEC. 10. It shall be the duty of the board of county commissioners of said Beaverhead county, at the proper time, to cause to be set aside a sufficiency of money collected by said county, or received into the treasury thereof, to pay the interest accruing on the bonds issued and sold under the provisions of this act.

SEC. 11. At any time after the issuance of the bonds authorized by this act, the county commissioners shall ascertain that there has accumulated in the county treasury of said county a sum of money exceeding five hundred dollars not appropriated by law, or needed to meet the current expenses of said county, it shall be lawful for them to direct the treasurer of said county to purchase the bonds of said county to the extent of the funds so ascertained to be in the hands of said treasurer; and the said treasurer shall, with such accumulated funds, purchase bonds of said county at the lowest price, not exceeding their par value, and shall report the same to the board of county commissioners at their next meeting thereafter; and the said commissioners shall cause the said bonds so redeemed to be cancelled as provided by law for the cancellation of county warrants.

SEC. 12. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 13. This act shall be in force from and after its passage.

Approved February 9, 1883.

AN ACT to repeal an act entitled "An act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena," approved February 11, 1876, and also to repeal an act entitled "An act to facilitate the construction of the Helena and Benton railroad," approved February 16, 1877.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That sections 1, 2, 3 and 4 of an act entitled "An act to authorize the counties interested to assist in building a railroad from

the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena," passed by the Legislative Assembly of Montana at its ninth session, and approved February 11, 1876, be, and the same is hereby repealed.

SEC. 2. That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, of an act entitled "An act to facilitate the construction of the Helena and Benton railroad," passed by the tenth regular session of the Legislative Assembly of the Territory of Montana, and approved February 16, 1877, be, and the same is, hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1883.

AN ACT to provide for the redemption of the funded debt of Lewis and Clarke county and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the commissioners of Lewis and Clarke county are hereby authorized and empowered to issue, on the credit of said county, coupon bonds to an amount sufficient to enable them to redeem all outstanding bonds of said county that are redeemable, or may become redeemable in the year 1883. Also, all, or so many as the said commissioners may deem expedient, of the warrants against the general fund of said county as were registered before the first day of March, A. D. 1881, which said bonds shall be redeemable at the pleasure of said county after three years from their date, and shall become due and payable ten years from their date.

SEC. 2. Said bonds shall be of the denomination of five hundred and one thousand dollars each, and shall bear interest at the rate of six per cent. per annum. They shall be in such form as the commissioners may direct, and they shall be signed by the chairman of the board of county commissioners and the treasurer of said county. They shall also be sealed and countersigned by the clerk of said county. The coupons attached to the bonds shall be signed by the chairman of said board, the treasurer of the county, and the county clerk. Each bond issued shall be registered by the said county treasurer in a book provided for that purpose, and such registration shall show the number and amount of each bond, and when and to whom issued.

SEC. 3. The commissioners of Lewis and Clarke county are hereby authorized and required, and it is hereby made their duty, to sell, in a manner hereinafter provided, a sufficient amount of six per bonds of Lewis and Clarke county to enable them to redeem all of

the ten per cent. bonds of said county now outstanding and unpaid. That at any time the county commissioners may select, they shall give notice by advertisement in one or more daily newspapers published in said county of Lewis and Clarke, and in one or more weekly newspapers published in the city of New York, in the State of New York, for a period of not less than thirty days prior to the time said bonds are to be sold. Such advertisement shall be for sealed proposals, which proposals shall state the amount of such bonds wanted; and the party or parties offering the highest price shall receive the amount of such six per cent. bonds as such party or parties may want; *Provided*, That no bonds shall be sold for any less price than the par value thereof.

SEC. 4. The treasurer of said county shall pay in lawful money of the United States, at the expiration of six months from the date of the issue of each bond, the interest due thereon, and semi-annually thereafter, upon presentation at his office of the proper coupon, which shall show the amount due, and the number of the bond to which it belongs. Should the holder or holders of said bonds to an amount not less than five thousand dollars, give the said treasurer notice in writing that they desire the bonds so held by them, and the interest accruing thereon, to be paid at a designated national bank in the city of New York, State of New York, then the said bonds and coupons as [so] held by such person or persons shall be payable at such bank in the city of New York, State of New York. All coupons so paid shall be reported to the said county commissioners at their first meeting thereafter.

SEC. 5. The proceeds of the sale of such bonds shall be paid into the county treasury of said county, and shall be applied to the payment of the ten per cent. bonds of said county, now outstanding and unpaid, in the order in which said bonds become due, and also to the payment of such outstanding county warrants registered before the first day of March, 1881, as the said board may determine to redeem.

SEC. 6. The treasurer shall register in a book to be kept by him for that purpose, which book shall show the amount of the bond, its number and date, when and to whom issued, and when and from whom redeemed. Said treasurer shall also write across the face of said bond, in red ink, the word "Redeemed," with the date of such redemption, and shall subscribe his name thereto. He shall also cancel said bonds with a cancelling stamp at the time of redemption.

SEC. 7. It shall be the duty of the county treasurer upon taking up said warrants to keep a record of said warrants, to duly cancel the same, and to make a report thereof to the board of commissioners at each regular meeting thereof.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 10, 1883.

AN ACT relative to the offices of county commissioners of Custer county.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the offices of county commissioners of the county of Custer be, and said offices are hereby declared to be vacant; and no official duty shall be performed by the persons constituting the present board of county commissioners, except to make report of their proceedings prior to the approval of this act, and to deliver the property in their hands and under their control, belonging to Custer county, to the persons hereinafter designated as the board of county commissioners of Custer county.

SEC. 2. For the purpose of electing a board of county commissioners for the county of Custer, there shall be held in said county of Custer, as the same now exists, on the third Monday in April, A.D. 1883, an election, at which shall be elected three county commissioners, who shall, after such election and their qualification, act as the board of county commissioners of said county of Custer. That the three persons receiving the highest number of votes at such election shall be elected county commissioners for said county of Custer. That the two persons receiving the highest number of votes shall act as county commissioners of Custer county until the general election in 1886, and until their successors are elected and qualified; and that the person receiving the next highest vote shall act as county commissioner of Custer county until the general election in 1884, and until his successor is elected and qualified. If two or more persons shall receive at such election an equal number of votes, the term and right of office of the persons between whom such tie exists shall be determined by lot by and under the direction of the board of county commissioners herein appointed. All of the provisions of the general election laws of this Territory, except date of election, shall be applicable to the election held under this act.

SEC. 3. That William Van Gaskin, George M. Miles, and Thomas J. Bryan, are hereby appointed commissioners of Custer county, with all the powers and duties which are conferred by law upon county commissioners in other counties in this Territory; and each of said persons, before entering upon his duties as such commissioner, shall execute, and file with the probate judge of such county, a bond, with two or more sufficient sureties, in the penal sum of three thousand dollars, to be approved by said probate judge, and conditioned for the faithful discharge of his duties. They shall, severally, take the oath required of county commissioners.

SEC. 4. In addition to the duties required under the general law relating to the manner of conducting elections, the commissioners named in section three of this act, shall give notice of the election provided for in section two of this act in some newspaper published within the said Custer county, and said notice shall state the time of holding said election, and the precincts, and the offices for which votes may be cast.

SEC. 5. The commissioners named in section three of this act, after they shall have qualified as hereinbefore provided, shall hold a special meeting at the office of the county clerk of said Custer county, and shall levy the *ad valorem* tax required by law for the year 1883, on each dollar of assessed valuation on all property in said Custer county subject to taxation, and cause said levy to be entered on the books of the board of county commissioners, and said levy shall be valid for all purposes; and the county treasurer of said county shall collect said tax in lieu of the tax which should have been levied by the board of county commissioners on the first Monday after the first day of January, 1883.

SEC. 6. Upon receiving a certificate of election from the commissioners named in section three of this act, the persons elected and receiving said certificates shall forthwith qualify according to law and enter upon the performance of their official duties, and, thereupon, the powers and duties of said commissioners herein appointed shall cease.

Approved March 8, 1883.

AN ACT authorizing certain assessments to be made in Deer Lodge county.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That whereas, in the years of 1881 and 1882, the Algonquin company, a corporation doing business in Deer Lodge county, owned a large amount of real and personal property in said county, and that, for want of any proper agent of said company to list said property, and other reasons, the assessor of said county failed to make any proper assessment of the property of said company, and, by reason of which said county has been unable to collect any taxes from said company for said years on any of its property. Now, to the end that said taxes may be collected for said years, the present assessor of said Deer Lodge county is hereby authorized and directed to proceed to ascertain what property, both real and personal, said Algonquin company had and owned, and was liable for taxes upon in said county for said years of 1881 and 1882, and to assess the same to said company for said years as if made at the several times such assessment should have been made in said years, and which said assessment, when made, shall be subject to be equalized and corrected by the proper board of equalization of said county at its sitting for the year of 1883, and said assessment, when so made and corrected, shall be as valid as if made at the proper time in said years of 1881 and 1882, and the statutory liens shall attach as in other cases, and the same proceedings for collection thereof shall be had as in other cases.

Approved March 7, 1883.

AN ACT concerning Missoula county and the election of officers thereof.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That Article XIII, of chapter XVI, of the Fifth Division of the Revised Statutes of Montana, comprising sections 476 to 481 of said division, inclusive, so far as the same relates to, or affects the county Missoula, be, and the said article is hereby repealed.

SEC. 2. At the next general election, and biennially thereafter, at each general election, there shall be elected in said county of Missoula a sheriff, assessor, probate judge, county clerk and recorder, treasurer, and a superintendent of common schools, which election shall be held in conformity to, and the qualifications and duties of said officers be governed and regulated by the general laws of the Territory of Montana applicable thereto: *Provided*, The sheriff, probate judge, and treasurer of said county shall continue to act, ex-officio, as assessor, county clerk and recorder, and superintendent of common schools, respectively, until the close of the term for which they have heretofore been elected.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 2, 1883.

AN ACT to repeal section 10 of an act entitled "An act to create the county of Silver Bow, and for the election of officers thereof."

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 10 of an act entitled "An act to create the county of Silver Bow, and for the election of officers thereof, approved February 16, 1881, be, and the said section is hereby repealed.

Approved March 2, 1883.

AN ACT to incorporate the town [city] of Bozeman.

Be it enacted by the Legislative Assembly of the Territory of Montana:

ARTICLE I.—OF BOUNDARIES.

Section 1. That the inhabitants in the city of Bozeman in Gallatin county, Territory of Montana, be, and they are hereby constituted a

body politic and corporate, by the name and style of "The City of Bozeman," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

Sec. 2. That the following described territory shall for the present compose the said city, to-wit: The southeast one-fourth of section 1, and the east one-half of section 12 of township 2 S. R., 5 E., the south one-half of section 6, and the area of section 7, and the southwest one-fourth of section 5, and the west one-half of section 8 of township 2 S. R., 6 E., containing an area of 1,920 acres.

Sec. 3. Whenever any additional tract of land, adjoining the city of Bozeman, shall be laid off into town lots, and duly recorded, as may be required by law, the same may, by the city council, be annexed and become part of the city of Bozeman.

Sec. 4. The inhabitants of said city, by the name and style aforesaid, shall have power to purchase, receive and hold property, both real and personal, or mixed, either in or beyond the city for burial grounds, and for other purposes, for the use of the inhabitants of said city.

ARTICLE II.—OF THE CITY COUNCIL.

Section 1. There shall be a city council, to consist of a mayor and a board of aldermen.

Sec. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters, for two years, and until others shall be legally qualified.

Sec. 3. No person shall be an alderman unless at the time of his election he shall be a tax-paying real estate holder, and have resided within the limits of the city one year immediately preceding election, and shall have the requisite qualifications to vote for members of the Legislature, and be a resident of the ward for which he is elected.

Sec. 4. If any alderman, after his election, remove from the ward for which he was elected, his office shall be declared vacant; the mayor and aldermen shall serve without any compensation whatever until the population of the city may be 4,000, when the mayor only shall receive such compensation as the city council may determine.

Sec. 5. At the first meeting of the city council the aldermen shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the expiration of the first year; and of the second class at the expiration of the second year; so that one-half of the board shall be elected annually.

Sec. 6. The city council shall judge of the qualifications and returns of their own members, and shall determine all contested elections under this act.

Sec. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel any member.

Sec. 9. No aldermen shall be appointed to any office under the authority of the city, nor for one year after the termination of his office.

Sec. 10. All vacancies that shall occur in the board of aldermen shall be filled by election.

Sec. 11. The mayor and aldermen, before entering upon the duties of their respective offices, shall each take and subscribe an oath, or make affirmation, that he will support the Constitution of the United States and the Organic Act of this Territory, and that he will well and truly perform the duties of his office to the best of his skill and ability.

Sec. 12. Whenever there shall be a tie in the election of aldermen, the judges of the election shall certify the fact to the mayor, who shall determine the same by lot, in such manner as shall be prescribed by ordinance.

Sec. 13. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

ARTICLE III.—OF THE EXECUTIVE OFFICERS.

Section 1. The chief executive officer shall be a mayor, who shall be a tax-paying real estate holder, and who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Sec. 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-five years of age, or who shall not, at the time of his election, be an elector.

Sec. 3. If any mayor, during the term for which he shall have been elected, remove from the city, or shall be absent from the city for the space of four months, his office shall be vacated.

Sec. 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such a manner as may be provided by ordinance.

Sec. 5. Whenever any election for mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

Sec. 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE IV.

Section 1. On the first Monday in April, A. D. 1883, an election shall be held in said city for one mayor for the city and two aldermen for each ward, and forever thereafter, on the first Monday in April, of each year, there shall be an election of one mayor for said city and one alderman for each ward.

Sec. 2. All citizens of the United States, and those who have declared their intention to become such, of twenty-one years of age, whose names shall appear upon the county assessor's tax list of the preceding year, and who shall have been an actual resident of said city six months preceding said election, shall be entitled to vote for city officers and the adoption of the charter: *Provided*, That said voters shall give their votes in the ward in which they shall respectively reside.

ARTICLE V.—POWERS OF THE CITY COUNCIL.

Section 1. The city council shall have power and authority to levy and collect *ad valorem* taxes for city purposes upon taxable property, real, mixed and personal, except as herein excepted, within the limits of the city, not exceeding three-tenths of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner that may be prescribed by ordinance, not repugnant to the Constitution of the United States, or the Organic Act of this Territory.

Sec. 2. The city council shall have power to appoint all officers, except the police magistrate, city attorney, city assessor, and city marshal, who shall be elected at the first general city election, and every year thereafter, and whose term of office shall be for one year, and until their successors are elected and qualified.

Sec. 3. The city council shall have power to require of all officers, appointed or elected in pursuance of this act, bonds, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient, also require of all officers appointed, or elected, as aforesaid, to take such oaths, or make such affirmation as the city council may prescribe for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

Sec. 4. To appropriate money and funds for the payment of the expenses of the city.

Sec. 5. To make regulations to prevent the introduction of conta-

gious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city, to establish hospitals and make regulations for the government of the same.

Sec. 6. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

Sec. 7. To provide the city with water, erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets.

Sec. 8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, alleys, sidewalks, drains, and sewers.

Sec. 9. To establish, erect, and keep in repair bridges.

Sec. 10. To divide the city into wards, alter the boundaries thereof, and create additional wards, as the occasion may require.

Sec. 11. To establish, support, and regulate night watches.

Sec. 12. To provide for lighting the streets, and to erect lamp posts.

Sec. 13. To provide for all needful buildings for the use of the city.

Sec. 14. To provide for the enclosing, improving and regulating all public grounds belonging to the city, to erect market houses, to establish markets and market places, and to provide for the government and regulation thereof.

Sec. 15. It shall have the power to provide for the prevention and extinguishment of fires; to organize and establish fire companies, and, at discretion, prohibit or regulate the erection of wooden buildings.

Sec. 16. To regulate the building and fixing of chimneys, and to fix the flues thereof.

Sec. 17. To regulate the storage of powder, tar, pitch and rosin, coal oil, and other combustible or dangerous materials.

Sec. 18. To regulate parapets, walls, and partition fences, and restrain, cattle, hogs, horses, sheep, and dogs, or other animals, from running at large, and prohibit reckless driving and riding upon the streets.

Sec. 19. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases, not otherwise provided for by law, and to order all laws on the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

Sec. 20. To provide for taking the enumeration of the city,

Sec. 21. To regulate the election of city officers, and to provide for the removing from office any person holding an office created by ordinance.

Sec. 22. To fix the compensation of city policemen, who shall be night watchmen: *Provided*, That such compensation shall not exceed the same paid by law in this Territory to other officers for like services; and regulate fees for jurors, witnesses and others for services rendered under this act, or any ordinance made in pursuance thereof.

Sec. 23. To regulate the police of the city; to enforce fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the receiving and appropriation of such fines and forfeitures and the enforcement of such penalties; and all moneys collected under or by authority of any city ordinance shall be deemed to be taken to belong to said city for general use and benefit of the inhabitants thereof, for the purpose herein provided.

