

Mr. MORGAN. Its getting very late, and I move this committee now rise and report.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that this committee now rise and report and ask leave to sit again. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise and report.

“Your committee, to whom was referred the majority and minority reports of Committee No. 6 and Committee No. 2, beg leave to report that the same have been duly considered, and your committee would recommend that the majority report of Committee No. 6 be adopted, and your committee reports progress and asks leave to sit again.”

Mr. POTTER. I move the report be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report stands adopted.

Mr. BARROW. I move this report be considered the engrossed file, read the third time and put upon its final passage.

Mr. PRESIDENT. The committee asked leave to sit again. You have adopted so much of the report as fixes the legislative apportionment. Is that the matter which the gentleman wishes put upon its final passage?

Mr. BARROW. It is, Mr. President.

Mr. PRESIDENT. The committee asked leave to sit again to consider this file. I hardly think it is in the proper shape to be read the third time and put upon its final passage.

Mr. CAMPBELL. I move we now adjourn until 9 o'clock on Monday morning.

Mr. PRESIDENT. It is moved and seconded that the convention do now adjourn until Monday morning. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now adjourn until 9 o'clock on Monday morning.

NINETEENTH DAY.

MORNING SESSION.

Monday morning, Sept. 23, 1889.

Mr. PRESIDENT. Convention come to order. The secretary will call the roll.

Mr. ELLIOTT. I move a call of the house.

Mr. PRESIDENT. A call of the house is ordered. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The doors will be closed and the absentees brought in as rapidly as possible.

Mr. ELLIOTT. I desire to make a suggestion. It seems to me we are going to have to drop the names of some members off the roll if we cannot compel them to be present; that members who are absent without leave be dropped from the roll.

Mr. PRESIDENT. That is evidently so unless members send in their resignations. That I take it would be the more simple way, if they would do that. If they don't do that we have got to protect ourselves in some way.

(Bringing in of absentees.)

Mr. ELLIOTT. I move the proceedings be dispensed with.

Mr. PRESIDENT. It is moved and seconded that further proceedings under the call be dispensed with. So many as are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The gentlemen will take their seats on the floor of the house.

Mr. HAY. I move rule four be suspended.

Mr. PRESIDENT. The motion is that rule four be suspended. All in favor of the motion will say aye; contrary no. The ayes have it; rule four is suspended. File No. 67, presented to the convention as a proposition cannot be found. Can any of the committees inform us as to whether it is in their possession? The records show it was referred to Committee No. 20.

Mr. ORGAN. That file was never referred to us to my knowledge.

Mr. PRESIDENT. I wish the members of the different committees would look through their different files and see if the proposition is in their possession.

(Reading of the journal of the eighteenth day.)

Are there any objections to the journal as read? The chair hears none, and the journal will stand approved as read. Reports of standing committees. Are there any?

Mr. BAXTER. I would like to say a word before submitting this report. Soon after the substitute was referred many members of our committee found it necessary to be absent a greater portion of the session of this convention. As chairman of that committee I desired to extend every courtesy to the members of that committee, but we have reached such a late day that we have completed the report, and it is only signed by two members. I am unable to say when the other members will be present, and if the convention desire it, the report can be submitted at this time.

Mr. PRESIDENT. Does the convention desire the report submitted at this time? It seems to be the general wish that the report be submitted at this time.

Mr. CAMPBELL. I move the report be referred to the printing committee with instructions to act at once.

Mr. PRESIDENT. The chair would like to inquire of the printing committee before this motion is put when it is probable this matter can be printed and returned to the convention.

Mr. CHAPLIN. I would say it is quite likely it could be returned this afternoon or tomorrow morning.

Mr. PRESIDENT. If it cannot be returned by tomorrow morning I doubt if it would be wise to have it printed at all.

Mr. HOYT. I suggest that it might be well to put the motion in this form: That it be referred to the committee on printing, and returned tomorrow morning whether printed or not. We would then have it before us for our consideration even if it was not printed.

