

WASHINGTON, IDAHO, AND MONTANA TERRITORIES.

JANUARY 20, 1887.—Referred to the House Calendar and ordered to be printed.

Mr. HILL, from the Committee on the Territories, submitted the following

REPORT:

[To accompany bill S. 67.]

The Committee on the Territories, to whom was referred the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, having had the same under consideration, respectfully submit the following report:

WASHINGTON TERRITORY.

The precedents established by Congress regulating the admission of new States into the Union have been governed by the ratio of representation for members of Congress. The present ratio is 152,000. If these precedents are followed, then it would seem the only inquiry necessary to be made is whether a Territory seeking admission into the Union possesses a population equal to the Congressional ratio.

The best and only data the committee are able to obtain showing the population of Washington Territory are derived from the number of votes cast at the annual election held in that Territory for delegate to Congress. This does not show accurately, but approximately, the population, and is a criterion which shows to some disadvantage when applied to a Territory, because it is a well-ascertained fact that all the Territories contain not only a much larger number of adult males of the voting age in proportion than the States, but also a much larger number of persons who have recently emigrated thither than the States. The ratio, therefore, should be about the same, but even a smaller ratio shows that Washington Territory possesses the requisite population to entitle her to admission into the Union as a State. But the following table shows the increase of population in Washington Territory since 1833. It is proper to remark, also, in this connection, that many miles of railroad have been constructed since the census of 1885 was taken, and additional facilities given for emigration.

Comparative table of population of Washington Territory.

County.	1883.	1885.	Increase.	Decrease.	County.	1883.	1885.	Increase.	Decrease.
Adams*		376	376		Mason	656	809	153	
Asotin*		1,515	1,515		Pacific	1,468	1,948	480	
Chehalis*	1,290	2,402	1,112		Pierce	6,177	11,565	5,388	
Clallam	553	697	144		San Juan	1,080	1,053		27
Clarke	6,211	7,670	1,459		Skagit*		2,816	2,816	
Columbia	5,189	5,906	767		Skamania	537	625	88	
Cowlitz	2,029	2,945	916		Snohomish	1,638	2,479	841	
Douglas*		362	362		Spokane	9,328	8,891		437
Franklin*		265	265		Stevens	790	1,278	498	
Garfield	3,500	3,451		49	Thurston	2,720	4,337	1,617	
Island	777	932	155		Wahkiakum	1,014	1,365	351	
Jefferson	2,350	2,641	291		Walla Walla	8,005	10,312	2,307	
King	10,242	16,160	5,918		Whatcom	3,668	3,095		573
Kittitas*		2,751	2,751		Whitman	9,173	10,473	1,300	
Kitsap	2,065	2,639	573		Yakima	3,387	8,428	41	
Klickitat	4,071	4,975	902		Total	92,508	129,438	38,016	1,086
Lewis	4,650	5,033	383		Increase				36,930
Lincoln*		4,247	4,247						

* New counties, organized since 1883.

There were cast at the general election of November 2, 1886, 47,227 votes, of which it is safe to assume 10,000 were cast by women. The Territory would thus have a male voting population of 37,227. Preserving the ratio of 4.7, the population at that time was 176,069. The vote at the last election in that portion of Idaho which the bill proposes to add to the new State was 4,646, which, at a ratio of 4.7, represents a population of 21,836. Adding this to the population of Washington and the new State will come into the Union with 197,905 people, or more than 25,000 more than the established unit of representation. Conceding that other requisites are necessary than mere numbers to constitute a State, the committee are of the opinion that Washington Territory has all the elements of wealth, intelligence, and local development in every particular to enable her people to successfully establish and maintain a State government. The last annual message and report of the governor of that Territory contains many facts and statistics bearing on this subject. The following extract shows the financial condition of the Territory: "The rate of taxation for Territorial purposes is 2½ mills on the dollar, and the total cash revenue derived from tax on property for 21 months ending June 30, 1885, is \$181,450.58, and the total disbursements during the same period amount to \$137,166.44, leaving a net excess of receipts over expenditures of \$44,284.44, to which may be added cash in the treasury on September, 1883, making a cash balance in the treasury of \$72,597.27." This does not include the additional sum of \$5,803.82 collected under a special tax for building a penitentiary. The total cash value of property in the Territory assessed for taxation is given at a little over fifty millions of dollars only, but the Territorial auditor estimates that the total valuation, if the railroads are included, would reach \$115,000,000. Under the present law of the Territory the railroads pay a tax of 2 per cent. on their gross earnings, which, it is estimated, would bring into the treasury \$75,000.