Sec. 24. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances incur no indebtedness whatever, except as provided by this instrument, and necessitate no levying of taxes exceeding three mills on each dollar, except as provided in sections five and six, in article seven, and be not repugnant to, nor inconsistent with the Constitution of the United States, or the Organic Act of this Territory.

Sec. 25. To license, tax and regulate auctioneers, merchants, peddlers, retailers, taverns, hotels, bakeries, restaurants, drinking saloons, billiard halls, hawkers, brokers, pawnbrokers, gambling houses, bankers, assay offices, professional men, barber shops, livery stables, wash houses or laundries, insurance agencies, photograph galleries, and theatrical and other exhibitions, and other amusements, and all branches of business; *Provided*, No license levied or imposed by the city council shall exceed in amount one-fourth of the license required to be paid by the statutes of this Territory for like business.

Sec. 26. The city council shall have no power to incur or make any city indebtedness, for any purpose whatever, to exceed the sum of \$10,000; but if the sum of any indebtedness shall exceed \$1,000, the question of incurrence thereof shall be submitted to the duly qualified voters of said city, as provided in sections five and six of article seven hereof.

Sec. 27. The style of the ordinances shall be "Be it ordained by the city council of the city of Bozeman."

Sec. 28. All ordinances of the city council shall, within ten days after they have been passed, be posted in three public places in said city, and shall not be in force until they have been posted as aforesaid.

Sec. 29. All ordinances of the city council may be proven by the seal of the corporation, and when printed in book form, or pamphlet form, and purported to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.—THE MAYOR.

Section 1. The mayor shall preside at all meetings of the city council, and, in case of a tie, he shall have the casting vote, and in no other; in case of the non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their number as chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board; and in the discretion of the city council during the temporary absence or incapacity of the mayor, it may appoint one of its members to act as mayor *pro tem* during the *interim*, with all the powers of mayor, and subject to all his limitations provided by this act.

Sec. 2. The mayor, or any two aldermen, may call a special meeting of the city council, the city clerk, on their requisition, giving reasonable notice in writing thereof to all members of the city council present in said city.

Sec. 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances of the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligence or positive violation to be prosecuted and punished. He shall from time to time communicate to the aldermen such information, and recommend such measures, as in his opinion, may tend to the improvement of the finances, police, the health, security, and comfort of the city.

Sec. 4. He is hereby authorized to call on every male citizen of said city, over the age of eighteen years, to aid in the enforcement of the laws and ordinances, and, in case of riots, to call out the militia to aid in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or of carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding twenty-five dollars.

Sec. 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

Sec. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Sec. 7. He shall also have such power as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Sec. 8. In case the mayor shall be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court of the proper county, and, on conviction, he shall be fined, not more than five hundred dollars, and the court shall have the power, upon the recommendation of the jury, to add to the judgment of the court that he be removed from office, and forever thereafter be disqualified from holding office under this act, or any ordinances of said city.

ARTICLE VII.—MISCELLANEOUS PROVISIONS.

Section 1. The city council shall have the power for the purpose of keeping the streets, lanes, avenues, and alleys in repair, to require every able-bodied male inhabitant in said city, over the age of twenty-one and under forty-five years, to labor on said streets, lanes, avenues and alleys, not exceeding one day in each and every year, and every person failing to perform such labor, when duly notified by the street commissioners, shall forfeit and pay two dollars for said day so neglected or refused, to be used in improving the public streets.

Sec. 2. The members of the city council and firemen shall, during their term of service as such, be exempt from working out any road or street tax, and shall likewise be exempt from serving in the militia of the Territory, or on any jury.

Sec. 3. The council shall have power to provide for the punishment of offenders by imprisonment and hard labor in all cases where such offenders shall fail or refuse to pay the fine and forfeiture which may be recovered against them according to the laws of this Territory.

Sec. 4. The city council shall have power by ordinance to levy and collect a special tax on holders of lots on any street, lane, avenue, or alley, according to their respective fronts, for the purpose of paving, grading, or planking sidewalks and lighting such street, lane, avenue, or alley: *Provided*, Such tax shall not exceed the actual costs of such sidewalks and lighting respectively, which tax shall be collected in the same manner as other city taxes.

Sec. 5. That no levy or assessment of taxes or incurrence of a debt beyond \$1,000, not heretofore provided for, shall be made by said city council, except upon a vote of two-thirds of the members thereof, and every levy of taxes or issue of bonds for each purpose shall be set forth in a section of an ordinance by itself.

Sec. 6. After the passage of said ordinance by such vote, the same shall be published in all city newspapers for at least one week if daily, and two weeks if weekly, together with a notice that the same will be submitted to a vote of the tax-paying real estate holders of said city, on a day and at a place in each of the wards to be named, which election shall be conducted as is provided in other cases, and

the ballots shall be "For section (—) of an ordinance entitled (giving title)," or, "Against section (—) of an ordinance entitled (giving title):" and if two-thirds of said voters shall approve the same, the said ordinance shall be in full force; but if not approved, the same shall be void.

Sec. 7. The city council shall provide the detailed method of conducting such elections, not inconsistent with this act, but nothing in this and the two preceding sections shall affect the passage of ordinances levying taxes for the maintenance of the city police (not exceeding two in number), the payment of the night watchmen (not exceeding two in number), paraphernalia for extinguishing fires, cleaning streets, enclosing and protecting cemeteries, maintaining and keeping in repair the property of the fire department, and necessary notices in all of the city newspapers.

Sec. 8. That the city shall not be liable for any costs in any suit prosecuted in its name in its own courts, nor shall any fees taxed exceed in amount the items of fees allowed for similar services to other officers in this Territory.

Sec. 9. All fines and forfeitures collected for offenses committed, or penalties incurred, within the incorporation limits of the city of Bozeman, shall be paid into the treasury of the said city by the officer collecting the same, with details of sources and on what account paid out.

Sec. 10. The city council shall cause to be published, semi-annually, in all newspapers of said city, a general statement of the finances of said city, showing in condensed form what moneys have been received, and from what source, and the amount and purpose for which moneys have been paid out or expended. The books of the city assessor and treasurer shall be open, at all proper hours, to the inspection of any tax-payer of said city, or other person.

Sec. 11. All suits, actions, and prosecutions instituted, commenced, or brought by the corporation hereby created, shall be prosecuted in the name of the city of Bozeman.

Sec. 12. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the district court, and every such appeal shall be granted in the same manner, and with like effect, as appeals are taken from and granted from justices of the peace under the laws of this Territory.

Sec. 13. No mayor or alderman of said city shall, during the period for which he is elected, be directly or indirectly pecuniarily interested in any contract let or to be let under the authority of said city, or in any payment to be made thereon, and if any such person shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor under the laws of this Territory, and shall be prosecuted therefor in the district court, and, on conviction thereof, shall be fined not less than two hundred and fifty dollars, nor more than

six hundred dollars, or imprisonment three months, or both such fine and imprisonment; and in all contracts involving the expenditure of one hundred dollars or more, the city council shall advertise the same, with specifications, for a period to be prescribed by ordinance, and award the same to the lowest responsible bidder, and they shall so advertise all contracts.

Sec. 14. This act is declared to be a public act, and may be read in evidence in all courts of law and equity within this Territory without proof.

Sec. 15. Whenever the mayor shall absent himself from the city, or resign, or die, or his office shall otherwise become vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem.* until the office shall be filled by election as herein provided, and any vacancy in elective offices occurring sixty days prior to any regular election, shall be filled within twenty days from the date of occurrence of said vacancy by special election to be called as herein provided, the officer so elected to serve until the next regular election.

Sec. 16. The city marshal and the constables within said city of Bozeman shall be authorized to have power to execute anywhere within the county wherein said city may be located all processes issued by the police magistrate of said city, or other city magistrate within said city, and the said marshal shall have power to do all the acts that a constable may lawfully do, and shall receive the same fees that are allowed to constables in similar cases, and shall give bonds as constables are required by law to give.

Sec. 17. All actions brought to recover any penalty or forfeiture under this act, or any ordinance, by-law, or police regulation made in pursuance thereof, shall be brought in the corporate name of said city.

Sec. 18. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be by summons, unless oath or affirmation shall be made for a warrant as in other cases.

Sec. 19. Upon rendition of judgment, the officer rendering such judgment may require the defendant to be confined in jail for a term not exceeding three months, and all persons so committed shall be confined one day for each five dollars of such judgment and costs unless he pay the same.

Sec. 20. The police magistrate shall have jurisdiction in all cases of violation of the city ordinances, and shall have the same jurisdiction in all civil and criminal proceedings as is now, or shall hereafter be conferred upon other justices of the peace of this Territory, and, in all courts of this Territory, said police magistrate shall be held to be and he is hereby constituted a justice of the peace; but no change of venue shall be allowed from said police magistrate to any justice

of the peace for the hearing or determination of any case when proceedings shall be commenced against any person or persons for the violation of any city ordinance.

Sec. 21. The duties of all officers mentioned in this act, not herein prescribed, shall be prescribed by ordinance.

Sec. 22. There shall be a police magistrate, city attorney, who shall also act as city clerk, city assessor, who shall also act as city treasurer and collector, and city marshal, elected as heretofore provided. The police magistrate shall be a justice of the peace in said county, and he shall have the exclusive jurisdiction of all offenses against the ordinances of the city. The city attorney, city assessor, and city marshal shall severally discharge the duties usually pertaining to said offices, respectively, and the manner thereof may be prescribed by ordinance.

Sec. 23. This charter shall be submitted to the qualified voters of the city of Bozeman on or before the fourth Monday in March, 1883, at one convenient place therein, by directions of the commissioners appointed in this act. The ballots shall have printed or written thereon: "For the Charter," or "Against the Charter," and if a majority of the votes so cast at this election shall be in favor of the charter, then this act shall be in full force and effect; but if a majority of the votes so cast shall be against the charter, then this act shall remain suspended, unless thereafter enforced as herein set forth.

Sec. 24. A. Lamme, J. V. Bogert, Walter Cooper, T. B. Sacket, and P. Koch are hereby constituted and appointed to act as commissioners, and to serve in such capacity until the first board of aldermen of said city shall be elected and duly qualified. Such commissioners, or any three of them, shall, if a majority of the electors of the said city vote in favor of this charter, within twenty days after its acceptance as aforesaid, proceed to lay out the territory embraced within the city limits of said city of Bozeman into four wards, and fix the boundaries of the same; and shall also provide for holding the first election herein appointed in the several wards of said city; shall fix the place for holding said election in each of said wards; shall appoint the persons to act as judges of election in each of said wards, who shall be sworn, and whose places may be filled, in case they do not serve, as provided by law in other elections. Said election shall be held and returns thereof made and certified in all respects as provided by law for the election of members of the Legislative Assembly. A copy of said returns of said election shall be then immediately delivered to the commissioners, who shall canvass the same within three days from the time received, and the persons receiving the highest number of votes for the several offices to be elected under this act, and the aldermen of each ward, shall be declared by said commissioners, or any four of them, duly elected to said offices. If two or more persons shall, at said election, receive the same number of votes for one of said offices, the commissioners shall determine the same by lot. Thereafter, on the first Monday in April each annual election shall take place.

Sec. 25. In case of rejection of this charter by a majority of the voters at the first election, or at any time or times thereafter when sixty of the qualified voters of said city shall petition said commissioners for a re-submission of said charter to the voters of said city, then it shall be the duty of said commissioners to again submit the adoption or rejection of this charter to a vote of the qualified voters of said city, and if upon said second submission a majority shall adopt this charter, then the same shall be in full force and effect from the time of its adoption. Said re-submission shall be conducted as in section 24 provided, and whenever said commissioners, or a majority of them present in said city, shall be of the opinion that an incorporation is desired, they may re-submit said charter so many times as in their judgment shall be proper for adoption or rejection in the manner in said section provided.

Sec. 26. And in case of occurrence of any vacancy, from any cause whatever, in said board of commissioners, the remaining number of members shall appoint others to fill the said vacancy or vacancies; and shall so do that the provisions of this act shall not fail at any time.

Sec. 27. This act shall take effect and be in force from and after its passage.

Approved March 7, 1883.

AN ACT to incorporate the city of Fort Benton.

Be it enacted by the Legislative Assembly of the Territory of Montana:

ARTICLE I.—OF BOUNDARIES.

Section 1. That the inhabitants of the city of Fort Benton, in the county of Choteau, and Territory of Montana, be, and they are hereby constituted a body politic and corporate by the name and style of the The City of Fort Benton, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

Sec. 2. That the following described territory shall, for the present, compose the said city, to-wit: Beginning at the northeast corner of lot number 3 of section number 14, in township 24 north, range 8, east, and running thence, east, 80 chains; thence south 0 deg. 31 min. W., 51.15 chains to the left bank of the Missouri river; thence up said river as follows, to-wit: South 54 deg. W., 13 chains; thence S. 58 deg. W. 6.35 chains; thence S. 75 W. 9.45 chains; thence S. 86 deg. 15 min. W. 3.75 chains; thence N. 74 deg. 30 min. W. 4.83 chains; thence N. 70 deg. west 5.43 chain; thence S. 54 deg. west,

3.89 chains; thence S. 42 deg. 15 min. W. 7.80 chains; thence S. 64 deg. W. 20.44 chains; thence S. 50 deg. 45 min. W. 9.19 chains; thence S. 35 deg. W. 10.71 chains to the east boundary of lot number 3 of section 23; thence north, 1 deg. W., along the east boundary of Fort Benton townsite, 53.30 chains to the witness corner on west boundary of late United States military reservation; thence N. 0 deg. 30 min. E. 40 chains to the place of beginning, together with the following legal sub-divisions, being N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, the E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, the W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ and lots Nos. 1, 2, 3 and 4, in section number 23; the N. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, the S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, and lots 2, 3 and 6, in section number 26; also the S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$, and lot number 6, of section number 27, all being in township 24 N. of range 8 east, in Choteau county, Montana Territory.

Sec. 3. Whenever any additional tract of land adjoining the city of Fort Benton shall be laid off into town lots, and duly recorded as may be required by law, the same may, by the city council, be annexed, and become a part of the city of Fort Benton.

Sec. 4. The inhabitants of said city, by the name and style afore-said, shall have power to purchase, receive and hold property, both real and personal, or mixed, either in or beyond the city, for burial grounds, and for other purposes, for the use of the inhabitants of said city.

ARTICLE II.—OF THE CITY COUNCIL.

Section 1. There shall be a city council, to consist of a mayor and a board of aldermen.

Sec. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters, for two years, and until others shall be legally qualified.

Sec. 3. No person shall be an alderman unless at the time of his election his name appears upon the tax list in said city, and shall have resided within the limits of the city one year immediately preceding election, and shall have the requisite qualifications to vote for members of the Legislature, and be a resident of the ward for which he is elected.

Sec. 4. If any alderman, after his election, remove from the ward for which he was elected, his office shall be declared vacant; the mayor and aldermen shall serve without any compensation whatever until the population of the city may be 4,000, when the mayor only shall receive such compensation as the city council may determine.

Sec. 5. At the first meeting of the city council the aldermen shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the expiration of the first year; and of the second class at the expiration of the second year; so that one-half of the board shall be elected annually.

Sec. 6. The city council shall judge of the qualifications and returns of their own members, and shall determine all contested elections under this act.

Sec. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel any member.

Sec. 9. No aldermen shall be appointed to any office under the authority of the city, nor for one year after the termination of his office.

Sec. 10. All vacancies that shall occur in the board of aldermen shall be filled by election.

Sec. 11. The mayor and aldermen, before entering upon the duties of their respective offices, shall each take and subscribe an oath, or make affirmation, that he will support the Constitution of the United States and the Organic Act of this Territory, and that he will well and truly perform the duties of his office to the best of his skill and ability.

Sec. 12. Whenever there shall be a tie in the election of aldermen, the judges of the election shall certify the fact to the mayor, who shall determine the same by lot, in such manner as shall be prescribed by ordinance.

Sec. 13. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

ARTICLE III.—OF THE EXECUTIVE OFFICERS.

Section 1. The chief executive officer shall be a mayor, whose name appears upon the tax list in said city, and who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Sec. 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-five years of age, or who shall not, at the time of his election, be an elector.

Sec. 3. If any mayor, during the term for which he shall have been elected, remove from the city, or shall be absent from the city for the space of four months, his office shall be vacated.

Sec. 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

Sec. 5 Whenever any election for mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

Sec. 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE IV.

Section 1. On the first Monday in April, A. D. 1883, an election shall be held in said city for one mayor for the city and two aldermen in each ward, a police magistrate, city attorney, city assessor, and city marshal, and forever thereafter, on the first Monday in April, of each year, there shall be an election of one mayor for said city and one alderman for each ward, a police magistrate, city attorney, city assessor, and city marshal.

Sec. 2. All male citizens of the United States, and those who have declared their intention to become such, of twenty-one years of age, whose names appear upon the tax list in said city, and who shall have been actual residents of said city six months preceding said election, shall be entitled to vote for city officers and the adoption of the charter: *Provided*, That said voters shall give their votes in the ward in which they shall respectively reside.