Mr. PRESIDENT. Under the rules, after reference to the printing committee the matter lays upon the table until after being printed, and then comes up in the regular order.

Mr. HAY. I move to amend the motion to print, that it be referred with instructions to return it to the convention tomorrow morning. That would bring it back here and it would then take its course.

Mr. PRESIDENT. The motion is that this file be referred to the printing committee, with instructions to return it tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the file is so referred.

Mr. IRVINE. Mr. Barrow desires that I should ask that he be excused from day to day.

Mr. FOX. In case Mr. Barrow don't intend to return, I think it unwise to excuse him from day to day, and I ask that he hand in his resignation so that we can keep a quorum.

Mr. CAMPBELL. I move his name be dropped from the roll if his resignation is not sent in.

Mr. PRESIDENT. The question is upon the motion to excuse Mr. Barrow from day to day by unanimous consent or by a motion carried by a majority of the convention.

Mr. HAY. I would like to ask whether there is any probability of Mr. Barrow's returning at all or not.

Mr. IRVINE. I will be frank and say that the chances are that Mr. Barrow will probably not return, but I am not sure that he will not be back.

Mr. PRESIDENT. The chair would suggest that it would be wise to amend and excuse Mr. Barrow for the day.

Mr. IRVINE. The suggestion is a good one, and we will carry it out if we cannot do any better, but Mr. Barrow, if he had thought there would be any objection, would have been here, but it has been universally the rule to excuse members from day to day, and Mr. Barrow being away and cannot speak

for himself, it is only right that he should have the same treatment as other members.

Mr. HAY. It strikes me the case is different now. While I regret the absence of Mr. Barrow, and desire to treat him the same as the other members, still we must be very careful, and not continue to excuse members until we are without a quorum.

Mr. PRESIDENT. I will state to the convention at this time in order that there may be no misunderstanding hereafter, that it is the opinion of the chair that it does lie within the power of this convention by way of excusing its members, to destroy itself. The chair will hold hereafter that where excusing a member seems to have a tendency to destroy the convention, the chair will hold under the rules that no motion to excuse can be ascertained, and it will take three-fourths majority to carry such a proposition. Now as to this matter, it does not seem to me that we have reached that point exactly where excusing a single member will destroy the convention or its efficiency, and I am not called upon to make that ruling at this time. But I will so rule in the future when excuses are demanded. We must preserve ourselves from destruction, that is one of our first duties.

Mr. BURRITT. I desire to say in explanation of my position in this matter that in three or four cases members have stood here and asked to be excused by reason of important business, and who are now enjoying themselves on a pleasure jaunt. I think they have acted in bad faith toward this convention, and in future I don't propose to vote to excuse any member on important business unless I know how important that business.

Mr. IRVINE. In behalf of Mr. Barrow I desire to say that he is not away on a pleasure jaunt, his business is really suffering because of his absence. The last issue of his paper was so badly printed it could hardly be read, and he is very anxious about it, and it was really necessary that he should go and attend to it.

Mr. PRESIDENT. The question is on the motion to excuse Mr. Barrow from day to day. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the convention refuses to excuse Mr. Barrow from day to day.

Mr. IRVINE. I move that Mr. Barrow be excused for today.

Mr. PRESIDENT. Is there objection to Mr. Barrow being excused for the day? The chair hears none; Mr. Barrow is excused for the day.

Mr. SMITH. On behalf of Mr. Burdick I desire to ask that he be excused. Mr. Burdick has been here every day during the convention, and it is absolutely necessary that he go home.

He will be back just as quick as he can, not later than Wednesday at the latest, and I trust he will be excused without putting it to a vote.

Mr. BURRITT. I desire to say on behalf of Mr. Burdick that I know the business which called him home, and if I had been in his place I should have gone whether I was excused or not.

