

Virginia City Territorial Enterprise
December 1863

Nevada State Constitutional Convention; Third House

Carson City, December 13, 1863

Reported in Phonographic Shorthand by Mark Twain

The Third House met in the Hall of the Convention at 11 P. M., Friday, immediately after the final adjournment of the First House.

On motion of Mr. Nightingill, the rules were suspended and the usual prayer dispensed with, on the ground that it was never listened to by the members of the First House, which was composed chiefly of the same gentlemen which constitute the Third, and was consequently merely ornamental and entirely unnecessary.

Mr. Mark Twain was elected President of the Convention, and Messrs. Small and Hickok appointed to conduct him to the Chair, which they did amid a dense and respectful silence on the part of the house, Mr. Small stepping grandly over the desks, and Mr. Hickok walking under them.

The President addressed the house as follows, taking his remarks down in short-hand as he proceeded.

Gentlemen—This is the proudest moment of my life. I shall always think so. I think so still. I shall ponder over it with unspeakable emotion down to the latest syllable of recorded time. It shall be my earnest endeavor to give entire satisfaction in the high and bully position to which you have elevated me. [Applause.]

The President appointed Mr. Small, Secretary, Mr. Gibson, official reporter, and Mr. Pete Hopkins, Chief Page, and Uncle Billy Patterson, First Assistant Page. These officers came forward and took the following oath:

"We do solemnly affirm that we have never seen a duel, never been connected with a duel, never heard of a duel, never sent or received a challenge, never fought a duel, and don't want to. Furthermore, we will support, protect and defend this constitution which we are about to frame, until we can't rest, and will take our pay in scrip." Mr. Youngs—"Mr. President: I, ah—I—that is—"

The President—"Mr. Youngs, if you have got anything to say, say it; and don't stand there and shake your head and gasp 'I—ah, I—ah,' as you have been in the habit of doing in the former Convention."

Mr. Youngs—"Well, sir, I was only going to say that I liked your inaugural, and I perfectly agree with the sentiments you appeared to express in it, but I didn't rightly understand what—"

The President—"You have been sitting there for thirty days, like a bump on a log, and you never rightly understand anything. Take your seat, sir, you are out of order. You rose for information? Well, you'll not get it—sit down. You will appeal from the decision of the Chair?"

Take your seat, sir, the Chair will entertain no appeals from its decisions. And I would suggest to you, sir, that you will not be permitted, here, to growl in your seat, and make malicious side remarks in an undertone, for fifteen minutes after you have been called to order, as you have habitually done in the other house."

The President—"The subject before the house is as follows. The Secretary will read:"

Secretary—"A-r, ar,—t-i, ti—arti, c-l-e, cle,—article—"

The President—"What are you trying to do, sir?"

Secretary—"Well, I am only a helpless orphan, and I can't read writing."

The Chair appointed Mr. Hickok to assist Mr. Small, and discharged Mr. Gibson, the official reporter, because he did not know how to write.

Mr. Youngs—(singing)—"For the lady I love will soon be a bride, with the diadem on her brow-ow-ow."

President—"Order, you snuffling old granny!"

Mr. Youngs—"I AM in order, sir."

The President—"You are not, sir—sit down."

Mr. Youngs—"I won't, sir! I appeal to—"

The President—"Take your—seat!"

Mr. Youngs—"But I insist that Jefferson's Manual—"

The President—"D—n Jefferson's Manual! The Chair will transact its own business in its own way, sir."

Mr. Chapin—"Mr. President: I do hope the amendment will not pass. I do beg of gentlemen—I do beseech of gentlemen—that they will examine this matter carefully, and earnestly, and seriously, and with a sincere desire to do the people all the good, and all the justice, and all the benefit it is in their power to do. I do hope, Mr. President-."

The President—"Now, there YOU go! What are you trying to get through your head?—there's nothing before the house."