ARTICLE V.—POWERS OF THE CITY COUNCIL.

Section 1. The city council shall have power and authority to levy and collect *ad valorem* taxes for city purposes upon taxable property, real, mixed and personal, except as herein excepted, within the limits of the city, not exceeding three-tenths of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner that may be prescribed by ordinance, not repugnant to the Constitution of the United States, or the Organic Act of this Territory.

Sec. 2. The city council shall have power to appoint all policemen, watchmen, and all other officers created by ordinance. The terms of all officers shall be one year, unless sooner removed by the city council. The city council shall, by ordinance, fix the fees or compensation of all city officers; *Provided*. That the police magistrate of said city shall be paid a stated salary, and shall not be entitled to tax or impose as costs, in any case, fees for his services while acting as such magistrate.

Sec. 3. The city council shall have power to require of all officers appointed or elected in pursuance of this act bonds, with penalty and security, for the faithful performance of their respective duties,

as may be deemed expedient, also require of all officers appointed or elected, as aforesaid, to take such oaths, or make such affirmation as the city council may prescribe for the faithful performance of the duties of their respective offices before entering upon the discharge of the same.

Sec. 4. To appropriate money and funds for the payment of the expenses of the city.

Sec. 5. To make regulations to prevent the introducing of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city, to establish hospitals and make regulations for the government of the same.

Sec. 6. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

Sec. 7. To provide the city with water, erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets.

Sec. 8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, alleys, sidewalks, drains, and sewers.

Sec. 9. To establish, erect, and keep in repair bridges.

Sec. 10. To divide the city into wards, alter the boundaries thereof, and create additional wards, as the occasion may require.

Sec. 11. To establish, support, and regulate night watches.

Sec. 12. To provide for lighting the streets, and to erect lamp posts.

Sec. 13. To provide for all needful buildings for the use of the city.

Sec. 14. To provide for the enclosing, improving and regulating all public grounds belonging to the city, to erect market houses, to establish markets and market places, and to provide for the government and regulation thereof.

Sec. 15. It shall have the power to provide for the prevention and extinguishment of fires; to organize and establish fire companies, and, at discretion, prohibit or regulate the erection of wooden buildings.

Sec. 16. To regulate the building and fixing of chimneys, and to fix the flues thereof.

Sec. 17. To regulate the storage of powder, tar, pitch and rosin, coal oil, and other combustible or dangerous materials.

Sec. 18. To regulate parapets, walls, and partition fences, and restrain, cattle, hogs, horses, sheep, and dogs, or other animals, from

running at large, and prohibit reckless driving and riding upon the streets.

Sec. 19. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases, not otherwise provided for by law, and to order all laws on the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

Sec. 20. To provide for taking the enumeration of the city.

Sec. 21. To regulate the election of city officers, and to provide for the removing from office any person holding an office created by ordinance.

Sec. 22. To fix the compensation of city policemen, who shall be night watchmen: *Provided*, That such compensation shall not exceed the same paid by law in this Territory to other officers for like services; and regulate fees for jurors, witnesses and others for services rendered under this act, or any ordinance made in pursuance thereof.

Sec. 23. To regulate the police of the city; to enforce fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the receiving and appropriation of such fines and forfeitures and the enforcement of such penalties; and all moneys collected under or by authority of any city ordinance shall be deemed to be taken to belong to said city for general use and benefit of the inhabitants thereof, for the purpose herein provided.

Sec. 24. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances incur no indebtedness whatever, except as provided by this instrument, and necessitate no levying of taxes exceeding three mills on each dollar, except as provided in sections five and six, in article seven, and be not repugnant to, nor inconsistent with the Constitution of the United States, or the Organic Act of this Territory.

Sec. 25. The city council shall have no power to incur or make any city indebtedness, for any purpose whatever, to exceed the sum of \$10,000; but if the sum of any indebtedness shall exceed \$1,000, the question of incurrence thereof shall be submitted to the duly qualified voters of said city, as provided in sections five and six of article seven hereof.

Sec. 26. The style of the ordinances shall be "Be it ordained by the city council of the city of Fort Benton."

Sec. 27. All ordinances of the city council shall, within ten days after they have been passed, be posted in three public places in said city, and shall not be in force until they have been posted as aforesaid.

Sec. 28. All ordinances of the city council may be proven by the seal of the corporation, and when printed in book form, or pamphlet form, and purported to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.—THE MAYOR.

Section 1. The mayor shall preside at all meetings of the city council, and, in case of a tie, he shall have the casting vote, and in no other; in case of the non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their number as chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board; and in the discretion of the city council during the temporary absence or incapacity of the mayor, it may appoint one of its members to act as mayor *pro tem* during the *interim*, with all the powers of mayor, and subject to all his limitations provided by this act.

Sec. 2. The mayor, or any two aldermen, may call a special meeting of the city council, the city clerk, on their requisition, giving reasonable notice in writing thereof to all members of the city council present in said city.

Sec. 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances of the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligence or positive violation to be prosecuted and punished. He shall from time to time communicate to the aldermen such information, and recommend such measures, as in his opinion, may tend to the improvement of the finances, police, the health, security, and comfort of the city.

Sec. 4. He is hereby authorized to call on every male citizen of said city, over the age of eighteen years, to aid in the enforcement of the laws and ordinances, and, in case of riots, to call out the militia to aid in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or of carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding twenty-five dollars.

Sec. 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

Sec. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Sec. 7. He shall also have such power as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Sec. 8. In case the mayor shall be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court of the proper county, and, on conviction, he shall be fined, not more than five hundred dollars, and the court shall have the power, upon the recommendation of the jury, to add to the judgment of the court that he be removed from office, and forever thereafter be disqualified from holding office under this act, or any ordinances of said city.

ARTICLE VII.—MISCELLANEOUS PROVISIONS.

Section 1. The city council shall have the power for the purpose of keeping the streets, lanes, avenues, and alleys in repair, to require every able-bodied male inhabitant in said city, over the age of twenty-one and under forty-five years, to labor on said streets, lanes, avenues and alleys, not exceeding one day in each and every year, and every person failing to perform such labor, when duly notified by the street commissioners, shall forfeit and pay two dollars for said day so neglected or refused, to be used in improving the public streets.

Sec. 2. The members of the city council and firemen shall, during their term of service as such, be exempt from working out any road or street tax, and shall likewise be exempt from serving in the militia of the Territory, or on any jury.

Sec. 3. The council shall have power to provide for the punishment of offenders by imprisonment in all cases where such offenders shall fail or refuse to pay the fine and forfeiture which may be recovered against them according to the laws of this Territory.

Sec. 4. The city council shall have power by ordinance to levy and collect a special tax on holders of lots on any street, lane, avenue, or alley, according to their respective fronts, for the purpose of paving, grading, or planking sidewalks and lighting such street, lane, avenue, or alley: *Provided*, Such tax shall not exceed the actual costs of such sidewalks and lighting respectively, which tax shall be collected in the same manner as other city taxes.

Sec. 5. That no levy or assessment of taxes or incurrence of a debt beyond \$1,000, not heretofore provided for, shall be made by said city council, except upon a vote of two-thirds of the members thereof, and every levy of taxes or issue of bonds for each purpose shall be set forth in a section of an ordinance by itself.

Sec. 6. After the passage of said ordinance by such vote, the same shall be published in all city newspapers for at least one week if daily, and two weeks if weekly, together with a notice that the same will be submitted to a vote of the tax-paying real estate holders of said city, on a day and at a place in each of the wards to be named, which election shall be conducted as is provided in other cases, and the ballots shall be "For section (—) of an ordinance entitled

(giving title)," or, "Against section (—) of an ordinance entitled (giving title);" and if two-thirds of said voters shall approve the same, the said ordinance shall be in full force; but if not approved, the same shall be void.

Sec. 7. The city council shall provide the detailed method of conducting such elections, not inconsistent with this act, but nothing in this and the two preceding sections shall affect the passage of ordinances levying taxes for the maintenance of the city police (not exceeding two in number), the payment of the night watchmen (not exceeding two in number), paraphernalia for extinguishing fires, cleaning streets, enclosing and protecting cemeteries, maintaining and keeping in repair the property of the fire department, and necessary notices in all of the city newspapers.

Sec. 8. That the city shall not be liable for any costs in any suit prosecuted in its name in its own courts, nor shall any fees taxed exceed in amount the items of fees allowed for similar services to other officers in this Territory.

Sec. 9. All fines and forfeitures collected for offenses committed, or penalties incurred within the incorporation limits of the city of Fort Benton, shall be paid into the treasury of the said city by the officer collecting the same, with details of sources and on what account paid out.

Sec. 10. The city council shall cause to be published, semi-annually, in all newspapers of said city, a general statement of the finances of said city, showing in condensed form what moneys have been received, and from what source, and the amount and purpose for which moneys have been paid out or expended. The books of the city assessor and treasurer shall be open, at all proper hours, to the inspection of any tax-payer of said city, or other person.

Sec. 11. All suits, actions, and prosecutions instituted, commenced, or brought by the corporation hereby created, shall be prosecuted in the name of the city of Fort Benton.

Sec. 12. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the district court, and every such appeal shall be granted in the same manner, and with like effect, as appeals are taken from and granted from justices of the peace under the laws of this Territory.

Sec. 13. No mayor or alderman of said city shall, during the period for which he is elected, be directly or indirectly pecuniarily interested in any contract let or to be let under the authority of said city, or in any payment to be made thereon, and if any such person shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor under the laws of this Territory, and shall be prosecuted therefor in the district court, and, on conviction thereof, shall be fined not less than two hundred and fifty dollars, nor more than six hundred dollars, or imprisonment three months, or both such fine

and imprisonment; and in all contracts involving the expenditure of one hundred dollars or more, the city council shall advertise the same, with specifications, for a period to be prescribed by ordinance, and award the same to the lowest responsible bidder, and they shall so advertise all contracts.

Sec. 14. This act is declared to be a public act, and may be read in evidence in all courts of law and equity within this Territory without proof.

Sec. 15. Whenever the mayor shall absent himself from the city, or resign, or die, or his office shall otherwise become vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem.* until the office shall be filled by election as herein provided, and any vacancy in elective offices occurring sixty days prior to any regular election, shall be filled within twenty days from the date of occurrence of said vacancy by special election to be called as herein provided, the officer so elected to serve until the next regular election.

Sec. 16. The city marshal and the constables within said city of Fort Benton shall be authorized to have power to execute anywhere within the county wherein said city may be located all processes issued by the police magistrate of said city, or other city magistrate within said city, and the said marshal shall have power to do all the acts that a constable may lawfully do, and shall receive the same fees that are allowed to constables in similar cases, and shall give bonds as constables are required by law to give.

Sec. 17. All actions brought to recover any penalty or forfeiture under this act, or any ordinance, by-law, or police regulation made in pursuance thereof, shall be brought in the corporate name of said city.

Sec. 18. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be by summons, unless oath or affirmation shall be made for a warrant as in other cases.

Sec. 19. Upon rendition of judgment, the officer rendering such judgment may require the defendant to be confined in jail for a term not exceeding three months, and all persons so committed shall be confined one day for each five dollars of such judgment and costs, unless he pay the same.

Sec. 20. The police magistrate shall have jurisdiction in all cases of violation of the city ordinances, and shall have the same jurisdiction in all civil and criminal proceedings as is now, or shall hereafter be conferred upon other justices of the peace of this Territory, and in all courts of this Territory said police magistrate shall be held to be and he is hereby constituted a justice of the peace; but no change of venue shall be allowed from said police magistrate to any justice of the peace for the hearing or determination of any case when proceedings shall be commenced against any person or persons for the violation of any city ordinance.

Sec. 21. The duties of all officers mentioned in this act, not herein prescribed, shall be prescribed by ordinance.

Sec. 22. There shall be a police magistrate, city attorney, who shall also act as city clerk, city assessor, who shall also act as city treasurer and collector, and city marshal, elected as heretofore provided. The police magistrate shall be a justice of the peace in said county, and he shall have the exclusive jurisdiction of all offenses against the ordinances of the city. The city attorney, city assessor, and city marshal shall severally discharge the duties usually pertaining to said offices respectively, and the manner thereof may be prescribed by ordinance.

Sec. 23. This charter shall be submitted to the qualified voters of the city of Fort Benton, on or before the first Monday in April, 1883, at one convenient place therein, by direction of the commissioners appointed in this act. The ballots shall have printed or written thereon: "For the Charter," or "Against the Charter;" and if a majority of the votes so cast at this election shall be in favor of the charter, then this act shall be in full force and effect; but if a majority of the votes so cast shall be against the charter, then this act shall remain suspended, unless thereafter enforced as herein set forth.

Sec. 24. T. E. Collins, W. G. Conrad, J. H. Rice, Ed. Dunn, and John J. Healy are hereby constituted and appointed to act as commissioners, and to serve in such capacity until the first board of aldermen of said city shall be elected and duly qualified. Such commissioners, or any three of them, shall, if a majority of the electors of the said city vote in favor of this charter, within twenty days after its acceptance as aforesaid, proceed to lay out the territory embraced within the city limits of said city of Fort Benton into four wards, and fix the boundaries of the same; and shall also provide for holding the first election herein appointed in the several wards of said city; shall fix the place for holding said election in each of said wards; shall appoint the persons to act as judges of election in each of said wards, who shall be sworn, and whose places may be filled, in case they do not serve, as provided by law in other elections. Said election shall be held and returns thereof made and certified in all respects as provided by law for the election of members of the Legislative Assembly. A copy of said returns of said election shall be then immediately delivered to the commissioners, who shall canvass the same within three days from the time received, and the persons receiving the highest number of votes for the several officers to be elected under this act, and the aldermen of each ward, shall be declared by said commissioners, or any four of them, duly elected to said offices. If two or more persons shall, at said election, receive the same number of votes for one of said offices, the commissioners shall determine the same by lot. Thereafter, on the first Monday in April each annual election shall take place.

Sec. 25. In case of rejection of this charter by a majority of the voters at the first election, or at any time or times thereafter when

sixty of the qualified voters of said city shall petition said commissioners for a re-submission of said charter to the voters of said city, then it shall be the duty of said commissioners to again submit the adoption or rejection of this charter to a vote of the qualified voters of said city, and if upon said second submission a majority shall adopt this charter, then the same shall be in full force and effect from the time of its adoption. Said re-submission shall be conducted as in section 24 provided, and whenever said commissioners, or a majority of them present in said city, shall be of the opinion that an incorporation is desired, they may re-submit said charter so many times as in their judgment shall be proper for adoption or rejection in the manner in said section provided.

Sec. 26. And in case of occurrence of any vacancy, from any cause whatever, in said board of commissioners, the remaining number of members shall appoint others to fill the said vacancy or vacancies; and shall so do that the provisions of this act shall not fail at any time.

Sec. 27. This act shall take effect and be in force from and after its passage.

Approved March 7, 1883.

AN ACT to incorporate the town of Missoula.

Be it enacted by the Legislative Assembly of the Territory of Montana:

ARTICLE I.—BOUNDARIES.

Section 1. That the inhabitants of the town of Missoula, in the county of Missoula, Territory of Montana, be, and they are hereby constituted a body politic and corporate by the name and style of the Town of Missoula, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

Sec. 2. That the following described territory shall, for the present, compose the said town, to-wit: Commencing at the northwest corner of the northeast quarter of section 21, township 13, N. R. 19 W., running thence north 80 rods; thence east 320 rods; thence south 80 rods; thence east 160 rods; thence south 320 rods, more or less, to the middle of the channel of the Hell Gate river; thence, down the middle of the channel of said Hell Gate river to the head of the so called Big Island; thence, down the middle of the south channel of said river to a point due south of the place of beginning; thence north to the place of beginning.

Sec. 3. Whenever any additional tract of land adjoining the town of Missoula shall be laid off into town lots, and duly recorded, as may be required by law, the same may, by the town council, be annexed to and become a part of the town of Missoula.

Sec. 4. The inhabitants of said town, by the name and style aforesaid, shall have power to purchase, receive and hold property, both real and personal, or mixed, either in or beyond the town, for burial grounds, and for other purposes, for the use of the inhabitants of said town.

ARTICLE II.—THE TOWN COUNCIL.

Section 1. There shall be a town council, to consist of a mayor and a board of aldermen.

Sec. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters, for two years, and until others shall be legally qualified.

Sec. 3. No person shall be an alderman unless at the time of his election he shall be a tax-paying real estate holder, and have resided within the limits of the town one year immediately preceding election, and shall have the requisite qualifications to vote for members of the legislature, and be a resident of the ward for which he is elected.

Sec. 4. If any alderman, after his election, removes from the ward for which he was elected, his office shall be declared vacant; the mayor and aldermen shall serve without any compensation whatever.

Sec. 5. At the first meeting of the town council the aldermen shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the expiration of the first year; and the second class at the expiration of the second year; so that one-half of the board shall be elected annually.

Sec. 6. The town council shall judge of the qualifications and returns of their own members, and shall determine all contested elections under this act.