Mr. PRESIDENT. The question is on the motion to excuse Mr. Burdick. Is there any objection to excusing Mr. Burdick for the day? The chair hears none. By unanimous consent Mr. Burdick is excused.

Mr. JOHNSTON. I desire to offer a resolution now and have it take the usual course. "Resolved, That it is the sense of this convention that the effort being made to establish a deep water harbor on the Texas coast has our approbation, and that our representative at Washington be requested to use his best endeavors to secure the building of such harbor."

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. The resolution will lay upon the table to come up in its regular order, unless the rules be suspended for its immediate consideration.

Mr. JOHNSTON. I move that the rules be suspended for the purpose of considering this.

Mr. PRESIDENT. The chair would suggest that it has occurred to me that possibly a fuller statement of the situation might be agreeable to the convention, and agreeable to the gentleman himself who has hastily prepared this resolution, and if the convention take that view of it, it might be well to have it referred and reported back this afternoon.

Mr. JOHNSTON. I wish to have the resolution referred to the committee on irrigation, and have them consider it at once and return it this afternoon.

Mr. PRESIDENT. Is there objection to the resolution offered by the gentleman from Laranue being referred to the committee on irrigation, with the understanding that they will report by the afternoon session. The chair hears no objection; the resolution is so referred by unanimous consent. We have before us the report of Committee No. 17. What is your pleasure, gentlemen?

Mr. ELLIOTT. I move the report be adopted. The committee had authority to act in the premises, and the report is simply an indication that they have so acted, I take it.

Mr. PRESIDENT. If the gentleman thinks it necessary to take any action it can be done.

Mr. ELLIOTT. I simply thought it might be better for the convention to prove the report, showing that they have acted within the line of their power.

Mr. PRESIDENT. The question is upon the approval of your committee in letting a contract to the Bristol & Knabe

Printing company on the conditions named in the report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the action of the committee is approved. Gentlemen, there is no further business for disposition upon the table this morning, and we are now ready to go into committee of the whole upon the general file and special order of Saturday night, which was not completed.

Mr. BURRITT. I move we go into committee of the whole for consideration of the special order and general file.

Mr. PRESIDENT. Gentlemen, you have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Hay take the chair?

Mr. HAY. I would rather be excused.

Mr. PRESIDENT. Will Mr. Riner take the chair? We are now in committee of the whole, Mr. Riner, of Laramie, in the chair.

Mr. CHAIRMAN. Gentlemen of the convention, we were considering the report of Committee No. 6. What is the pleasure of the committee? I would ask here if the committee of the whole did not report that back with the recommendation that it be adopted. I am not certain about it.

Mr. IRVINE. It did.

Mr. CHAIRMAN. My recollection of the business was this. We had the reports of the legislative committees as well as the reports on apportionment. The apportionment matter was disposed of by the committee, and the legislative matter was yet under consideration. The majority report of No. 6 was adopted, relating to the apportionment. The legislative reports are now before the committee. The secretary will read the majority and minority reports of Committee No. 2.

(Reading of the reports of Committee No. 2.)

Gentlemen, you have heard the reading of the reports, what is your pleasure?

Mr. BROWN. I wish to make an amendment to the first section of the majority report, by striking out the words "fourteen hundred" where they appear and inserting "twelve hundred." I do that because a majority seem to think that the unit of twelve hundred in this apportionment matter is the better one to be adopted. I don't agree with them myself, but I make this motion to meet the apparent wish of the majority.

Mr. ELLIOTT. I do not wish this convention to think that the fact of my signing my name to this report, indicates that I have changed in any way my original views upon this question. I considered that the convention had sent back this report to the committee with instructions to frame a section upon that line which the convention had indicated. I want to call the attention of the convention at this time to the fact that it was stated and by the gentleman who offered this substitute

in the first place, that it made no difference as to what number you divided by. The unit twelve hundred was an accident, so to speak. It had been fixed upon merely by chance, and with no intention of benefitting Laramie county. I simply wish to show to this convention that it was not an accident, and will proceed to take the unit fourteen hundred and take the proposition they submit of an additional member where the remainder exceeds two-thirds, and see where it left them. By taking the unit fourteen hundred Laramie, Albany and Carbon counties get but two each, and you can see whether the unit twelve hundred was an accident.