The people of Washington Territory already maintain a penitentiary, an asylum for the insane, and a Territorial university.

SCHOOLS.

The following, from the report of statistics for public schools for the year ending June 30, 1885, shows that the people of that Territory have already a well established and well-conducted school system:

Amount raised for school purposes.....	\$273,962 86
Amount paid for teachers' wages.....	194,787 29
Amount paid for rent of school rooms.....	1,077 85
Amount paid for repair of school houses.....	11,114 70
Amount paid for school furniture.....	11,818 09
Amount paid for fuel and other expenses.....	21,513 50
Amount paid for school-house sites.....	2,562 73
Amount paid for buildings.....	35,889 65

Total amount paid for school purposes during the year.....	287,029 33
Amount of school funds to credit of Territory at close of year.....	70,023 40

MISCELLANEOUS.

Number of children enrolled in public schools during the year.....	24,497
Number of children enrolled in private schools.....	1,836
Number of children in Territory not attending school.....	8,923
Total number of children.....	37,256
Average daily attendance.....	17,504
Number teachers employed during the year.....	1,040
Number teachers employed holding first-grade certificates.....	258
Number teachers employed holding second-grade certificates.....	453
Average number of months public school has been taught.....	4½
Number of school houses built during year.....	102
Number of teachers' institutes held in Territory during the year.....	18
Estimated value of school houses and grounds in Territory.....	\$470,328 50
Estimated value of school furniture.....	\$48,148 62
Estimated value of school apparatus.....	\$5,486 67
Average salary paid mail teachers per month.....	\$45 38
Average salary paid female teachers per month.....	\$37 00
Number of school districts in Territory.....	858
Number of school houses in Territory.....	723
Number of houses having school during the year.....	744
Number of graded schools in the Territory.....	24
Number of schools furnished with Unabridged Dictionary.....	96

In 1883 there were 15 graded schools in the Territory. Now, as will be noted, there are 24; and I believe that many of our graded schools will compare favorably with those of the larger cities on the Atlantic coast. The growth of schools during the past two years has been rapid and healthful, as appears by the formation of 267 new school districts, the building of 189 school houses, and the raising of \$644,642 by voluntary tax upon the people of the Territory for school purposes during that short space of time.

The Territory already has 804 miles of railroad in successful operation, and 70 miles more, nearly completed. But the Columbia River and the unsurpassed harbor on the Pacific coast afford the people of the Territory commercial advantages far superior to those afforded by the railroads. In the governor's report we find the following statement:

No adequate showing can be made of the entire commerce of the Territory, for the reason that the surplus grain, wool, and salmon of the eastern and southern portion of the Territory have hitherto been principally shipped by the way of the Oregon custom-house at Portland and Astoria, and no separate account has been taken of our productions, which, for the purpose of a full showing, would belong to the credit of this Territory. By careful computation it is ascertained that 250,000 tons of wheat, flour, and barley, the surplus product of the present year in the southeastern portion of the Territory, are being shipped to Portland, Oreg., thence to be exported.

Thousands of cattle are being driven or shipped by rail direct to the east without any custom-house record being taken of their numbers and value. Shipments of grain for this season have been made by rail in the same direction, so that the aggregate exports of the Territory cannot be accurately computed.

The head office of the collection district for Puget Sound is at Port Townsend, in Jefferson County, and there vessels are constantly arriving and departing for ports

in British Columbia, Mexico, Hawaiian Islands, Australia, Fiji Islands, China, Japan, South America, England, Ireland, Central America, and Peru, besides for all important points in California and Alaska; thus rendering it one of the most important seaports in the United States.

There are 92 steam vessels, ranging in size from the 5-ton propeller to the steamer of 1,100 tons, now registered at the office of the collection district of Puget Sound, all of which are employed in the domestic freight and passenger traffic of Puget Sound alone. There were 169 vessels, aggregating 47,657 tons, documented at Port Townsend for the fiscal year ending June 30, 1885. Of this number, 89 were sailing vessels and 80 were steam vessels.