Sec. 7. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 8. The town council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel any member.

Sec. 9. No aldermen shall be appointed to any office under the authority of the town, nor for one year after the termination of his office.

Sec. 10. All vacancies that shall occur in the board of aldermen shall be filled by election.

Sec. 11. The mayor and aldermen, before entering upon the duties of their respective offices, shall each take and subscribe an oath, or make affirmation, that he will support the Constitution of the United States and the Organic Act of this Territory, and that he will well and truly perform the duties of his office to the best of his skill and ability.

Sec. 12. Whenever there shall be a tie in the election of aldermen, the judges of the election shall certify the fact to the mayor, who shall determine the same by lot, in such manner as shall be prescribed by ordinance.

Sec. 13. There shall be twelve stated meetings of the town council in each year, at such times and places as may be prescribed by the town council.

ARTICLE III.—THE EXECUTIVE OFFICE.

Section 1. The chief executive officer shall be a mayor, who shall be a tax-paying real estate holder, and who shall be elected by the qualified voters of the town, and shall hold his office for one year, and until his successor shall be elected and qualified.

Sec. 2. No person shall be eligible to the office of mayor who shall not have been a resident of the town for one year next preceding his election, or who shall be under twenty-five years of age, or who shall not, at the time of his election, be an elector.

Sec. 3. If any mayor, during the time for which he shall have been elected, remove from the town, or shall be absent from the town for the space of four months, his office shall be vacated.

Sec. 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the town council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

Sec. 5. Whenever any election for mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

Sec. 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

ARTICLE IV.

Section 1. On the second Monday in April, A. D. 1883, an election shall be held in said town for one mayor for the town and two aldermen for each ward, and forever thereafter, on the second Monday in

April, of each year, there shall be an election of one mayor for said town and one alderman for each ward.

Sec. 2. All male citizens of the United States, and those who have declared their intention to become such, of twenty-one years of age, whose names are enrolled on the tax list and who shall have been actual residents of said town six months preceding said election, shall be entitled to vote for town officers and the adoption of this charter: *Provided*, That said voters shall give their votes in the ward in which they shall respectively reside.

ARTICLE V.—POWERS OF THE TOWN COUNCIL.

Section 1. The town council shall have power and authority to levy and collect *ad valorem* taxes for town purposes upon all taxable property, real, mixed and personal, except as herein excepted, within the limits of the town, not exceeding three-tenths of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner that may be prescribed by ordinance, not repugnant to the Constitution of the United States, or the Organic Act of this Territory. To license, tax and regulate auctioneers, merchants, peddlers, retailers, taverns, hotels, bakeries, restaurants, drinking saloons, billiard halls, hawkers, assay offices, professional men, barber shops, livery stables, wash houses or laundries, insurance agencies, photograph galleries, theatres, theatrical exhibitions, and other amusements, dance or hurdy gurdy houses, parlor skating rinks, gas and electric light companies, and all branches of business; *Provided*, That no license imposed by the town council shall exceed in amount one-fourth of the license required to be paid by the statutes of this Territory, where the laws of this Territory impose licenses for like business; and in all other cases the city council shall impose such licenses as shall be just and equitable and not excessive.

Sec. 2. The mayor shall nominate and, with the consent of the council, appoint all officers, except the police magistrate, city attorney, city assessor, and city marshal, who shall be elected at the first general city election, and every year thereafter, and whose terms of office shall be for one year, and until their successors are elected and qualified.

Sec. 3. The town council shall have power to require of all officers appointed or elected in pursuance of this act, bonds, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient; and also require of all officers appointed or elected, as aforesaid, to take such oaths, or make such affirmation as the town council may prescribe for the faithful performance of the duties of their respective offices before entering upon the discharge of the same.

Sec. 4. To appropriate money and funds for the payment of the expenses of the town.

Sec. 5. To make regulations to prevent the introducing of contagious diseases into the town, to make quarantine laws for the purpose, and to enforce the same within five miles of the town, to establish hospitals and make regulations for the government of the same.

Sec. 6. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

Sec. 7. To provide the town with water, erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets.

Sec. 8. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, alleys, sidewalks, drains, and sewers.

Sec. 9. To establish, erect, and keep in repair bridges.

Sec. 10. To divide the town into wards, alter the boundaries thereof, and create additional wards, as the occasion may require.

Sec. 11. To establish, support, and regulate night watches.

Sec. 12. To provide for lighting the streets, and to erect lamp posts.

Sec. 13. To provide all needful buildings for the use of the town.

Sec. 14. To provide for the enclosing, improving and regulating of all public grounds belonging to the town, to erect market houses, to establish markets and market places, and to provide for the government and regulation thereof.

Sec. 15. It shall have the power to provide for the prevention and extinguishment of fires; to organize and establish fire companies, and, at discretion, prohibit or regulate the erection of wooden buildings.

Sec. 16. To regulate the building and fixing of chimneys, and to fix the flues thereof.

Sec. 17. To regulate the storage of powder, tar, pitch and rosin, coal oil, and other combustible or dangerous materials.

Sec. 18. To regulate parapets, walls, and partition fences, and restrain, cattle, hogs, horses, sheep, and dogs, or other animals, from running at large, and prohibit reckless driving and riding upon the streets.

Sec. 19. To establish standard weights and measures, and regulate the weights and measures to be used in the town in all cases, not otherwise provided for by law, and to order all laws on the subject to be enforced, and to fix and enforce payment of fines for non-compliance with any such order.

Sec. 20. To provide for taking the enumeration of the town.

Sec. 21. To regulate the election of town officers, and to provide for the removing from office any person holding an office created by ordinance.

Sec. 22. To fix the compensation of town policemen, who shall be night watchmen: *Provided*, That such compensation shall not exceed the same paid by law in this Territory to other officers for like services; and regulate fees for jurors, witnesses and others for services rendered under this act, or any ordinance made in pursuance thereof.

Sec. 23. To regulate the police of the town; to enforce fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the receiving and appropriation of such fines and forfeitures and the enforcement of such penalties; and all moneys collected under or by authority of any town ordinance shall be deemed to be taken to belong to said town for general use and benefit of the inhabitants thereof, for the purposes herein provided.

Sec. 24. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance incur no indebtedness whatever, except as provided by this instrument, and necessitate no levying of taxes exceeding three mills on each dollar, except as provided in sections five and six, in article seven, and be not repugnant to, nor inconsistent with the Constitution of the United States, or the Organic Act of this Territory.

Sec. 25. The town council shall have no power to incur or make any town indebtedness, for any purpose whatever, to exceed the sum of \$10,000; but if the sum of any indebtedness shall exceed the sum of \$1,000, the question of incurrence thereof shall be submitted to the duly qualified voters of said town, as provided in sections five and six of article seven hereof.

Sec. 26. The style of the ordinances shall be "Be it ordained by the town council of the town of Missoula."

Sec. 27. All ordinances of the town council shall, within ten days after they have been passed, be posted in three public places in said town, and shall not be in force until they have been posted as aforesaid.

Sec. 28. All ordinances of the town council may be proven by the seal of the corporation, and when printed in a book or pamphlet form, and purported to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.—THE MAYOR.

Section 1. The mayor shall preside at all meetings of the town council, and, in case of a tie, he shall have the casting vote, and in

no other; in case of the non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their members as chairman, who shall preside at the meeting, but shall not thereby lose his right to vote on any question before the board.

Sec. 2. The mayor, or any two aldermen, may call a special meeting of the town council, the town clerk, on their requisition, giving reasonable notice in writing thereof to all members of the town council present in said town.

Sec. 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances of the government of the town. He shall inspect the conduct of all subordinate officers of said town, and cause negligence or positive violation of duty to be prosecuted and punished. He shall from time to time communicate to the aldermen such information, and recommend such measures, as in his opinion, may tend to the improvement of the finances, police, the health, security, and comfort of the town.

Sec. 4. He is hereby authorized to call on every male citizen of said town, over the age of eighteen years, to aid in the enforcement of the laws and ordinances, and, in case of riots, to call out the militia to aid in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the town, or of carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said town a fine not exceeding twenty-five dollars.

Sec. 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers of said town an exhibit of his books and papers.

Sec. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Sec. 7. He shall also have such power as may be vested in him by ordinance of the town, in and over all places within five miles of the boundaries of the town, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Sec. 8. In case the mayor shall be guilty of a palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court of the proper county, and, on conviction, he shall be fined, not more than five hundred dollars, and the court shall have the power, upon the recommendation of the jury, to add to the judgment of the court that he be removed from office, and forever thereafter be disqualified from holding office under this act, or any ordinances of said town.

ARTICLE VII.—MISCELLANEOUS PROVISIONS.

Section 1. The town council shall have the power, for the purpose of keeping the streets, lanes, avenues, and alleys in repair, to require

every able-bodied male inhabitant in said town, over the age of twenty-one and under forty-five years, to labor on said streets, lanes, avenues and alleys not exceeding two days in each and every year, and every person failing to perform such labor, when duly notified by the street commissioners, shall forfeit and pay two dollars and fifty cents for each day so neglected or refused, to be used in improving the public streets.

Sec. 2. The members of the town council and firemen shall, during their term of service as such, be exempt from working out any road or street tax, and shall likewise be exempt from serving in the militia of the Territory, or on any jury.

Sec. 3. The council shall have power to provide for the punishment of offenders by imprisonment and hard labor in all cases where such offenders shall fail or refuse to pay the fine and forfeiture which may be recovered against them according to the laws of this Territory.

Sec. 4. The town council shall have power by ordinance to levy and collect a special tax on holders of lots on any street, lane, avenue, or alley, according to their respective fronts, for the purpose of paving, grading, or planking sidewalks and lighting such street, lane, avenue, or alley: *Provided*, That such tax shall not exceed the actual costs of such sidewalks and lighting respectively, which tax shall be collected in the same manner as other town taxes.

Sec. 5. That no levy or assessment of taxes or incurrence of a debt beyond \$1,000, not heretofore provided for, shall be made by said town council, except upon a vote of two-thirds of the members thereof, and every levy of taxes or issue of bonds for each purpose shall be set forth in a section of an ordinance by itself.

Sec. 6. After the passage of said ordinance by such vote, the same shall be published in at least one town newspaper for at least one week if daily and two weeks if weekly, together with a notice that the same will be submitted to a vote of the tax-paying real estate holders of said town on a day and at a place in each of the wards to be named, which election shall be conducted as is provided in other cases, and the ballots shall be "For section (—) of an ordinance entitled (giving title)," or, "Against section (—) of an ordinance entitled (giving title);" and if two-thirds of said voters shall approve the same, the said ordinance shall be in full force; but if not so approved, the same shall be void.

Sec. 7. The town council shall provide the detailed method of conducting such elections, not inconsistent with this act, but nothing in this and the two preceding sections shall affect the passage of ordinances levying taxes for the maintenance of the town police (not exceeding two in number), the payment of the night watchmen (not exceeding two in number), paraphernalia for extinguishing fires, cleaning streets, enclosing and protecting cemeteries, maintaining and keeping in repair the property of the fire department, and necessary notices in all of the town newspapers.

Sec. 8. That the town shall not be liable for any costs in any suit prosecuted in its name in its own courts, nor shall any fees taxed exceed in amount the items of fees allowed for similar services to other officers in this Territory.

Sec. 9. All fines and forfeitures collected for offenses committed, or penalties incurred within the incorporation limits of the town of Missoula, shall be paid into the treasury of the said town by the officer collecting the same, with details of sources and on what account paid out.

Sec. 10. The town council shall cause to be published, annually, in at least one newspaper of said town, a general statement of the finances of said town, showing in condensed form what moneys have been received, and from what source, and the amount and purpose for which moneys have been paid out or expended. The books of the town assessor and treasurer shall be open, at all proper hours, to the inspection of any tax-payer of said town or other person.

Sec. 11. All suits, actions, and prosecutions instituted, commenced, or brought by the corporation hereby created, shall be prosecuted in the name of the town of Missoula.

Sec. 12. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the district court, and every such appeal shall be granted in the same manner, and with like effect, as appeals are taken from and granted from justices of the peace under the laws of this Territory.

Sec. 13. No mayor or alderman of said town shall, during the period for which he is elected, be directly or indirectly pecuniarily interested in any contract let or to be let under the authority of said town, or in any payment to be made thereon, and if any such person shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor under the laws of this Territory, and shall be prosecuted therefor in the district court, and, on conviction thereof, shall be fined not less than two hundred and fifty dollars, nor more than six hundred dollars, or imprisonment three months, or both such fine and imprisonment; and in all contracts involving the expenditure of one hundred dollars or more, the town council shall advertise the same, with specifications, for a period to be prescribed by ordinance, and award the same to the lowest responsible bidder, and they shall so advertise all contracts.

Sec. 14. This act is declared to be a public act, and may be read in evidence in all courts of law and equity within this Territory without proof.

Sec. 15. Whenever the mayor shall absent himself from the town, or resign, or die, or his office shall otherwise become vacated, the board of aldermen shall immediately proceed to elect one of their members president, who shall be mayor *pro tem.* until the office shall

be filled by election as herein prescribed, and any vacancy in elective offices occurring sixty days prior to any regular election, shall be filled within twenty days from the date of occurrence of said vacancy by special election to be called as herein provided, the officer so elected to serve until the next regular election.

Sec. 16. The town marshal and the constables within said town of Missoula shall be authorized to have power to execute anywhere within the county wherein said town may be located, all processes issued by the police magistrate of said town, or other town magistrate within said town, and the said marshal shall have power to do all the acts that a constable may lawfully do, and shall receive the same fees that are allowed to constables in similar cases, and shall give bonds as constables are required by law to give.

Sec. 17. All actions brought to recover any penalty or forfeiture under this act, or any ordinance, by-law, or police regulation made in pursuance thereof, shall be brought in the corporate name of said town.

Sec. 18. In all prosecutions for any violation of any ordinance, by-law, or other regulation, the first process shall be by summons, unless oath or affirmation shall be made for a warrant as in other cases.

Sec. 19. Upon rendition of judgment, the officer rendering such judgment may require the defendant to be confined in jail for a term not exceeding three months, and all persons so committed shall be confined one day for each two dollars of such judgment and costs, unless he pay the same.

Sec. 20. The police magistrate shall have jurisdiction in all cases of violation of the town ordinances, and shall have the same jurisdiction in all civil and criminal proceedings as is now, or shall hereafter be conferred upon other justices of the peace of this Territory, and in all courts of this Territory said police magistrate shall be held to be and he is hereby constituted a justice of the peace; but no change of venue shall be allowed from said police magistrate to any justice of the peace for the hearing or determination of any case when proceedings shall be commenced against any person or persons for the violation of any town ordinance.

Sec. 21. The duties of all officers mentioned in this act, not herein prescribed, shall be prescribed by ordinance.

Sec. 22. There shall be a police magistrate, town attorney, who shall also act as town clerk, town assessor, who shall also act as town treasurer and collector, and town marshal, elected as heretofore provided. The police magistrate shall be a justice of the peace in said county, and he shall have the exclusive jurisdiction of all offenses against the ordinances of said town. The town attorney, town assessor, and town marshal shall severally discharge the duties usually pertaining to said offices respectively, and the manner thereof may be prescribed by ordinance.

Sec. 23. This charter shall be submitted to the qualified voters of the town of Missoula, on or before the third Monday in March, 1883, at one convenient place therein, by direction of the commissioners appointed in this act. The ballots shall have printed or written thereon: "For the Charter," or "Against the Charter;" and if a majority of the votes so cast at this election shall be in favor of the charter, then this act shall be in full force and effect; but if a majority of the votes so cast shall be against the charter, then this act shall remain suspended, unless thereafter enforced as herein set forth.

Sec. 24. Emil Henke, Geo. B. Hartman, Christopher P. Higgins, Abbot L. Hodge, Henry C. Myers, Ed. Jordan, and W. J. McCormick are hereby constituted and appointed to act as commissioners, and to serve in such capacity until the first board of aldermen of said town shall be elected and duly qualified. Such commissioners, or any three of them, shall, if a majority of the electors of the said town vote in favor of this charter, within twenty days after its acceptance as aforesaid, proceed to lay out the territory embraced within the town limits of said town of Missoula into two wards, and fix the boundaries of the same; and shall also provide for holding the first election herein appointed in the two wards of said town; shall fix the place for holding said election in each of said wards; shall appoint the persons to act as judges of election in each of said wards, who shall be sworn, and whose places may be filled, in case they do not serve, as provided by law in other elections. Said election shall be held and returns thereof made and certified in all respects as provided by law for the election of members of the legislative assembly. A copy of said returns of said election shall be then immediately delivered to the commissioners, who shall canvass the same within three days from the time received, and the persons receiving the highest number of votes for the several officers to be elected under this act, and the aldermen of each ward, shall be declared by said commissioners, or any four of them, duly elected to said offices. If two or more persons shall, at said election, receive the same number of votes for one of said offices, the commissioners shall determine the same by lot. Thereafter, on the second Monday in April each annual election shall take place.