The question being on Section 4, Article 1 (free exercise of religious liberty):

Mr. Stewart said—"Mr. President: I insist upon it, that if you tax the mines, you impose a burden upon the people which will be heavier than they can bear. And when you tax the poor miner's shafts, and drifts, and bedrock tunnels, you are NOT taxing his property; you are NOT taxing his substance; you are NOT taxing his wealth—no, but you are taxing what may become property some day, or may not; you are taxing the shadow from which the substance may eventually issue or may not; you are taxing the visions of Alnaschar; which may turn to minted gold, or only prove the forerunners of poverty and misfortune; in a word, sir, you are taxing his hopes; taxing the aspirations of his soul; taxing the yearnings of his heart of hearts!

"Yes, sir, I insist upon it, that if you tax the mines, you will impose a burden upon the people which will be heavier than they can bear. And when you tax the poor miner's shafts, and drifts, and bedrock tunnels, you are NOT taxing his property; you are NOT taxing his substance; you are NOT taxing his wealth—no, but you are taxing what may become property some day, or may not; you are taxing the shadow from which the substance may eventually issue or may not; you are taxing the visions of Alnaschar, which may turn to minted gold, or merely prove the fore runners of poverty and misfortune; in a word, sir, you are taxing his hopes! taxing the aspirations of his soul!—taxing the yearnings of his heart of hearts! Ah, sir, I do insist upon it that if you tax the mines, you will impose a burden upon the people which will be heavier than they can bear. And when you tax the poor miner's shafts, and drifts, and bed-rock tunnels—"

The President—"Take your seat, Bill Stewart! I am not going to sit here and listen to that same old song over and over again. I have been reporting and re-reporting that infernal speech for the last thirty days, and want you to understand that you can't play it off on this Convention any more. When I want it, I will repeat it myself—I know it by heart, anyhow. You and your bed-rock tunnels, and blighted miners' blasted hopes, have gotten to be a sort of nightmare to me, and I won't put up with it any longer. I don't wish to be too hard on your speech, but if you can't add something fresh to it, or say it backwards, or sing it to a new tune, you have simply got to simmer down for awhile."

Mr. Johnson—"Mr. President: I wish it distinctly understood that I am not a candidate for the Senate, or any other office, and have no intention of becoming one. And I wish to call the attention of the Convention to the fact, sir, that outside influences have been brought to bear, here, that—"

The President—"Governor Johnson, there is no necessity of your putting in your shovel here, until you are called upon to make a statement. And if you allude to the engrossing clerk as an outside influence, I must inform you, sir, that his battery has been silenced with Territorial scrip at forty cents on the dollar."

Mr. Sterns—"Mr. President, I cordially agree with the gentleman from Storey county, that if we tax the mines we shall impose a burden upon the people that will be heavier than they can bear. I agree with him, sir, that in taxing the poor miner's shafts, and drifts, and bed-rock tunnels, we would not be taxing his property, or his wealth, or his substance, but only that which may become such at some future day—an Alnaschorean vision, which might turn to coin or might only result in disaster and disappointment to the defendant—in a word, sir, I coincide with him in the opinion that it would be equivalent to taxing the hopes of the poor miner—his aspirations—the dear yearnings of his—"

The President—"Yearnings of his grandmother! I'll slam this mallet at the next man that attempts to impose that tiresome old speech on this body. SET DOWN! You have been pretty regular about re-hashing other people's platitudes heretofore, Mr. Sterns, but you have got to be a little original in the Third House. Your sacrilegious lips will be marring the speeches of the Chair, next."