During the fiscal year 2,130 vessels, aggregating 930,374 tons, were entered and cleared, of which 178 were coastwise and 1,952 were foreign vessels.

Add one-third for estimated tonnage of licensed vessels running to San Francisco and other coast ports, and we have the aggregate number of 2,840 vessels, with a tonnage of 1,240,499 tons. The average monthly entrances and clearances for the year 1885 amounted to 227, of which 177 were foreign and 50 were coastwise. The proportion of American to foreign bottoms engaged in the foreign trade is 25 American to 1 foreign.

There were 14 new vessels built during the year ending June 30, 1885, of which 8 were steam vessels, amounting to 675.27 tons, and 6 were sail vessels, amounting to 967.02 tons; making a total of 1,642.29 tons.

Total collections for fiscal year, \$47,575.83.

The falling off in collections for the fiscal year 1885 was caused by the reduction in tonnage dues on vessels entering from foreign ports; the reduction in fees on steamboats inspected; and the abolishing of hospital dues and the general reduction of fees; all of which took effect since July 1, 1884.

As compared with the previous year, although the volume of business was much greater, the aggregate collections were less; an estimate on the business of the preceding year showing a loss of \$25,000 from these sources.

As it appears from the data afforded me by the office of this collection district, the total value of exports for foreign trade for the fiscal year 1885 is \$3,184,908, and the total value of exports, domestic and coastwise, for the same period is \$7,000,000, making a total of \$10,184,908.

Vessels entered and cleared during the fiscal year ending June 30, 1885.

Months	Entered.		Cleared.	
	No.	Tons.	No.	Tons.
1884.				
July	84	39,670	93	49,303
August	108	58,837	105	46,694
September	94	32,780	97	36,319
October	103	46,292	97	36,214
November	86	33,146	84	27,100
December	81	33,815	72	24,664
1885.				
January	77	34,356	82	35,186
February	65	32,331	67	27,910
March	68	25,511	73	29,402
April	93	41,117	92	40,488
May	103	41,378	102	44,188
June	103	58,907	101	54,766
Total	1,065	478,140	1,065	452,234

The mineral resources of the Territory consist of inexhaustible beds of coal, iron, limestone, copper, marble, and gypsum. Gold and silver have also been discovered.

The Territory also contains more than twenty banks, fifteen of which are national banks, with a capital of about \$2,000,000. With a magnificent climate, unexcelled for healthfulness, and a fertile soil, water-power, valuable hard and soft wood timber, with the present and yearly increasing means of ingress into the Territory, your committee are of the opinion that Washington Territory contains a population far in excess of the ratio of representation in Congress. That they have the intelligence and wealth to maintain a State government as shown by

the number of schools, churches, daily and weekly papers, public buildings already paid for, and, indeed, all the elements which constitute a State.

Your committee are of the opinion that there is no reason why such a people, sustained by such resources, should be deprived of those rights and privileges now enjoyed by the people of several of the States whose resources and numbers are even below those of Washington Territory.

MONTANA.

There has been no census taken of Montana Territory since 1880, but the rapid increase of the population of the Territory can be nearly determined by the vote cast by its citizens at elections held for Delegate to Congress in 1884 and 1886, as shown by the following table :

Result of the official canvass.

Counties.	Toole.	Sanders.	Total.	County majorities.	
				Toole.	Sanders.
Beaverhead	798	666	1,459	127	.....
Choteau	858	425	1,283	433	.....
Custer	1,002	624	1,620	378	.....
Dawson	217	202	419	15	.....
Deer Lodge	2,146	1,651	3,797	495	.....
Fergus	636	469	1,105	167	.....
Gallatin	1,681	1,407	3,088	274	.....
Jefferson	1,212	974	2,186	238	.....
Lewis and Clarke	3,128	1,974	5,102	1,154	.....
Madison	758	771	1,529	.....	13
Meagher	871	510	1,381	361	.....
Missoula	1,345	1,088	2,433	257	.....
Silver Bow	2,906	2,980	5,886	.....	74
Yellowstone	437	531	968	.....	94
Total	17,990	14,272	32,262	3,899	181

Toole's majority, 3,718.

Comparative statement showing the vote polled by parties in the various counties in 1884 and in 1886.