Sec. 25. In case of rejection of this charter by a majority of the voters at the first election, at any time or times thereafter when forty of the qualified voters of said town shall petition said commissioners for a re-submission of said charter to the voters of said town, then it shall be the duty of said commissioners to again submit the adoption or rejection of this charter to a vote of the qualified voters of said town, and if upon said second submission a majority shall adopt this charter, then the same shall be in full force and effect from the time of its adoption. Said re-submission shall be conducted as in section 24 provided, and whenever said commissioners, or a majority of them present in said town, shall be of the opinion that an incorporation is desired, they may re-submit said charter so many times as in their judgment shall be proper for adoption or rejection in the manner in said section provided.

Sec. 26. And in case of occurrence of any vacancy, from any cause whatever, in said board of commissioners, the remaining number of members shall appoint others to fill the said vacancy or vacancies; and shall so do that the provisions of this act shall not fail at any time; *Provided*, If at any such subsequent submission this charter shall be adopted, then the said commissioners shall fix a day for the election of officers, who shall hold their respective offices until the next regular election provided for in section 1, article IV.

Sec. 27. This act shall take effect and be in force from and after its passage.

Approved March 8, 1883.

AN ACT to amend an act entitled "An act to incorporate the city of Virginia," approved December 30th, A. D. 1864.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That article IV of an act entitled "An act to incorporate the city of Virginia," approved December 30th, 1864, be, and the same is hereby amended to read as follows:

SECTION 1. On the first Monday in February, A. D. 1884, an election shall be held in said city for one mayor, whose term of office shall be for one year, and two aldermen in each ward, who shall constitute the city council. One alderman so elected in each ward shall hold office for two years, and one alderman in each ward shall hold office for one year; and annually thereafter one mayor of the city, and one alderman for each ward, shall be elected for two years.

SEC. 2. At the first regular meeting of said city council after the annual election, and immediately after said newly elected council shall have qualified, it shall be their duty to appoint or elect one police magistrate for the city, one city marshal, one city attorney, who shall be ex-officio clerk of said city council, and one city treasurer, who shall be ex-officio city assessor, and shall have the power to examine and approve bonds of said appointed city officers.

SEC. 3. All male citizens over the age of twenty-one years, who are entitled to vote for members of the territorial legislature, and who shall have been actual residents of said city for six months next preceding said election, shall be entitled to vote for city officers; *Provided*, That said voters shall give their votes in the wards in which they shall respectively reside.

SEC. 4. The city council shall have power to provide by an ordinance for the levy of a tax or license upon dogs, or any other animals, and the regulation thereof.

SEC. 5. That all acts and parts of acts in conflict herewith, be, and the same are hereby repealed.

Approved March 5, 1883.

AN ACT to amend an act entitled "An act to incorporate the town of Butte."

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 2 of article IV of said act be amended to read as follows:

Sec. 2. Any male citizen of the United States, and any who has declared his intention to become such, of twenty-one years of age, and who shall have been an actual resident of said city three months, and of the Territory of Montana six months immediately preceding said election, shall be entitled to vote for city officers and on all questions submitted to the voters of said city; *Provided*, That said voter shall give his vote in the ward in which he shall reside.

SEC. 2. That sections 2 and 22 of article 5 of said act be amended to read as follows:

Sec. 2. The city council shall have power to appoint all officers except the police magistrate, city attorney, city assessor, and marshal, who shall be elected at the next regular city election to be held in the city of Butte, and every year thereafter, and whose term of office shall be for one year, subject to removal as herein provided.

Sec. 22. To regulate the election of city officers, and to provide by ordinance for the registration of voters at any city election, and to provide for the removing from office any person holding an office created by ordinance.

SEC. 3. That section 22 of article VII of said act be amended to read as follows:

Sec. 22. There shall be a police magistrate, city attorney, who shall also act as city clerk, city assessor, who shall also act as city treasurer and collector, and a city marshal, elected as heretofore provided. The police magistrate shall be a justice of the peace in said county, and he shall have the exclusive jurisdiction of all offenses against the ordinances of said city. The city attorney, city assessor, and city marshal, shall, severally, discharge the duties usually pertaining to said offices, respectively, and the manner thereof may be prescribed by ordinance.

Approved March 2, 1883.

AN ACT to amend an act entitled "An act to incorporate the city of Helena," approved February 22, 1881.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That section 17 of article 5 of an act entitled "An act to incorporate the city of Helena," approved February 22, 1881, be and the same is hereby amended so as to read as follows:

SEC. 17. The said city council shall not be authorized to incur any indebtedness on behalf of said city for any purpose whatever to exceed the sum of twenty thousand dollars.

SEC. 2. That section 33 of article 5 of said act, entitled "An act to incorporate the city of Helena," approved February 22, 1881, be, and the same is hereby amended so as to read as follows:

SEC. 33. The city council shall have the power to make all ordinances which shall be necessary and proper for carrying into execution powers specified in this act, so that such ordinances necessitate no levying of taxes exceeding three mills on each dollar, except as is provided in sections 5 and 6 of article 7.

SEC. 3. That article 5 of the said act, entitled "An act to incorporate the city of Helena," approved February 22, 1881, be, and the same is hereby amended by adding thereto sections 37, 38, 39, 40, 41, 42, 43 and 44, as follows:

SEC. 37. That the city council shall at any time when they shall deem it expedient for the interests of the city for the purpose of paying the debts of the fire department, or for the erection of permanent improvements, or for taking up outstanding warrants against the city treasury, have authority and may issue, on the credit of the city, bonds with interest-bearing coupons, payable semi-annually, and in such amount as may be necessary for the purposes herein specified; *Provided*, That the aggregate amount of said bonds, and all indebtedness and liability of the city for any and all purposes, shall not at any time exceed the sum of twenty thousand dollars.

SEC. 38. The bonds and coupons authorized to be issued by this article shall be signed by the mayor and city clerk, and shall be in such form as the city council may direct; said bonds to be of the denominations of \$50 and multiples of \$50; they shall be redeemable at the pleasure of said city after three years from their date, shall become due and payable twenty years after their date, and each bond shall bear interest at a rate not exceeding seven per cent. per annum from the date of issuance thereof. Each bond issued shall at the date of its issue be registered by the city clerk on the left hand page of a book provided for that purpose, which said book shall show on the left hand pages thereof the number, date and amount of each bond, and to whom issued, and on the right hand pages the

date of redemption, the amount of the bond redeemed, the amount of interest paid thereon, and the name of the person from whom redeemed.

SEC. 39. For the purpose of carrying into effect the provisions of this article relative to the issuance of bonds, the city council is hereby authorized to cause to be engraved or lithographed, at the lowest practicable rates, suitable blank bonds, with coupons attached, and shall pay therefor out of any moneys in the city treasury not otherwise appropriated.

SEC. 40. The city council shall from time to time, whenever it becomes expedient, order a sale of such amounts of bonds provided for in this article as may be required for the purposes for which said bonds are authorized to be issued; such sale shall be by public auction to the highest bidder for cash for not less than the par value of such bonds, and shall be made in the place designated by the city council as the city hall in said city. Notice of the time and place of such sale shall be given by the city clerk by advertisement in at least one newspaper published in said city, and in such other paper or papers as the city council may direct, once a week for at least four successive weeks prior to the time of such sale, said publication to be complete at least ten days prior to the time of such sale.

SEC. 41. The treasurer of said city shall pay in lawful money of the United States, on the first days of January and July of each year, the interest due upon the bonds provided for in this article, upon the presentation at his office of the proper coupon, which shall show the amount due and the number of the bond to which it belongs. All coupons so paid shall be returned to the city council at the first regular meeting thereof after such payment.

SEC. 42. The proceeds of the sale of all bonds provided in this article shall be paid into the city treasury to the credit of such fund as the city council may direct, and shall immediately become available for the purposes provided for in this article.

SEC. 43. The bonds provided for in this article shall be paid for in the order of their issue, and the city council shall provide a sinking fund for the payment of said bonds at maturity, or at the time when they may be redeemable as in this article provided. Whenever enough money has accumulated in the sinking fund to pay the bond next in order, the city treasurer shall post a notice upon the door of the city hall to the effect that there is money in the treasury to pay such bond, and that the interest on said bond shall cease in thirty days after the date of such notice, and interest on such bond shall accordingly cease at the expiration of said period of thirty days.

SEC. 44. The city council shall have power to license, tax and regulate auctioneers, merchants, peddlers, retailers, wholesale dealers, taverns, hotels, bakeries, restaurants, drinking saloons, billiard halls, hawkers, brokers, pawn brokers, gambling houses, bankers, assayers, professional men, barber shops, livery stables, wash-houses

or laundries, insurance agencies, photograph galleries, theatrical and other exhibitions and amusements, commercial travelers, job wagons, express wagons, drays and carts, omnibusses, hacks, street railways, water companies, breweries, manufacturers, lumber dealers, real estate agents, butchers, meat markets, electric light companies, telephone companies, gas companies, and all other branches of business.

SEC. 4. It shall be the duty of the city clerk to prepare annually, and on or before the first day of March of each year, a detailed account of the receipts and expenditures of the said city of Helena for the year ending the 31st day of the preceding December; such report and account shall be submitted to the city council for their examination and approval, at their first regular meeting after the said first day of March of each year, and if the same is found to be correct, the mayor, under the direction of said city council, shall certify to the correctness thereof, and said council shall cause said statement to be published in some newspaper printed in the city of Helena, and in that newspaper which will publish the same for the least sum, provided that the same can be so published at a cost not greater than that allowed by law for other public printing. Such statement shall also be filed, and remain on file in the office of the city clerk.

SEC. 5. All acts and parts of acts in confliction with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 27, 1883.

AN ACT to enable the people of Helena school district No. 1 to erect additional school buildings, and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the board of trustees of Helena school district number one, in Lewis and Clarke county, Montana Territory, be, and it is hereby authorized and empowered to issue, on the credit of said school district, coupon bonds to an amount not to exceed the sum of fifteen thousand dollars, or so much thereof as may be necessary, to enable the trustees of said school district to erect, equip and furnish additional school buildings in said district, and to purchase, if necessary, suitable grounds therefor, and enclose the same. The said bonds shall be redeemable at the pleasure of said trustees of said school district, and shall become due and payable ten years from their date. Said bonds shall bear interest at a rate not exceeding seven per cent. per annum, interest payable semi-annually.

SEC. 2. The bonds authorized to be issued by this act shall be in such form as the said board of school trustees may direct, and shall bear the signature of the chairman, and shall be sealed and countersigned by the clerk of said school district; and the coupons attached to the bonds shall be signed by the chairman and the clerk. Each bond shall be registered by the county treasurer in a book to be provided for that purpose, and such register shall show the number, date and amount of each bond, and when and to whom the same was issued; and the faith and credit of said school district number one, Lewis and Clarke county, Montana Territory, is hereby pledged for the payment of the interest and the redemption of the principal of said bonds.

SEC. 3. The school trustees of said district shall, as soon as practicable after the passage of this act and its approval by the qualified voters of said school district, as hereinafter provided, give notice, by advertisement in one or more newspapers published in said school district, for a period of not less than four successive weeks before the day of such sale, that they will sell said bonds to the highest bidder, and stating the time when, and place where, such sale will take place, at which time and place the said trustees shall expose for sale such bonds, but no bond shall be sold for less than its par value. The said board may at such sale reject any and all bids, and may sell said bonds at private sale, if they deem it for the best interest of said school district so to do. All moneys arising from the sale of such bonds shall be paid immediately into the treasury of said Lewis and Clarke county, and shall constitute a fund for carrying out the objects of this act; and the treasurer shall not be entitled to any fee or compensation for paying out said money or for registering said bonds.

SEC. 4. All bonds authorized to be issued under the provisions of this act shall be of the denominations of fifty, one hundred, and five hundred dollars each, the number of each denomination, so to be issued, to be discretionary with said board of trustees.

SEC. 5. The board of county commissioners of said county of Lewis and Clarke shall ascertain and levy, annually, a tax sufficient to pay the interest on said bonds as it becomes due, and to constitute a sinking fund for the redemption of said bonds at their maturity.

SEC. 6. The bonds shall be paid in their order of issue; and whenever enough money shall have accumulated in the sinking fund to pay the bond next in order, the county treasurer shall post a notice upon the door of his office that there is money in the treasury to pay such bond, and that the interest on said bond will cease thirty days after the date of such notice. Whenever any of said bonds shall be so purchased or redeemed, the same shall be duly cancelled by the county treasurer in the manner provided by law for the cancellation of county bonds.

SEC. 7. The county treasurer of said Lewis and Clarke county shall pay in lawful money of the United States, out of any money

belonging to the said school district, at the expiration of six months from the date of the issue of such bonds, the interest due thereon, and semi-annually thereafter, upon the presentation at his office of the proper coupon. All coupons so paid shall have the word "Paid," in red ink, written across the face thereof, and be signed by the person to whom the same is paid. All coupons thus paid shall be reported to the said board of trustees at their next meeting thereafter.

SEC. 8. For the purpose of carrying into effect the provisions of this act, the said school trustees are hereby authorized to cause to be printed or lithographed at the lowest possible rates, suitable bonds, with coupons attached; and pay for the same out of any moneys in the county treasury to the credit of said school district.

SEC. 9. Whenever in the judgment of said board of trustees it is necessary to provide additional school buildings in said district, they may call an election as provided in section 1133 of the Revised Statutes of Montana Territory, at which the question of the issue of bonds under the provisions of this act shall be submitted to the qualified voters of said district, and if a majority of the votes cast at such election shall be in favor of the issue of such bonds, then this act shall be in full force and effect, but if a majority of the votes cast at such election shall be against the issue of such bonds, then this act shall remain suspended until put in force as hereinafter provided.

SEC. 10. In case a majority of such votes shall be against the issue of said bonds at the first election, then at any time or times thereafter, whenever fifty of the qualified voters of said district shall petition the board of trustees for a re-submission of said question, it shall be the duty of said trustees to call a new election, under the provisions of the Montana school law governing elections, and re-submit said question. Should a majority of the votes then be found to be in favor of the issue of said bonds, then this act shall be in full force and effect from the date of said election.

SEC. 11. The board of trustees of said school district are hereby authorized and empowered to make, issue, and sell a sufficient number of the coupon bonds of said district to refund the outstanding indebtedness of said district created under the provisions of "An act to enable the people of Helena school district No. 1 to erect a school house," approved July 21, 1879, if in their judgment it is for the best interest of the district so to do. The form of bond, denomination, rate of interest, method of sale, time of payment, etc., shall be as in this act above provided for the bonds hereinbefore authorized to be issued.

Approved February 16, 1883.

AN ACT to enable the people of Missoula and Stevensville to erect school houses in said town.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the board of school trustees of school district No. 3, in Missoula county, Montana Territory, is hereby authorized and empowered to issue, on the credit of said school district, coupon bonds to an amount not to exceed the sum of fifteen thousand dollars, or so much thereof as may be necessary to enable the said board to purchase and enclose suitable grounds within the town of Missoula, and erect thereon ample and sufficient buildings for school purposes, furnish and equip the same; which bonds shall be redeemable at the pleasure of the board of school trustees aforesaid, and shall become due and payable ten years from their date, and bear interest at a rate not exceeding eight per cent. per annum, interest payable semi-annually.

SEC. 2. That the board of school trustees of school district No. 2, known as the Stevensville district, in said county and Territory, is hereby authorized and empowered to issue on the credit of said school district No. 2, coupon bonds to an amount not to exceed the sum of four thousand dollars, or so much thereof as may be necessary, to enable the said board to purchase and enclose suitable grounds within the town of Stevensville, and erect thereon ample and sufficient buildings for school purposes, furnish and equip the same; which bonds shall be redeemable at the pleasure of the said board of school trustees, and shall become due and payable ten years from their date, and bear interest at a rate not exceeding eight per cent. per annum, interest payable semi-annually.

SEC. 3. The bonds authorized to be issued by this act shall be in such form as the said boards of school trustees may, separately and severally, direct. The bonds to be issued by virtue of the provisions of section one of this act shall bear the signature of the chairman of the board of school trustees of said school district No. 3, and shall be sealed and countersigned by the clerk of said school district; and the coupons attached to the bonds shall be signed by said chairman and said clerk aforesaid. The bonds to be issued by virtue of the provisions of section 2 of this act shall bear the signature of the chairman of the board of school trustees of said school district No. 2, and shall be sealed and countersigned by the clerk of said school district, and the coupons attached to the bonds shall be signed by the said chairman of the board of school trustees of said district No. 2, and by the clerk of said district. Each bond issued shall be registered in a book provided for that purpose, which shall show the number and amount of each bond, and to whom issued, and the said bonds shall be sold by the said boards of school trustees, or their lawfully authorized agents, at not less than the par value thereof.

SEC. 4. Each board of school trustees aforesaid, as soon as practicable after the passage of this act, shall, separately and severally,

give notice by advertisement in some newspaper published in this Territory, for a period of not more than four weeks, to the effect that the said board of school trustees will, separately and severally, sell said bonds, briefly describing them, and stating the time when, and the place where, such sale shall take place; *Provided*, Each of said boards is authorized to reject any and all bids, and to sell said coupon bonds at private sale if it believes such action conducive to the best interests of its district.