Mr. Ralston—"Mr. President: I have but a word to say, and I do not wish to occupy the attention of the house any longer than I can help; although I could, perhaps, throw more light upon the matter of our eastern boundary than those who have not visited that interesting but comparatively unknown section of our budding commonwealth. It is growing late, and I do not feel as if I had a right to tax the patience—"

The President—"Tax! Take your seat, sir, take your seat. I will NOT be bullyragged to death with this threadbare subject of taxation. You are out of order, anyhow. How do you suppose anybody can listen in any comfort to your speech, when you are fumbling with your coat all the time you are talking, and trying to button it with your left hand, when you know you can't do it? I have never seen you succeed yet, until just as you got the last word out. And then the moment you sit down, you always unbutton it again. You may speak, hereafter, Mr. Ralston, but I want you to understand that you have got to button your coat before you get up. I do not mean to be kept in hot water all the time by your little oratorical eccentricities."

Mr. Larowe—"Mr. President: There are nine mills in Lander County already—let me see—there is Dobson's, five stamp; Thompson's, eight stamp; Johnson's, three stamp—well, I cannot give the names of all of them, but there are nine, sir—NINE splendid, steam-power quartz-mills, disturbing with their ceaseless thunder the dead silence of centuries! Nine noble

quartz-mills, sir, cheering with the music of their batteries the desponding hearts of pilgrims from every land!—nine miraculous quartz-mills, sir, from whose steam-pipes and chimneys ascends a grateful incense to the god of Labor and Progress!—nine sceptred and anointed quartz-mills, sir, whose mission it is to establish the power, and the greatness, and the glory of Nevada, and place her high along the—"

The President—"Now will you just take your seat, and hold your clatter until somebody asks you for your confounded Reese River quartz-mill statistics? What has Reese River got to do with religious freedom?—and what have quartz-mills got to do with it—and what have you to do with it yourself? You are out of order, sir—plant yourself. And moreover, when you get up here to make a speech, I don't want you to yell at me as if you thought I were in San Francisco—I'm not hard of hearing. I don't see why President North didn't tone you down long ago."

Mr. Larrowe—"I think I am in order, Mr. President. It was a rule in the other Convention that no member could speak when there was no question before the house; but after the question had been announced by the Chair, members could then go on and speak on any subject they pleased—or rather, that was the custom, sir—the ordinary custom."

The President—"Yes, sir, I know it has been the custom for thirty days and thirty nights in the other Convention, but I will let gentlemen know that they can't ring in three-stamp Reese River quartz mills on the third house when I am considering the question of religious liberty—the same being dear to every American heart. Plant yourself, sir—plant yourself. I don't want any more yowling out of you, now."

Mr. Small—"The Secretary would beg leave to state, for the information of the Con——"

The President—"There, now, that's enough of that. You learned that from Gillespie, I won't have any of that kind of nonsense here. When you have got anything to say, talk it right out; and see that you use the personal pronoun 'I,' also, and drop that presumptuous third person. 'The Secretary would beg leave to state!' The devil he would. Now suppose you take a back seat, and wait until somebody asks you to state something. Mr. Chapin, you will please stop catching flies while the Chair is considering the subject of religious toleration."

Mr. Ball—"Mr. President: The Finance Committee, of which I have the honor to be chairman, have arrived at the conclusion that it is a hundred and thirty miles from here to Folsom; that it will take two hundred and thirty miles of railroad iron to build a road that distance, without counting the switches; this would figure up as follows: Bars, 14 feet 3 inches long; weight, 800 pounds; 1,000 bars to the mile, 800,000 pounds; 130,000 bars for the whole distance, weight, 104,000,000 pounds; original cost of the iron, with insurance and transportation to Folsom from St. Louis, via Salt Lake City, added, say three dollars and a half a pound, would mount to a fraction over or under \$312,722,239.42. Three hundred and twelve million, seven hundred and twenty-two thousand, two hundred and thirty-nine dollars and forty-two cents, sir. That is the estimate of the Committee, sir, for prime cost of one class of material, without counting labor and other expenses. In view of these facts, sir, it is the opinion of the Committee that we had better not build the road. I did not think it necessary to submit a written report, because—"