Counties.	Democrat.		Republican.		Total vote.		Increase.
	1886.	1884.	1886.	1884.	1886.	1884.	
Beaverhead	793	557	666	693	1,459	1,250	209
Choteau	858	606	425	448	1,283	1,054	229
Custer	1,002	720	624	686	1,626	1,406	220
Dawson	217	235	202	359	419	594	175
Deer Lodge	2,146	1,462	651	1,384	3,797	2,846	951
Fergus	636	(*)	469	(*)	1,105	(*)	(*)
Gallatin	1,681	1,578	1,407	1,478	3,088	3,056	32
Jefferson	1,212	817	974	653	2,186	1,470	716
Lewis and Clarke	3,128	1,949	1,974	1,888	5,102	3,837	1,265
Madison	758	724	771	690	1,529	1,414	115
Meagher	871	1,053	510	1,126	1,381	2,179	1307
Missoula	1,345	964	1,088	966	2,433	1,930	503
Silver Bow	2,906	2,482	2,980	2,502	5,886	4,984	902
Yellowstone	437	437	531	512	968	949	19
Total	17,990	13,584	14,272	13,385	32,262	26,969	5,293

* Fergus County included Meagher in 1884.

† Decrease.

‡ Increase of Fergus and Meagher over Meagher's in 1884.

This would give Montana a population of 151,472, and when we take into consideration the large non-voting population of the Territory engaged in mining at places remote from the voting precincts, and also a large number of persons who have not resided in the Territory long

enough to attain citizenship, it would seem that Montana contains a larger population than the ratio of representation in Congress.

The financial condition of the Territory is admirably shown by the following extract from the governor's recent message showing the condition of the treasury.

The following condition of the treasury is shown by the tables of the auditor for the two years ending December 31, 1886:

Total receipts for the two years ending December 31, 1886	\$334, 132 61
Balance in the treasury January 1, 1887	5, 237 59

Total	339, 370 20
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Disbursements for the two years ending December 31, 1886	282, 101 02
Balance in the treasury January 1, 1887	57, 269 18

The receipts into the treasury were from the following sources, to wit:

From license and property tax	\$328, 369 97
From insurance fees	2, 800 00
From fees for recording marks and brands	2, 068 00
From fees from notaries' commissions, &c	874 64

Total receipts	334, 132 61
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The disbursements were as follows, to wit:

For criminal expenses	\$121, 061 19
For insane expenses	88, 741 90
For bounty paid for killing animals	25, 439 00
For salaries and other expenses	46, 858 93

Total disbursements	282, 101 02
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Warrants outstanding amount to	2, 057 00
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There is no bonded indebtedness.

With a thousand miles of additional railroads under construction, every town of importance in the Territory will within a year have ample railroad facilities. It is easy to conceive the impetus that such an expenditure of money will give to business, as well as an easy and cheap mode of conveyance to emigrants seeking new fields of enterprise.

From statistics furnished by the United States surveyor-general for Montana it is found that the Territory contains:

Total area of Montana in square miles	143, 776
Total area of Montana in square acres	92, 016, 000
Number of acres, exclusive of Indian and military reservations	61, 442, 000
Number of acres surveyed to December, 1883	16, 000, 000
Number of acres in land grant to Northern Pacific Railroad	20, 500, 000
Number of acres Northern Pacific lands surveyed to December, 1883	5, 700, 000

The total valuation of property assessed for taxation increased from \$24,040,806.60 in 1881 to \$49,746,268.91 in 1884, and \$52,847,536.40 in 1885, and \$55,076,871.53 in 1886, as shown by the following table:

Beaverhead County	\$2, 756, 496 00
Choteau County	3, 584, 682 00
Custer County	4, 804, 104 12
Dawson County	1, 628, 734 15
Deer Lodge County	4, 358, 100 00
Gallatin County	5, 694, 684 00
Jefferson County	2, 354, 363 00
Lewis and Clarke Counties	9, 088, 775 50
Madison County	2, 873, 901 00
Meagher County	5, 687, 255 00
Missoula County	2, 340, 380 26
Silver Bow County	7, 604, 600 00
Yellowstone County	2, 295, 697 00