SEC. 5. All moneys arising from the sale of the said bonds that may be issued under the provisions of section one of this act, shall be forthwith paid into the treasury of Missoula county to the credit of school district No. 3; and all moneys arising from the sale of the bonds that may be issued under the provisions of section 2 of this act, shall be forthwith paid into the treasury of Missoula county to the credit of school district No. 2; *Provided*, All such moneys shall immediately be available for carrying out the provisions of this act.

SEC. 6. All bonds authorized to be issued by this act shall be of the denominations of one hundred and five hundred dollars; and the faith of said school districts is hereby solemnly pledged for the payment of the interest, and the redemption of the principal of said bonds.

SEC. 7. Each board of school trustees aforesaid shall, separately and severally, ascertain and levy in its school district the tax requisite to pay the installments of interest as they become due, and with the residue of the amount derived from said tax unappropriated to said purpose, to establish a sinking fund to meet the bonds at their maturity; and said tax shall become a lien upon the property in said school district, and be collected in the same manner, and under the same laws that other taxes are collected.

SEC. 8. Whenever at any time a sum shall accumulate, either in the sinking fund appertaining to said school district No. 3, or in that appertaining to said school district No. 2, which sum shall equal or exceed the sum of any bond or bonds then due and payable out of either of the sinking funds aforesaid, and from time to time thereafter when it may so occur, the county treasurer shall post in his office a notice to the effect that he will, in thirty days from the date of such notice, redeem said amount of bonds which may then be payable, giving the numbers thereof, preference being given to the oldest issue; and if, at the expiration of said thirty days, the holder or holders of said bonds shall fail or neglect to present the same for payment interest thereon shall cease, but the treasurer, at all times thereafter, shall be ready to redeem the same on presentation; and whenever any bonds shall be so purchased or redeemed, the county treasurer shall cancel all bonds so purchased or redeemed by writing across the face of such bond or bonds, in red ink, the word "*Redeemed*," and the date of such redemption.

SEC. 9. The treasurer of the county shall pay in lawful money of the United States, out of any moneys belonging to the said school

districts, at the expiration of six months from the date of the issue of each bond, the interest due thereon, and semi-annually thereafter, upon presentation at his office of the proper coupon, which shall show the amount due and the number of the bond to which it belonged; and all coupons so paid shall be reported to the board of school trustees that issued the bonds to which said coupons belonged, at its first meeting thereafter.

SEC. 10. For the purpose of carrying into effect the provisions of this act, the said boards of school trustees are hereby authorized to cause to be printed or lithographed, at the lowest possible rates, suitable bonds, with coupons attached, and pay for the same out of any moneys in the county treasury to the credit of said school districts.

SEC. 11. That if any member or members of either of said boards of school trustees, shall fail or refuse to pay into the county treasury the money arising from the sale of the bonds hereinbefore provided for, he or they shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment in the penitentiary not exceeding the term of ten years, in the discretion of the court.

SEC. 12. This act shall be submitted to the qualified voters of said school districts on Saturday, the 28th day of April, 1883, at the school house in each of said districts, by direction of the respective boards of school trustees of said districts; and if a majority of the votes cast in either of said school districts at the election to be held therein, as above provided, shall be in favor of this act, then this act to be in full force and effect in the district having such a majority of votes in favor of the same; but if a majority of the votes so cast in either of said districts shall be against this act, then this act shall remain suspended as to the district having a majority of votes against the same, unless thereafter enforced as hereinafter set forth.

SEC. 13. In case of the rejection of this act in either district at the first election by a majority of the qualified voters in said district, it shall be lawful for the board of trustees of said district to again submit the adoption or rejection of this act to the qualified voters of said school district, on the last Saturday in October, 1883. *Provided*, The said board of trustees of said district shall first receive a petition signed by fifty or more of the qualified voters of said school district petitioning for the same; and if upon said second submission a majority shall be in favor of this act, then the same shall be in full force and effect thereafter as to said school district so voting therefor on said second submission. Said submission shall be conducted in the same manner and form as provided for first submission.

SEC. 14. The intent and purport of this act is that the board of school trustees of school district No. 3, and the board of trustees of district No. 2, shall carry out the provisions of this act separately, severally, and independently.

Approved February 13, 1883.

AN ACT to enable the people of Glendive to erect a school house.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the trustees of school district number one (1), in Dawson county, Montana Territory, are hereby authorized and empowered, to issue, on the credit of said school district, coupon bonds to an amount not to exceed the sum of ten thousand dollars, or so much thereof as may be necessary, to enable the trustees of said school district to purchase and enclose suitable grounds within the town of Glendive, and erect thereon ample and sufficient buildings for school purposes, and furnish and equip the same, which bonds shall be redeemable at the pleasure of the trustees of said district, and shall become due and payable ten years from date, and bear interest at a rate not exceeding eight per cent. per annum, interest payable semi-annually.

SEC. 2. The bonds authorized to be issued by this act shall be in such form as the school trustees may direct, and shall bear the signature of the chairman of the board of school trustees, and shall be sealed and countersigned by the clerk of said school district; and the coupons attached to the bonds shall be signed by the chairman of the board of school trustees and the clerk of the said school district; and each bond issued shall be registered by the county treasurer in a book provided for that purpose, and it shall show the number and amount of each bond, and to whom issued; and the said bonds shall be sold by the said school trustees, or their lawfully authorized agents, at not less than the face value thereof, as hereinafter provided.

SEC. 3. The school trustees shall, as soon as practicable after the passage of this act, give notice, by advertisement in two newspapers published in this Territory, for a period of not more than four weeks, to the effect that the said school trustees will sell said bonds, (briefly describing the same,) and stating the time when, and the place where, such sale shall take place; *Provided*, That the school trustees are authorized to reject any and all bids, and to sell said coupon bonds at private sale, if they believe it for the best interest of the district. All moneys arising from the sale of said bonds shall be paid forthwith into the treasury of Dawson county to the credit of said school district, and shall be immediately available for carrying out the provisions of this act; and the treasurer shall receive one per cent. as compensation for taking care of and paying out said money.

SEC. 4. The treasurer of the county shall give bonds in double the amount of money received for the sale of said coupon bonds, to be approved by the commissioners of said county.

SEC. 5. All bonds authorized to be issued by this act shall be of the denomination of five hundred dollars; and the faith of said school district is hereby solemnly pledged for the payment of the interest and the redemption of the principal of said bonds.

SEC. 6. The school trustees shall ascertain and levy annually the tax requisite to pay the installments of interest as they become due, and a sinking fund to meet the bonds at their maturity, and said tax shall become a lien upon the property in said school district, and be collected in the same manner, and under the same laws, that other taxes are collected.

SEC. 7. Whenever, at any time, the sum in said sinking fund shall equal or exceed the sum of any bond or bonds then due, and from time to time thereafter when it may so occur, the county treasurer shall post in his office that he will, in thirty days from the date of such notice, redeem said amount of bonds which may then be payable, giving the numbers thereof, preference being given to the oldest issue; and if at the expiration of said thirty days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease, but the treasurer shall at all times thereafter be ready to redeem the same on presentation; and whenever any bonds shall be so purchased and redeemed, the county treasurer shall cancel all bonds so purchased and redeemed by writing across the face of such bond or bonds, in red ink, the word "*Redeemed*," and the date of such redemption.

SEC. 8. The treasurer of the county shall pay in lawful money of the United States, out of any moneys belonging to the said school district, at the expiration of six months from the date of the issue of each bond, the interest due thereon, and semi-annually thereafter, upon the presentation at his office of the proper coupon, which shall show the amount due and the number of the bond to which it belongs; and all coupons so paid shall be reported to the school trustees at their first meeting thereafter.

SEC. 9. For the purpose of carrying into effect the provisions of this act, the said school trustees are hereby authorized to cause to be printed or lithographed, at the lowest possible rates, suitable bonds, with coupons attached, and pay for the same out of any moneys in the county treasury to the credit of said school district.

SEC. 10. That if the school trustees, or any of them, shall fail or refuse to pay into the county treasury the money arising from the sale of the bonds provided for, they shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment in the penitentiary not exceeding the term of ten years, in the discretion of the court.

SEC. 11. This act shall be submitted to the qualified voters of the said school district on Saturday, the 26th day of May, 1883, at the school house in said district, by direction of the school trustees, and if a majority of the votes so cast at the election shall be in favor of this act, then this act to be in full force and effect; but if a majority of the votes so cast shall be against this act, then this act shall remain suspended, unless thereafter enforced as hereinafter set forth.

SEC. 12. In case of the rejection of this act by a majority of the qualified voters at the first election, it shall be lawful for the trustees to again submit the adoption or rejection of this act to the qualified voters of said school district on the last Saturday of February, 1884; *Provided*, That said trustees shall first receive a petition signed by fifty or more qualified voters of said school district petitioning for the same; and if upon said second submission a majority shall be in favor of this act, then the same shall be in full force and effect thereafter. Said submission shall be conducted in the same manner and form as provided for first submission.

SEC. 13. This act to take effect and be in force from and after its passage.

Approved March 2, 1883.

AN ACT to enable school district number one of Custer county to build a school house at Miles City.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the trustees of school district No. 1, in the county of Custer, and Territory of Montana, are hereby authorized and empowered to issue coupon bonds of said school district, to an amount not to exceed fifteen thousand dollars, for the purpose of erecting necessary buildings sufficient for school purposes at Miles City upon a site to be selected by said trustees, situate at some point east of the west line of the east half of the north-east quarter of section thirty-three (33), in township eight (8) north of range forty-seven (47), east, in said county, and to furnish the same with necessary and complete fixtures and appointments.

SEC. 2. Said bonds shall be in such form as the said school trustees shall adopt, shall be of the denomination of five hundred (\$500) dollars each; shall be signed by the chairman, and countersigned by the clerk of said trustees [district]; shall be registered by the treasurer of said county in such manner as to show the number of each bond, and to whom the same may be issued. And to this end, said trustees shall cause said bonds to be lithographed, and pay for the same out of any moneys in the county treasury to the credit of said school district.

SEC. 3. Said bonds shall become due and payable in ten years from their date, and be redeemable after five years from date, at the pleasure of said trustees, and shall bear interest at a rate not to exceed seven per cent. per annum, payable semi-annually. They shall be sold by said trustees, or their fiscal agents, for not less than par; and all moneys arising from such sale shall be paid into the county treasury of said county, and be credited to the school district aforesaid, and be immediately applicable to the purposes of this act.

SEC. 4. The school trustees aforesaid shall ascertain and levy, annually, a tax sufficient to pay the current interest charge upon said bonds and provide a sinking fund to redeem the same at maturity. Such tax shall be collected as are other taxes, and shall be a lien upon all the property of said school district; and all moneys arising from said tax shall, by the treasurer of said county, be passed to the credit of said school district, and shall be applicable only to the payment of the interest and principal of said bonds.

SEC. 5. If, after five years from date of said bonds, there shall be in said sinking fund, after the payment of the annual interest, as aforesaid, money sufficient to pay one or more of said bonds, the county treasurer shall call in the same in the order of registration, by posting a public notice in his office that he will so redeem said bonds in thirty days from the date of such notice, giving the number of the bond or bonds he is prepared to redeem. If, at the expiration of said thirty days, the bonds so called shall not be presented for payment, interest thereon shall cease, but the treasurer shall thereafter be ready to pay the same upon presentation. Upon redemption of any bond the treasurer shall cancel the same by writing across the face thereof the word "Redeemed," and date of redemption.

SEC. 6. Interest upon said bonds shall be paid upon presentation of coupons thereof, and all payments of interest and redemption of bonds shall be reported to said trustees at their first meeting thereafter by the treasurer, who shall exhibit the coupons so paid and the bonds so redeemed as his vouchers.

SEC. 7. Before entering upon the duties prescribed by this act, the school trustees of said school district shall take and subscribe an oath, and enter into a bond in the sum of fifteen thousand dollars, with two or more qualified sureties to be approved by the board of county commissioners of said county, that they will faithfully perform the duties resting upon them under this act. Said oath and bond shall be filed in the office of the treasurer of said county. If said trustees, or either of them, shall fail or refuse to pay into the county treasury the moneys arising from the capitalization of said bonds, they, or either of them, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding ten years, in the discretion of the court.

SEC. 8. This act shall not be construed to allow the treasurer of said county any other compensation than he now receives by law; *Provided*. He shall receive for all services required by this act to be performed by him the sum of fifty dollars, and no more.

SEC. 9. The board of trustees shall invite sealed proposals for the construction of said school buildings, and also for the furnishing of the fixtures and appointments of said buildings, by publication in some paper in said Miles City for a period of four weeks, stating in said notice the size and general architectural design thereof and the date and place where such proposals will be opened. The trustees

shall have power to reject any and all proposals so presented; *Provided*, That if any of the proposals so presented are accepted, the same shall be that of the lowest responsible bidder.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 8, 1883.

AN ACT relating to the official survey of the town site of Helena.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. The county commissioners of the county of Lewis and Clarke are hereby authorized and required, at their next regular session after the passage of this act, to fix and appoint a special session of their said board to be held on or before the 20th day of April, A. D. 1883, for the purpose of considering, and approving or rejecting the survey and plats of the town site of Helena made by Benjamin F. Marsh, C. E., and now on file in the office of the county clerk and recorder of the said county of Lewis and Clarke.

SEC. 2. The said board of county commissioners shall cause notice of the time, place, and object of their said special session to be published in at least two newspapers printed in the town of Helena for the period of at least thirty days before their said special session, which notice shall require all persons interested to show cause, if any they have, before said board, at their said special session, why the said survey and plats should not be approved.

SEC. 3. At such special session, any person interested may appear and object to the approval of said survey, or of any block or portion thereof, and may be examined on oath before said board touching the same. If such objection appears valid and sufficient, the said board may reject said survey and plats, or the survey of the block or portions of said town site to which objection is so made, and may order a new survey thereof, as hereinafter directed. If no valid objection be made to the said survey and plats, or to the blocks or portions thereof, the said board shall approve the same, or the blocks or portions thereof to which no such objections are made, and thereafter the same shall be taken and deemed to be the official survey of said town site of Helena, or of the portions thereof so approved.

SEC. 4. Any person feeling aggrieved by the decision of the board in overruling his objections to said survey, or any portion thereof, may appeal to the district court therefrom. Such appeal shall be taken in the manner provided by law for an appeal from an order made by such board disallowing a claim, and such appeal shall stay all subsequent proceedings as to the portion of such survey so objected to, until the same is finally disposed of.

SEC. 5. If said board rejects said survey, or any block or portion thereof, they may cause the same to be re-surveyed, and for that purpose shall cause notice to be published in at least one newspaper printed in Helena, inviting proposals from competent surveyors to make such survey. At the time named in said notice, the said board shall meet, and consider said proposals, and shall let the survey of said portion so rejected to the lowest responsible bidder, the said board reserving to itself the power to reject any and all bids, and to re-advertise for proposals. The plats and field notes of such survey shall, from time to time as they may order, be presented to the board for their approval, and, when so approved, shall be filed in the office of the recorder of said Lewis and Clarke county, and, when so approved and filed, shall be deemed the official survey and plats of said town site of Helena, or such portion or portions thereof as are embraced therein. The county commissioners shall, upon the approval of the survey, or any portion thereof, be authorized to draw their warrant upon the general fund of the county in payment of the contract price, or portion of such price, due therefor.

SEC. 6. Such survey shall in all respects conform as near as possible to the respective rights and interests of the owners and occupants of said town site, as shown by the conveyance of title to them and their predecessors in interest from the probate judge of said Lewis and Clarke county.

SEC. 7. If it shall appear by such survey that there is an excess of ground in any lot over and above the amount conveyed, or to be conveyed by deed of the probate judge, in the block wherein such lot is situated, and such excess does not exceed in area five hundred square feet, no account shall be taken thereof, but the same shall be taken and deemed to be the property of the owner of the lot or lots wherein the same is found to be. If the area of any such excess exceeds said quantity of five hundred square feet, the same shall be platted, and shown upon the plats of said town site as a fractional lot, and may be entered as provided in chapter sixty-seven of the fifth division of the Revised Statutes, entitled "Town sites." If the fractional lot does not exceed in area half of a full lot, the person entering the same shall only be required to deposit the sum of five dollars, to be paid into the county treasury. All fractional lots remaining unclaimed after the expiration of six months from and after the final approval of said survey shall be sold as provided in section twelve hundred and twenty of said chapter sixty-seven, and the money arising therefrom, and from the sale of said fractional lots, and all moneys hereafter received for the sale of lots in said town site of Helena, shall be paid into the county treasury, and placed to the credit of the school fund, for the use of Helena school district, No. 1.

Approved March 1, 1883.

