

ORIGINAL

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

12309

No. 12309

THE STATE OF MONTANA, ex rel.
WILLIAM F. CASHMORE, M.D., and
STANLEY C. BURGER,

Relators,

vs.

FORREST H. ANDERSON, as Governor
of the State of Montana,

Respondent.

FILED

JUN 28 1972

Thomas J. Kearney
CLERK OF SUPREME COURT
STATE OF MONTANA

A N S W E R

COMES NOW the Respondent and for answer to the
petitions on file in this cause, as required by the
Court's Order of June 22, 1972, admits, denies and pleads
as follows:

For answer to the separate petition numbered
12309 entitled, "The State of Montana, ex rel. William
F. Cashmore, M.D., Relator, vs. Forrest H. Anderson, as
Governor of the State of Montana, Respondent", this
Respondent:

1. Admits the allegations of paragraphs 1, 2, 3, 4, and 5.
2. As to the allegations of paragraph number 6, this petitioner admits the correctness of the quotation of the portion of Article XIX, Section 8 and of the official figures of the canvas of the election therein set out, but denies that the number of votes cast in favor of the proposed Constitution was less than a majority of the electors voting at the election.

(8)

3. As to the allegations of paragraph 7, the Respondent neither admits nor denies them but alleges that all allegations and any argument or discussion based upon them are moot since the result of the election was proclaimed by this Respondent before the matter was presented to this Court.

4. Denies the allegations of paragraph 8.

5. As to the allegations of paragraphs 9 and 10, this answering Respondent neither admits nor denies the allegations of these paragraphs since these allegations were obviously intended only as a basis for invoking the jurisdiction of this Court, and, the Court having accepted jurisdiction, these allegations and any discussion or argument based upon them are moot.

II.

For answer to the separate petition numbered 12310 entitled, "The State of Montana, ex rel. Stanley C. Burger, Petitioner, vs. Forrest H. Anderson, as Governor of the State of Montana, Respondent", this Respondent:

1. Admits the allegations of paragraphs 1, 2, 3, 4, 5, 6, 7, and 8.

2. As to the allegations of paragraph 9, this petitioner admits the correctness of the quotation of the portion of Article XIX, Section 8 and of the official figures of the canvas of the election therein set out, but denies that the number of votes cast in favor of the proposed Constitution was less than a majority of the electors voting at the election.

3. As to the allegations of paragraph number 10, the Respondent neither admits nor denies but alleges that all allegations and any argument or discussion based upon them are moot since the result of the election

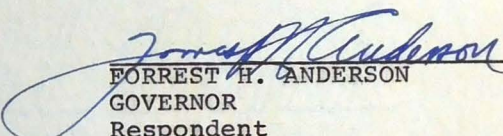
1 was proclaimed by this Respondent before the matter
2 was presented to this Court.

3 4. Denies the allegations of paragraph number
4 11.

5 5. As to paragraphs numbered 12 and 13, this
6 answering Respondent neither admits nor denies the allega-
7 tions of these paragraphs since these allegations were
8 obviously intended only as a basis for invoking the
9 jurisdiction of this Court, and, the Court having accepted
10 jurisdiction, these allegations and any discussion or
11 argument based upon them are moot.

12 III.

13 Having fully answered, this Respondent prays
14 the Court to dismiss the action and declare the Montana
15 Constitution of 1972 to be in full force and effect as
16 previously proclaimed by this Respondent.

17
18 
19 FORREST H. ANDERSON
20 GOVERNOR
21 Respondent
22 Attorney Pro Se
23
24
25
26
27
28
29
30
31
32