Total for 1886	55, 076, 871 53
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Total for 1885	52, 847, 536 40
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Increase	3, 339, 749 60
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The rate of taxation is about 15 mills on the dollar. This estimate does not embrace the great mining interests of the Territory, which are exempt from taxation under the law, nor does it include the 1,000 miles of railroad in successful operation. It is fair to conclude that the total valuation of assessable property in Montana at this time is not far from \$100,000,000. The total exports in Montana in 1885 of gold, silver, copper, lead, beef, wool, &c., amounted to \$26,400,000. This includes 75,000 head of beef-cattle and 6,000,000 pounds of wool. There are in the Territory twenty-eight banking houses and thirty-one newspapers. School-houses and churches are to be found wherever the country has been settled. The Northern Pacific Railroad now traverses the Territory from east to west, with branches penetrating the interior portions thereof. The people are generally of a wealthy, energetic, intelligent class, and the remarkably rapid increase of population and property during the last six years leave scarcely any room to doubt that the people of Montana are amply able to establish and maintain a State government without imposing upon themselves unnecessarily heavy taxation. They now memorialize Congress for admission, and are willing to assume all the responsibilities of statehood.

Your committee, therefore, recommend that the bill (S. 67) be so amended as to include the Territory of Montana; and further, that the constitutions of the proposed States of Washington and Montana be submitted to Congress, instead of the President of the United States, as provided for in said bill. The amendments proposed by the committee are as follows:

SEC. 28. That the inhabitants of the Territory of Montana are hereby authorized to form for themselves a State government, with the name of the State of Montana.

SEC. 29. That said State shall consist of all the territory embraced within the boundaries of said Territory as now defined by law.

SEC. 30. That in order to the formation of such State government the qualified electors resident within said boundaries are hereby authorized after due proclamation by the governor of Montana Territory, and in conformity to the laws of said Territory relative to the election of members of the legislative assembly thereof, as nearly as practicable, and in so far as they may be applicable, and under such rules and regulations, and at such time and places, as said governor may prescribe, to elect as many delegates, possessing the qualifications of such electors within the present limits of said Territory, as there are members of said legislative assembly, and also fifteen such delegates at large.

SEC. 31. That said delegates shall meet in convention at the city of Helena, in said Territory, at such time as said governor may designate in his said proclamation, and, when organized, shall declare, on behalf of the people of the territory embraced within said boundaries, that they adopt the Constitution of the United States; and thereupon said convention is hereby authorized to form a constitution and State government for said territory so bounded and described as aforesaid: *Provided, nevertheless*, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not to be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *Provided further*, That said convention shall provide by an ordinance that the inhabitants of the territory embraced within said boundaries do agree and declare that they forever disclaim all right and title to the unappropriated public lands, and the lands the Indian title to which has not been extinguished by the United States, lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that all grants and patents heretofore made by the United States to settlers and purchasers of school lands therein are confirmed by said State and the people thereof, and that other lands, to be selected as hereinafter provided, are accepted by said State in lieu thereof; that the lands belonging to citizens of the United States residing without said State shall never be taxed higher than the lands belonging to residents thereof; that no tax shall be imposed by said State on lands or property therein belonging to the United States, any Indian tribe, or Indian sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said State shall be and remain public highways, free to all citizens of the United States: *And provided further*, That all residents of that portion of said Territory embraced within the boundaries of said State at the time of admission who are confined in an insane asy-

lum, and who are maintained at such asylum at the expense of said Territory, shall be received into the insane asylum of said State, and shall be maintained by said State upon the same terms, in the same manner, and under the same laws and regulations as the other insane of said State.

SEC. 32. That said convention, having formed such constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said State for their ratification or rejection, at an election to be held at such time and places and under such regulations as said convention may prescribe.

SEC. 33. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Montana Territory, who, with the secretary and chief justice thereof and the president of said convention, or any three of them, shall canvass the same; and if a majority of the legal votes so cast in said proposed State shall be for said constitution, said governor shall certify the same to the Congress of the United States, together with a copy of said constitution and ordinances.

SEC. 34. That until the next general census said State shall be entitled to one Representative in Congress.

SEC. 35. That such Representative, and the governor and other officers that may be provided for in the constitution of said State, shall be elected on a day to be fixed by said constitutional convention, and which may be the same as the one fixed for the submission of the proposed constitution to the people for ratification or rejection as aforesaid; and that until said State officers are elected and qualified the Territorial officers shall continue to discharge the duties of their respective offices.