AN ACT to provide for the Fort Benton fire department.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the county commissioners of Choteau county be, and they are hereby authorized to levy a special tax, not to exceed three (3) mills for the year 1883, and one (1) mill for each succeeding year, on every dollar of the assessable property, both real and personal, within the limits of the townsite of Fort Benton and all additions thereto, for the support and maintenance of the Fort Benton fire department.

SEC. 2. That the said county commissioners shall at the next regular meeting in March, A. D. 1883, levy said tax for the year 1883, and thereafter it shall be levied in the same manner and at the same time as are the general taxes of the said county.

SEC. 3. It is hereby made the duty of the county treasurer of Choteau county to collect said tax in the same manner, and at the same time, as other taxes are collected.

SEC. 4. This tax shall be known as the "Fort Benton fire tax," and shall be paid by the county treasurer to the treasurer of the Fort Benton fire department.

SEC. 5. That the treasurer of said fire department, before any of said tax shall be paid to him as hereinbefore provided, shall file in the office of the county clerk of Choteau county a bond, executed to the board of county commissioners, with two or more sufficient sureties to approved by said board of commissioners, in such penal sum as they may direct, conditioned that he will faithfully and honestly pay out and disburse all moneys that may be paid by virtue of his office under the order of said fire department.

SEC. 6. It is hereby made the duty of the treasurer of said fire department to make a fair, correct, and complete statement of his receipts and expenditures, as such treasurer, to the board of county commissioners at their annual meeting, or at such times as they may direct.

Approved March 3, 1883.

AN ACT incorporating the Helena Classical School.

WHEREAS, On the 26th day of February, Anno Domini 1883, articles of incorporation were filed with the county clerk of Lewis and Clarke county incorporating the Helena classical school, under the provisions of chapter fifteen, article two of the fifth division of the Revised Statutes of Montana, and doubts have arisen as to the scope and validity of such incorporation and the powers thereof thereunder,

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the said Helena classical school be declared an incorporation under the laws of said Territory, and, as such, that it have power to sue and be sued; to hold so much real estate as is useful or convenient for school purposes; to receive and possess donations, gifts, legacies, [and] bequests; to buy and sell such real estate; to borrow and loan moneys; to have, change, and use a common seal; to contract and be contracted with, and to carry out the object of establishing and maintaining in Helena a private classical school; may have and exercise all the powers and authority conferred upon corporations for that purpose and convenient therefor.

SEC. 2. If the trustees of the said incorporation shall so determine, they may provide in their by-laws for the election of not more than fifteen trustees, to hold their offices, one-third for one year, one-third for two years, and one-third for three years, who may be divided into classes accordingly, and, after the first regular election, only one-third be elected annually by the patrons of said school, except as vacancies existing in other classes of said board may require an election of more than one-third of said board.

Approved March 3, 1883.

AN ACT to change the name of the town of Garfield.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the name of the town surveyed, laid out, and established on the southeast quarter of the southwest quarter of section number thirty (30) in township number eight (8) north of range number twenty (20) west, in Missoula county, Montana Territory, and heretofore known as "Garfield," be, and the same is hereby changed, and the same shall forever hereafter be known as the town of "Victor."

SEC. 2. That the plat heretofore made of said town of Garfield, and now on file in the office of the county recorder of said Missoula county, shall hereafter be designated and known as the plat of the town of Victor.

Approved February 16, 1883.

AN ACT to change the name of Johannes Gustaffson to John G. Hulton.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the name of Johannes Gustaffson be, and the same is hereby changed to John G. Hulton.

Approved March 3, 1883.

AN ACT to change the name of William Kipp to the name of William Upham.

Be it enacted by the Legislative Assembly of the Territory of Montana:

SECTION 1. That the name of William Kipp, of the county of Choteau, in the Territory of Montana, be and the same is hereby changed to William Upham, which he is hereby authorized to assume, and by which he shall hereafter be known.

Approved March 7, 1883.

RESOLUTIONS.

Council Concurrent Resolution extending thanks to His Excellency John Schuyler Crosby, Governor of Montana, Lieut. General Philip H. Sheridan, and Hon. George G. Vest, United States Senator.

Resolved by the Legislative Assembly of the Territory of Montana:

That the thanks of this body are due, and they are hereby tendered to His Excellency, John Schuyler Crosby, Governor of the Territory of Montana, Lieut. General Philip H. Sheridan, of the United States army, and the Hon. George G. Vest, United States Senator from the State of Missouri, for the interest manifested by them in the matter of the protection of the "Yellowstone National Park" against the cunning designs of a combination of monopolists who are attempting to gain control thereof, and whereby they might be enabled to levy tribute upon all visitors to our national pleasure ground. And that the people of our whole country, and more especially those of the people of the Territory of Montana, should hold the names of these unselfish defenders of our interests in kind remembrance and high esteem.

Approved February 16, 1883.

Council Joint Resolution expressive of the sense of this Legislature upon the assassination of President Garfield.

WHEREAS, Since the adjournment of the last Legislature of this Territory, the Honorable James A. Garfield, President of the United States of America, has been assassinated; And

WHEREAS, The present is the first occasion afforded the Legislature of this Territory, in the name of our people, to take formal and official cognizance of the nation's loss in the death of its executive: Therefore,

Be it resolved by the Legislature of the Territory of Montana:

That we hereby express our unqualified detestation of the act by which our honored President met his untimely fate.

That in the death of James A. Garfield, President of the United States of America, the nation has sustained the loss of one of its most illustrious citizens, and one of the highest types of its noblest manhood. He was the foremost citizen of the republic, of his time; humane and great as a ruler; wise and sagacious in the national councils; a soldier upon whom the country safely depended in war, and a patriot whose integrity and devotion to the national welfare was unquestioned during a long and honorable career.

That a copy of this resolution be transmitted by the President of the Council to the Honorable the Secretary of State of the United States, at Washington, and that a copy of this resolution be transmitted by the chief clerk of the Council to Lucretia R. Garfield.

Approved February 23, 1883.

Council Joint Resolution making appropriation for defraying expense of representing Montana Territory at the Amsterdam World's Exposition.

Resolved by the Legislative Council and House of Representatives of the Territory of Montana:

That the sum of five hundred dollars be, and the same is, hereby appropriated out of any moneys in the territorial treasury, not otherwise appropriated, for the purpose of defraying the necessary expenses of making a fair and ample representation of the mineral interests of this Territory at the Amsterdam World's Exposition, to be held at Amsterdam, Holland, during the year 1883; and upon the requisition of the Governor, the territorial auditor is hereby authorized and required to draw his warrant on the territorial treasurer for the said amount of five hundred dollars, payable to the order of A. Zeelandelaar, agent for Montana at the Amsterdam Exposition.

Approved February 26, 1883.

Council Joint Resolution making appropriation for the purpose of collecting statistics for Historical Society of Montana.

WHEREAS, In the preservation of the personal experiences and knowledge of those early traders, trappers and adventurers, who yet

survive, and who inhabited what is now Montana prior to any civilized settlement therein, it is desirable that stenographic reports of the conversations of such persons now in or near Montana, shall be preserved. Now, therefore,

Be it resolved by the Council and the House of Representatives of Territory of Montana:

That the sum of six hundred dollars, (\$600.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended by the officers of the Historical Society of Montana, or a majority of them, as under their direction, in paying the expenses, and for the services of a stenographer for the purpose aforesaid; and the auditor of the Territory is authorized, upon the requisition of the officers of the society, or any three of them, to issue a warrant therefor.

Approved February 26, 1883.

Council Joint Resolution in reference to maps of Montana Territory.

Resolved by the Council, the House concurring:

First—That W. W. DeLacy is authorized to compile and draft, and cause to be lithographed, at his own expense, a map of the Territory of Montana, which shall represent, as near as may be, the government surveys by townships, the location of all cities, towns, and places of public interest, the rivers, creeks, and streams, and mountains and mountain ranges, and valleys of this territory; which map, when completed and approved as hereinafter provided, shall be known, and may be published by him at his own expense, as the official map of Montana Territory.

Second—Upon the completion of such map, the same shall be submitted to the governor, the president of the council, and speaker of the house of representatives, and, if approved by a majority of them, they shall endorse thereon a certificate of the fact of such approval, which may be published with such map.

Third—Such map shall be not less than three feet three inches by two feet six inches in size, and printed or lithographed upon the character of paper usually used for such purposes.

Fourth—Upon the approval and publication of such map on or before the first day of January, 1884, the auditor of the Territory shall purchase from said W. W. DeLacy three hundred copies thereof, at the price of two dollars per copy, for the use of the Territory, to

be distributed as hereinafter provided, and shall draw an order on the territorial treasurer therefor, on their delivery to him at his office.

Fifth—Such maps shall be distributed by the auditor as follows: One, each, to the governor, secretary, auditor, treasurer, and superintendent of public instruction, for the use of their offices; one to each county for the use of the county commissioners; one to each school room in the Territory, or hereafter to be opened and used as such, to be delivered upon the requisition of the territorial or any county superintendent of public instruction for the proper county.

Sixth—The territory shall in no manner become liable [for] the payment of any expenses of making or publishing such maps.

Approved March 8, 1883.

Council Joint Resolution in relation to the fish interests of Montana.

Resolved by the Legislative Assembly of the Territory of Montana:

That His Excellency, John Schuyler Crosby, be, and is hereby requested communicate with the United States fish commissioners with a view to having the streams of the Territory stocked with fish, and also for the purpose of calling their attention to the obstructions in Clarke's Fork of the Columbia river, which prevents Salmon from ascending it into the Territory of Montana, and which obstructions can be removed at a small expense.

Approved February 16, 1883.

House Joint Resolution for the employment of committee clerks.

Be it resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of Montana:

That the judiciary committee, and the committee of ways and means, of each branch of said assembly be, and they are hereby authorized and empowered to employ additional clerks, not to exceed two in each house, whose duty it shall be to assist the chief clerk and the enrolling and engrossing clerk, and the committees of the two houses, and perform such duties as may be assigned them; and for such service they shall receive the sum of five dollars per day each; and the territorial auditor is hereby empowered to draw his warrant on the territorial treasurer for the amounts due said clerks, respectively, upon receiving the certificate of the chief clerk and presiding officer of each house, respectively, certifying the amount due to each of said clerks employed as aforesaid.

Approved January 26, 1883.

House Joint Resolution authorizing employment of additional clerks.

Be it resolved by the Legislative Assembly of the Territory of Montana:

That the committee on corporations of each house of the Legislative Assembly be hereby authorized to employ clerks, not exceeding two in number, who shall perform such duties as may be assigned them.

Approved March 3, 1883.

House Joint Resolution making appropriation for the Denyer Exposition.

Be it resolved by the Legislative Assembly of the Territory of Montana:

That there be and is hereby appropriated out of any money in the territorial treasury, not otherwise appropriated, the sum of five hundred (500) dollars to be expended by the governor of this Territory in securing for Montana a proper representation and exhibit at the forthcoming "National Mining and Industrial Exposition Association of Denver, Colorado," to be held at Denver, in the State of Colorado, during the year 1883; and the territorial auditor is hereby authorized and required to draw his warrant or warrants upon the territorial treasurer for any sum, not to exceed five hundred dollars, upon the order or requisition of the governor of this Territory.

Approved February 26, 1883.

House Joint Resolution for the relief of Edmund W. Bach.

Resolved by the House, the Council concurring:

That the sum of one hundred dollars shall be paid to Edmund W. Bach, out of any moneys in the territorial treasury not otherwise appropriated, for services as an accountant and expert, assisting the joint special committee appointed to examine the books of the auditor and treasurer; and the territorial auditor is hereby required to draw his warrant in favor of said Edmund W. Bach for said sum of one hundred dollars.

[The foregoing resolution having been presented to the governor of the Territory of Montana for his approval, was, on March 1, 1883, returned by the governor to the House of Representatives, in which it originated, without his approval and with his objections thereto.

The objections were entered at large upon the journal of the House, the vote by which the resolution was passed was reconsidered, and, on the question being put, "Shall this resolution pass, the objections of the governor to the contrary notwithstanding?" it was passed by a two-thirds vote of the House. The resolution was then sent to the Council, together with the objections of the governor. The vote by which the resolution was passed was then immediately reconsidered, and upon the question, "Shall this resolution pass, the objections of the governor to the contrary notwithstanding," it was passed by a two-thirds vote of the Council.]

House Joint Resolution providing for a constitutional convention.

WHEREAS, Under the territorial system of government that has obtained and been enforced in the United States during our entire history has been little better than the colonial system under British rule, and whereby under the present system the people of the Territory of Montana are disfranchised from voting for electors of President and Vice-President; are denied a vote in both houses of Congress; have no representation upon any committee, save one pertaining to territorial affairs, of either House of Congress; have no voice in the selection of the most important officers of our Territory, executive and judicial; our organic act subject to amendment, and our laws to amendments by the will of Congress, without our consent; and

WHEREAS, We are desirous of assuming and loyally maintaining our rights, and of discharging our duties as a free people, entitled to full citizenship under the constitution of the United States of America; and

WHEREAS, The revenues, resources and population of the Territory are amply sufficient to organize and maintain statehood; now, therefore, be it

Resolved by the Legislative Assembly of the Territory of Montana:

First—That a convention of delegates representing the people of the Territory of Montana, be, and is hereby called and authorized to convene at the capital of the Territory, at 12 o'clock, M., on the second Monday in January, A. D. 1884, for the purpose of framing a constitution for the government of the people of the State Montana.

Second—Said convention shall consist of forty-five delegates, and are apportioned in the several counties of said Territory as follows:

Beaverhead county, two delegates.
Dawson county, one delegate.
Choteau county, two delegates.
Custer county, three delegates.

Yellowstone county, two delegates, but in case Yellowstone county be not formed, then Custer county shall have five delegates.

Deer Lodge county, three delegates.

Gallatin county five delegates.

Jefferson county, two delegates.

Lewis and Clarke county, four delegates.

Madison county, two delegates.

Meagher county, three delegates.

Missoula county, four delegates.

Silver Bow county, six delegates.

Also, that six delegates at large shall be elected, two from each judicial district, but no elector shall vote for more than one delegate at large upon his ballot.

Third—An election shall be held in the several counties of the Territory on the first Tuesday after the first Monday in November, A. D. 1883, for the purpose of electing the forty-five delegates herein provided for, who shall be entitled to seats therein. Said election is hereby declared to be a general election, and as such, all the officers and electors of said Territory shall observe, and obey, and be subject to all of the laws, penalties, rules, and regulations then in force pertaining to general elections in said Territory. The returns and canvassing of the votes cast at such election shall be made and canvassed in the same manner, and by the same officers, as the law shall then provide for the returns and canvassing of votes for members of the Legislative Assembly. The members of said convention, before entering upon the discharge of their duties, shall, severally, take and subscribe the oath of office now prescribed for members of the Legislative Assembly. Said convention, when assembled, shall be the sole and exclusive judges of the qualification and election of its members. The qualification of electors at said general election shall be the same as those that may be then in force governing general elections. No one shall be eligible to membership in said convention unless, at the date of such election for delegates, he be a citizen of the United States, and shall have been a *bona fide* resident and tax payer of the county that he is elected to represent, at least one year immediately preceding such election.

Fourth—The officers of said convention shall consist of a president, to be chosen from the members, and a secretary, and also such other officers as may be necessary to discharge the duties and facilitate the business of the convention, to be designated by an ordinance or resolution of the convention. The members of the convention shall receive twenty cents per mile in going to and returning from the capital from their respective homes, the distance to be estimated by the usually traveled route. The officers of the convention shall receive such compensation as the convention by ordinance or resolution may designate. A certificate, duly signed by the president of the convention, and countersigned by its secretary as to the pay that may be due the officers, shall be presented to the auditor of the Territory, who shall thereupon draw his warrants on the territorial treasurer in payment thereof.

Fifth—The secretary of the Territory is hereby authorized and empowered to procure and suitably furnish, for the use of said convention, a suitable hall and committee rooms, also necessary fuel, lights and stationery for uses therein; also he shall procure all necessary printing to be done, at the request of the convention. He shall keep a just and true account of all his expenditures, and when the convention shall have adjourned, *sine die*, he shall present his accounts, with proper vouchers attached, to the auditor, who shall examine and audit the same; and if he find the same just and correct, he shall draw his warrants on the territorial treasurer in payment thereof.

Sixth—The said convention, when duly assembled, may adopt rules for its government, sittings and adjournment; and when the convention shall have perfected and adopted a constitution, it shall then, by ordinance, submit the same to the qualified electors of the Territory of Montana for adoption or rejection. Such ordinance shall provide that such constitution be submitted to the qualified electors of the Territory for their approval or disapproval at the general election to be held in the several counties of said Territory on the first Tuesday after the first Monday in November, A. D. 1884, and under the general election laws then in force in said Territory. Said ordinance may also provide for the mode and manner of such submission of such constitution as, in the wisdom of the convention, may be deemed proper.