The President—"Take your seat, Mr. Ball—take your seat, sir, your evil eye never lights upon this Chair but the spirit moves you to confuse its intellect with some of your villainous algebraical monstrosities. I will not entertain them, sir; I don't know anything about them. You needn't mind bringing in any written reports here—or verbal ones either, unless you can confine yourself to a reasonable number of figures at a time, so that I can understand what you are

driving at. No, sir, the Third House will not build the railroad. The other Convention's donation of \$3,000,000 in bonds, worth forty cents on the dollar, will buy enough of one of those bars to make a breastpin, and that will have to satisfy this commonwealth for the present. I observe that Messrs. Wasson and Gibson and Noteware and Kennedy have their feet on their desks. The chief page will proceed to remove those relics of ancient conventional barbarism from sight."

Mr. Musser—"Mr. President: To be, or not to be that is the question—"

The President—"No, sir! The question is, shall we tolerate religious indifference in this community; or the rights of conscience; or the right of suffrage; or the freedom of the press; or free speech, or free schools, or free niggers. The Chair trusts it knows what it is about, without any instructions from the members."

Mr. Musser—"But, sir, it was only a quotation from—"

The President—"Well, I don't care, I want you to sit down. The Chair don't consider that you know much about religion anyhow, and consequently the subject will suffer no detriment from your letting it alone. You and Judge Hardy can subside, and study over the preamble until you are wanted."

Mr. Brosnan—"Mr. President, these proceedings have all been irregular, extremely and customarily irregular. I will move, sir, that the question be passed, for the present, and that we take up the next section."

Mr. Mitchell—"I object to that, Mr. President. I move that we go into Committee of the Whole on it."

Mr. Wasson—"I move that it be referred back to the Standing Committee."

Mr. North—"I move that the rules be suspended and the whole article placed upon its final passage."

The President—"Gentlemen, those of you who are in favor of adopting the original proposition, together with the various motions now pending before the house, will signify the same by saying aye."

No one voting in the negative, the chair decided the vote to be unanimous in the affirmative.

The President—"Gentlemen, your proceedings have been exactly similar to those of the convention which preceded you. You have considered a subject which you knew nothing about; spoken on every subject but the one before the house, and voted without knowing what you were voting for or having any idea what would be the general result of your action. I will adjourn the Convention for an hour, on account of my cold, to the end that I may apply the remedy prescribed for it by Dr. Tjader—the same being gin and molasses. The Chief Page is hereby instructed to provide a spoonful of molasses and a gallon of gin, for the use of the President."

***Our Carson Dispatch—Second Session
By Telegraph***

Third House met after recess, and transacted the following business:

Secretary read Section 15, Legislative Department:

"SECTION 15. The doors of each house shall be kept open during the session."

Kinthead moved to amend by adding the words "and the windows also, if the weather will permit."

Secretary read Section 32, Legislative Department:

"SECTION 32. No law shall be passed authorizing married women to carry on business as sole traders."

On motion of Stems, construed to mean that married women shall not preach.

Secretary read Section 6, Declaration of Rights:

"SECTION 6. Excessive bail shall not be required, nor excessive fines imposed."

Youngs moved to amend by striking out the word "bair'l" and inserting the word "board."
Adopted, unanimously.

SECTION 1. Miscellaneous Provisions, was amended so as to read as follows:

"SECTION 1. The seat of government shall be at Carson, and the Legislature shall hold its session in the plaza during the first six years."

Section added empowering the President of the Third House of the Convention to convene, by proclamation, the Third House of the State Legislature, for the purpose of electing two United States Senators, within thirty days after the Constitution shall have been ratified.

Name of the State changed to "Washoe," in conformity with the law which called the Convention together.

New section added, as follows:

"SECTION. No Sheriff or other officer shall be expected to arrest any assassin or other criminal on strong presumptive evidence, merely, nor any other evidence, unless such assassin or other criminal shall insist upon his privilege of being arrested."

The hour having arrived for the President to take his regular gin and molasses, the Convention adjourned.

Last night, about 12 o'clock—[here the telegraph ceased working.-BLOOMER, operator.]