SEC. 36. That from and after the admission of said State into the Union in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, and be called the district of Montana; that for said district a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties as provided by law for similar officers in the other districts, except as herein otherwise provided; that said district of Montana shall be attached to and constitute a part of the ninth judicial circuit; and a term of the circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesdays of January and June in each year, and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

SEC. 37. That the circuit and district courts for the district of Montana, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 38. That the district judge appointed for the district of Montana shall receive as his compensation the sum of three thousand five hundred dollars per annum, payable in four equal installments, on the first days of January, April, July, and October of each year.

SEC. 39. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Montana, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Oregon to other similar officers and persons performing similar duties.

SEC. 40. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Montana, or that hereafter may be lawfully prosecuted from either of said courts, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits of said State, the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court herein provided for, or to the supreme court of said State, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme court of said Territory as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of said Territory, rendered prior to the admission of said State, the parties to such judgments and decrees shall have the same right to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission; and as to all such cases arising within the limits of said State, the like subsequent proceedings shall be had therein as aforesaid.

SEC. 41. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Montana, at the time of the admission of said State into the Union, arising within the limits of said State, whereof the circuit

or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however,* That in all civil actions, causes, and proceedings in which the United States is not a party such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 42. That the legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Montana, at the time of the admission of said State into the Union, arising within the limits of said State, and not included within the provisions of the foregoing section, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but the same shall be transferred to and proceeded with in the State courts according to the laws thereof.

SEC. 43. That sections sixteen and thirty-six in every township within said State, or in case any of said lands have been disposed of under the provisions of any act of Congress to settlers or purchasers from the United States, or in case any of said sections sixteen and thirty-six are fractional in quantity, or wanting by reason of the township being fractional, or shall be found, when surveyed, to be mineral lands, other lands equivalent in quantity thereto, in legal subdivisions of not less than forty acres, to be selected within said State as the constitution and legislature thereof may provide, with the approval of the Secretary of the Interior, are hereby granted to said State, when admitted, for school purposes.

SEC. 44. That the grant of five hundred thousand acres of unappropriated lands of the United States made to said State, on its admission, by the provisions of section twenty-three hundred and seventy-eight of the Revised Statutes of the United States, may be used for school purposes; and said land shall be selected within said State as provided in the preceding section of this act.

SEC. 45. That seventy-two other sections of the unappropriated non-mineral public lands of the United States within said State, to be so selected as aforesaid, are hereby likewise granted to said State for the use and support of an agricultural college and for the promotion of industrial science therein.

SEC. 46. That fifty other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection and maintenance of suitable public buildings at the seat of government thereof, when permanently located, for legislative, executive, and judicial purposes.

SEC. 47. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of a State penitentiary therein.

SEC. 48. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of an asylum for the insane therein.

SEC. 49. That five per centum of the net proceeds of the sales of public lands lying within said State shall be paid to said State for school purposes.

SEC. 50. That the lands granted by this act shall not be sold for less than five dollars per acre; and the proceeds of those granted for school purposes, as well as all moneys paid to said State under the provisions of the preceding section, shall constitute a permanent fund, the interest only of which shall be expended for the support of the public schools therein.

SEC. 51. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed State, including such compensation to the officers and members of said convention as is allowed to the officers and members of the Territorial legislature; and the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment thereof: *Provided,* That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 52. That the constitutional conventions of said Territories shall incorporate in the proposed constitutions the following provisions:

"SECTION 1. The marriage relation, by contract or in fact, between one person of either sex and more than one person of the other sex, shall be deemed polygamy. Neither polygamy nor any polygamous association or cohabitation between the sexes shall exist or be lawful in any place within the jurisdiction of this State.

"SEC. 2. The legislature of the State shall not make or enforce any law which shall allow polygamy or any polygamous association or cohabitation between the sexes, but shall prohibit the same by law within the jurisdiction of the State, and declare by law the punishment therefor."

VIEWS OF THE MINORITY

ON SECTIONS 52 AND 53.

I dissent from the majority of the committee in requiring any religious test whatever in the formation of a constitution for a State of the Union, or in imposing any conditions whatever, except that said State constitution shall be republican in form and conform to the provisions of the Constitution of the United States. I believe the people should be left entirely free to form a constitution and submit the same to Congress for approval, when all questions of that character could be considered. Neither do I believe Congress has any right to instruct a State legislature what laws they shall pass or shall not pass.

W. D. HILL.