Seventh—Such ordinance shall also provide that, if a majority of all the votes may be cast and canvassed according to law at said election provided for in resolution number six herein, shall adopt and ratify such constitution as may be submitted, or such part thereof as to make the same operative, then such ordinance shall further provide the mode and manner, and agency, whereby such constitution shall be submitted to the Congress of the United States of America, praying for the reception of such constitution by Congress and asking that, under such constitution, Montana be admitted among the sisterhood of States, with all the rights and privileges to which we, as a free and loyal people, are justly entitled under the constitution and laws of the United States of America.

Approved March 7, 1883.

House Joint Resolution making appropriation for the law division of the Montana Library.

Resolved by the House of Representatives and Council of the Territory of Montana:

That the sum of two thousand dollars, or so much thereof as shall be found necessary, is hereby appropriated out of any moneys in the territorial treasury, not otherwise appropriated, for the purpose of

defraying the expenses which may be necessarily incurred in purchasing books to complete any series of law reports for the law division of the Montana Library. And that the territorial auditor is hereby authorized to draw his warrant or warrants on the territorial treasurer, from time to time, for such sums as shall be found necessary, as aforesaid, in favor of the chief justice of the supreme court of this Territory.

Approved March 5, 1883.

House Joint Resolution to pay clerks.

Be it resolved by the House of Representatives and Council of the Legislative Assembly of the Territory of Montana:

That there be, and is hereby appropriated out of the territorial treasury, from any moneys not otherwise appropriated, for compensation for services as clerks employed under house joint resolution No. 10, to James Cullen, twenty-five dollars; Sena E. Ballard, twenty-five dollars; Jacob Medary, fifteen dollars; and Max H. W. Brown, twenty-five dollars. That the territorial auditor is hereby authorized to draw his warrants on the territorial treasurer in favor of said persons for the amounts hereinbefore stated.

Approved March 8, 1883.

House Joint Resolution for distribution of statutes.

Resolved by the House of Representatives and Legislative Council of Montana Territory:

That one copy of the laws of Montana, revised statutes of 1879, bound with laws of extra session of 1879 and twelfth session of 1881; also one copy of laws of thirteenth session, 1883, whenever the same shall be in print and bound, be distributed to each member of the house and council of the thirteenth session of the Montana legislature.

Approved March 8, 1883.

MEMORIALS.

Council Joint Memorial concerning the treatment of Indians, and depredations committed by them upon settlers and their property.

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

Your memorialists, the council and house of representatives, comprising the legislative assembly of the Territory of Montana, respectfully represent to your honorable bodies:

That the tribe of Indians known as Piegaus, comprising a portion of the Blackfoot nation, whose agency is located on Badger creek, in this Territory, have been continuously, for years, stealing horses, killing cattle, and committing divers other depredations upon the rights and property of the citizens of this Territory; that where heretofore game was plentiful on their accustomed hunting grounds, little or none can now be found; that the subsistence furnished at the agency is utterly insufficient to supply the demands of necessity, and these Indians are frequently driven to such desperate rigor as to be compelled to resort to these means to avert starvation.

That by reason of the causes aforesaid, the depredations of said Indians, instead of diminishing, have been increasing, until they have become so frequent of late, that the lives and pursuits of industry, particular that of stock raising of the white settlers in their vicinity, have been greatly endangered and seriously jeopardized. While it is a well known fact to the citizens in the vicinity of said agency, that these raids have been occasioned by reasons of extreme necessity, yet it is a conceded fact, that unless some action is taken to avert these aggressions in future, a collision between these Indians and the whites must inevitably ensue.

Your memorialists would most respectfully further represent, that frequent complaints have been made, and petitions presented, to the Indian department at Washington, the agent of said tribe, and the military in this Territory, setting forth the wrongs and grievances aforesaid, and requesting that said tribe be kept upon their reservation, all of which has been ineffectual, until your memorialists have despaired of any relief save through the interposition of your honorable bodies.

Your memorialists would also most respectfully represent, that said Piegan tribe of the Blackfoot nation would readily adapt themselves to the pursuits of husbandry, and, in a great measure, if not entirely, become self-supporting, thereby averting the evils aforesaid, and relieving the government of great inconvenience and expense, if their supplies for subsistence are made commensurate with their actual wants at the present, and they are furnished with the humbler implements employed in the ordinary pursuits of agriculture; that in this way they can be made to remain contented upon their reservation, their valuable tillable lands made available for some useful and beneficial purpose, and their complications with the white settlers ultimately terminated:

Wherefore, your memorialists respectfully request that such action be taken in the premises by your honorable bodies as shall be deemed expedient and proper to meet the emergency, and satisfy the demands of justice; and your memorialists will, as in duty bound, ever pray.

GRANVILLE STUART, *President of the Council.*
ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.

Council Joint Memorial pertaining to the boundaries of the Yellowstone National Park.

To the Honorable, the Senate and House of Representatives of the United States:

Your memorialists, the council and house of representatives of the Territory of Montana, do most respectfully represent:

That a bill has been introduced in the senate of the United States to enlarge the boundaries of the Yellowstone National Park, which, if it shall be passed in the form in which it now stands, will include within the said Park a large group of mines, and a mining district of great extent, known as the Clarke's Fork mining district and mines; that these mines were, until the year 1882, upon what was a part of the Crow reservation, during which year, by the procurement of the Interior department, an agreement was made with the Crow Indians whereby the said mining district was segregated from the said Crow Indian reservation, and restored to the public domain, and opened for exploration, occupancy, and settlement; that while the said mining district was a part of the said Crow Indian reservation, and prior to the creation of the said reservation, the existence of the said mines was well known, but that Indian hostilities hindered their development then, and the provisions of the said treaty forbade miners occupying or developing the said mines; that exploration and development of the said mining district and mines has shown that immense quantities of metalliferous ores exist there, rich in gold, silver, copper, and lead, and that the country abounds in iron, coal, and lime; that the existence of this form of wealth upon a reservation presents

continued and strong temptations to miners and others to transgress those rules reserving the same for public uses; that a large number of miners have entered upon the said mines and developed the same; that large sums of money have been invested therein, and that the said mining district gives promise of greatly increasing the production of the precious metals in the United States.

Your memorialists further represent, that hundreds of thousands of dollars have been invested in the said mines by capitalists from the east and west, as well as by citizens of Montana, and that it is desirable on all accounts, that no obstacle shall be placed in the way of the development of the said mines.

Your memorialists do therefore most earnestly pray, that in any enlargement of said Yellowstone National Park which shall seem advisable, the said Clarke's Fork mining district, and the mines contiguous thereto, be excluded from the said park, and that the same be continued as a part and parcel of the public domain; and, as in duty bound, your memorialists will ever pray.

GRANVILLE STUART, *President of the Council.*

ALEXANDER E. MAYHEW,

Speaker of the House of Representatives.

Council Joint Memorial for increasing rates for public surveying.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the council and house of representatives, composing the legislative assembly of the Territory of Montana, most respectfully represent:

That the present reduced rates allowed for public surveys threaten to prevent any future surveying of the public domain within our Territory, or throw it, if done at all, into incompetent hands. The experience of the last season has proved that no good work can be done in Montana at the present allowance, save at a loss, which no responsible surveyor would willingly incur. The completion of the Northern Pacific railroad the present year insures a large immigration, and a very large increase of surveying is needed to meet the reasonable demands, whereas, without any increase of allowance, we shall have little or none, whatever amount may be apportioned to our Territory. Ruling rates of wages and expense of living have always been, and still are relatively higher in Montana than in the States, or in other Territories where the work is relatively easier.

Your memorialists, therefore, urgently ask for the restoration of the old rates to the Pacific States and the Territories; and your memorialists will ever pray.

GRANVILLE STUART, *President of the Council.*

ALEXANDER E. MAYHEW,

Speaker of the House of Representatives.

Council Joint Memorial for a reduction of the military reservation of Fort Keogh.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Montana, respectfully represent:

That neither the necessities of the military situation, or of the proper disposition of the command garrisoned at Fort Keogh, in the county of Custer, in the Territory of Montana, or the adequate protection of the people demand longer retention and occupation of the exaggerated area of territory constituting the present military reserve of Fort Keogh. We therefore respectfully request that so much of said reservation as lies upon the left bank of the Yellowstone river and the right bank of the Tongue river be restored to the public domain.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
GRANVILLE STUART, *President of the Council.*

House Joint Memorial asking for increased per diem and mileage for jurors and witnesses.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Montana, respectfully represent to your honorable bodies:

That we have observed with gratification the recommendation of His Excellency, the President of the United States, and the Honorable, the Attorney-General, that a more liberal allowance be made of per diem and mileage to witnesses and jurors in United States courts of the western States and Territories:

That it is within our knowledge that the present rate is less than one-half, and in many cases, one-third of the actual expenses of travel and subsistence in this Territory.

That this fact operates as a most unjust and oppressive tax upon all those citizens who are called from their homes to perform such service, and upon some of them as a grievous hardship.

That in many instances witnesses are unable to attend, and that the government is subjected to the delay and expense of compelling their attendance by attachment, or more frequently, immunity is granted to flagrant crimes.

That the scandalous disproportion which exists between the number of violations of the laws of the United States in this Territory,

and the number of convictions for such offenses is largely attributable to this cause.

Your memorialists would, therefore, respectfully pray your honorable bodies that a law be enacted providing that the mileage and per diem of jurors and witnesses for the United States shall be the same as is allowed by the laws of the Territory to the jurors and witnesses before the district court.

And your memorialists, as in duty bound, will ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
GRANVILLE STUART, *President of the Council.*

House Joint Memorial, asking appropriation for the construction of two artesian wells in the Territory of Montana.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and house of representatives, composing the legislative assembly of the Territory of Montana, respectfully represent to your honorable bodies:

That a great portion of the public domain of the Territory is composed of table lands, and is now unfit for occupation by settlers under any of the different land laws on account of not being watered; the soil is rich, the grasses abundant and nutritious, timber in most instances close at hand, and, if watered, would be capable of sustaining a large population of agriculturists, and would enable a great area of grazing plains, now unused on account of an entire lack of water for stock, to become at once available as ranges for large herds of cattle, horses, sheep, etc.

Your memorialists, therefore, pray that an appropriation of thirty thousand dollars, (\$30,000) be made for the purpose of constructing two artesian wells within the limits of this Territory, to be expended under the direction of proper officers, to accomplish the ends hereby designated, as the success of the undertaking would stimulate individuals to like enterprises, and would be conducive to great good to our Territory. And your memorialists will, as in duty bound, ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
GRANVILLE STUART, *President of the Council.*

House Joint Memorial concerning pleuro pneumonia in cattle.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists the Council and House of Representatives, composing the legislative assembly of the Territory of Montana, most respectfully represent:

That one of the chief industries of this Territory is the growing of neat cattle for export and sale, and many of our citizens have large sums of money invested in that business.

We hear with alarm that contagious pluro pneumonia is prevalent among cattle in the States of New York, New Jersey, Pennsylvania, Virginia, Maryland, and the District of Columbia, and that it is a disease exceedingly difficult to cure, if it is not wholly incurable: That the raising of neat cattle for export and sale, on the pasture lands of the western States and Territories, is yearly growing in importance, and that herds of cattle kept entirely for milking and dairy purposes are not uncommon with those who are engaged in these industries. A laudable spirit of improvement is manifest, and every year a large number of thoroughbred cattle are brought from the older States to the grazing ranges of the West.

That the great transcontinental lines of railways, and their network of branches, are rapidly penetrating to all the valleys and grazing ranges of the West.

That there is imminent danger of the importation of diseased cattle into the grazing ranges, while the possibility of spreading the direful contagion, all over the United States and Territories by the indiscriminate use of cattle cars that may have been used in the transportation of diseased cattle and thereby become infected, is deemed a serious cause of alarm.

That the system of breeding and rearing cattle on the great grazing ranges of the far West is such that, if the contagion is once inoculated into the herds in these ranges, it would be a matter of utter impossibility to take any precautionary measures to check the ravages of the disease, and it would of a necessity have to be allowed to run its devastating course until it had swept the country from the Rio Grande to the British line, and every hillside and valley, every spring and water course, all the shady groves, and natural places of resort for cattle, would be contaminated by the carcasses of animals that had fallen by the disease, where from the very nature of the surrounding circumstances and conditions, they must lie unburied, to spread the germs of contagion, until nature shall counteract their effort.

The efforts thus far put forth by the States where it exists, for its suppression, have proven wholly ineffectual, and the prevalence and spread of the disease is damaging our export trade in live cattle to the amount of many millions of dollars, annually. In our judgment

the disease is so widespread, so virulent, and so damaging to the cattle growing interests, as to become a matter of national importance, well deserving your immediate action.

We, your memorialists, therefore, respectfully request the passage of some measure by your honorable body which will tend to effectually eradicate this fearful disease, and if no better or surer method is offered, we would beg leave to suggest the purchase by the government of all cattle affected by the disease, and their immediate destruction.

Trusting that you will appreciate the vital importance of this matter to the business of cattle growing, we, your memorialists, as in duty bound, will ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
 GRANVILLE STUART, *President of the Council.*

House Joint Memorial concerning the appointment of an additional associate justice of the supreme court of Montana Territory.

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

Your memorialists, the council and house of representatives, comprising the legislative assembly of the Territory of Montana, respectfully represent to your honorable bodies:

That the laws of the United States provide for the appointment for the Territory of Montana of a chief justice and two associate justices, who are required to hear and determine all actions in the district and supreme courts of the Territory; that each judicial district of the Territory comprises a vast extent of country; that the organization of new counties, and the rapid growth of the population, cause legal and judicial business to increase annually; and that the appointment of an additional associate justice of the supreme court of the Territory is necessary to enable litigants to obtain speedy and adequate relief, secure the prompt trial and just punishment of persons who are accused of violating the laws of the Territory and the United States, and constitute an appellate tribunal of which the judge who tried the action in the court below shall not be a member.

Wherefore, your memorialists pray your honorable bodies to enact a law providing for the appointment of such additional associate justice for Montana Territory; and your memorialists, as in duty bound, will ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
 GRANVILLE STUART, *President of the Council.*

House Joint Memorial concerning the expenses of the governor's office.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and house of representatives, composing the legislative assembly of the Territory of Montana, respectfully represent to your honorable bodies:

That the appropriations heretofore made by the United States to defray the expenses of the governor's office in the Territory of Montana are inadequate for the purpose, and the legislative assembly of the Territory is prohibited by act of Congress from granting any additional compensation.

Your memorialists, therefore, request than an amount sufficient to pay for the rent of a suitable office, and for stationery and necessary printing, which your memorialists estimate at the sum of fifteen hundred (1500) dollars, annually, be appropriated by Congress, subject to the disposition of the governor of this Territory for such purpose.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
GRANVILLE STUART, *President of the Council.*

House Joint Memorial concerning the erection of a custom house at Fort Benton.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Montana, respectfully represent to your honorable bodies:

That Fort Benton, at the head of navigation on the Missouri river, in this Territory, is now the port of entry for the district embracing the Territories of Idaho and Montana; and that there are now no buildings in said town owned by the United States wherein the collector of customs can have his office, and owing to the rapidly increasing business and population of said town, no suitable building can be leased; that portion of British North America immediately north of this Territory, now being rapidly settled and developed, depends upon and finds outlet through Fort Benton by means of two bonded lines owned and operated by Fort Benton merchants.

Wherefore, your memorialists pray that your honorable bodies will make such appropriation and take such steps looking to the speedy erection of a suitable custom house at said town as to your

honorable bodies may seem proper; and your memorialists will ~~as~~^{as} in duty bound, ever pray.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
 GRANVILLE STUART, *President of the Council.*

House Joint Memorial concerning the charges on silver coinage and the silver interests.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

We, your memorialists, the council and house of representatives, composing the legislative assembly of the Territory of Montana, representing the people as well as the miners and producers of silver bullion in Montana, earnestly request such change in the coinage laws as will permit the miners and producers of silver bullion to deposit the same at the United States mints and to receive full equivalent in $412\frac{1}{2}$ grain dollars for the silver bullion deposited, free of charge. The price of silver bullion produced in Montana is controlled and regulated altogether by the London quotations. The discount upon silver bullion at present quotations, is twenty and seventy-nine one-hundredths (20 $\frac{79}{100}$) cents a fine ounce, or over sixteen per cent. of the value. The present discount on the silver falls directly and only upon the producers. By a report of the honorable Secretary of the treasury, dated April 28, 1882, it appears that the profit on the coinage of the standard silver dollar at all the coinage mints, from the commencement of the coinage of the dollar in July, 1878, to June 30, 1881, aggregated \$10,081,496.31. This amount represents during the above period a loss to the producers of the above amount. There can be no valid reason given for discriminating against the coinage of silver and in favor [of] gold, and we request such change as will place the producers of both gold and silver on equal and exact terms.

Your memorialists, therefore, do hereby most respectfully urge such action on your part as will relieve the miners, and thus do justice to a permanent industry; and, as in duty bound, they will ever pray.

Resolved, That our delegate in Congress be requested to use all honorable means to the end that such change be made in the coinage laws as will abate the hardships complained of.

ALEXANDER E. MAYHEW,
Speaker of the House of Representatives.
 GRANVILLE STUART, *President of the Council.*

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