Mr. HAY. I want to say that the number was not taken as an accident, if he refers to me. I said I took the number twelve hundred simply because you can use it in a great many ways, and I don't think any action that this convention has taken since that time has shown that any better number can be taken. It was not an accident at all.

Mr. FOX. I have got this figured out so I think it will be more satisfactory to everybody, and if in order, I move that the report be amended. I desire to submit this proposition.

Mr. CHAIRMAN. The motion before the house is on the report of Legislative Committee No. 2, that wherever the words "fourteen hundred" appear they be stricken out and "twelve hundred" inserted in lieu thereof. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BROWN. I move to further amend that section. Strike out "thirteen" and insert "sixteen" and strike out "twenty-eight" and insert "thirty-two."

Mr. POTTER. I should think that thirty-three would be better.

Mr. BROWN. I accept the amendment.

Mr. CHAIRMAN. Gentlemen, you have heard the motion of the gentleman from Laramie to strike out twenty-eight and insert thirty-three and strike out thirteen and insert sixteen. Are you ready for the question?

Mr. BAXTER. I am entirely prepared to support that motion, though I think the one I have in mind will be more satisfactory, and I would like to state it to the committee in order to see what they think of it. Instead of taking six hundred, that five hundred should be taken, and one member for a fraction of three hundred or more. The lower house would be apportioned as follows, and would consist of thirty-five members. Albany county with twenty-six hundred and eight would have five members and an overplus of one hundred and eight.

Converse county with thirteen hundred and seven would have two and an overplus of three hundred and seven, which would entitle it to a third member, three in all.

Carbon county with twenty-six hundred and thirty-three would have five members and an overplus of one hundred and thirty-three.

Crook county with eleven hundred and fifty, two members and one hundred and fifty over.

Fremont county with ten hundred and forty-seven, would have two and an overplus of forty-seven.

Johnson county with nine hundred and six would have two, only lacking eighty-four of the second five hundred.

Laramie with thirty-six hundred and ninety-five would have seven, and an overplus of one hundred and ninety-five.

Sheridan, with eight hundred and seventy, would have two, lacking but one hundred and thirty of the second five hundred.

Uinta with two thousand and twenty-eight would have four members, and an overplus of thirty-seven. You will notice that the overplus in the larger counties is smaller, and that the counties of smaller population have the benefit of the fractional representation. It seems to me that this is probably as fair a plan as we can devise. If the house thinks so I move to amend the motion, in order that the basis of representation in the lower house may be five hundred, and one representative to every three hundred or more over and above five hundred. According to this the three additional members will go to Uinta, Johnson and Sheridan. I want to say right here that I have never entertained, or sympathized with any feeling of hostility, towards the other portions of the territory, simply because I am a resident of Laramie county, and I desire to give every district in the territory just recognition in this apportionment. I do not think thirty-five will be too large for the lower house.

Mr. HARVEY. Second the motion.

Mr. FOX. Before the vote is taken on that I desire to submit my proposition. I think six hundred is better than five hundred, and I think thirty-three will cover the ground. My arrangement is as follows:

Albany, two in the senate and five in the house, minus one hundred and eighty-four.

Carbon, two in the senate and five in the house, minus one hundred and thirty-four.

Converse, one in the senate and three in the house, Converse having three hundred and eighty-six over.

Crook, one in the senate and three in the house, having three hundred over.

Fremont, one in the senate and two in the house, having three hundred and six over.

Johnson, one and two, having five hundred and eighty-six over.

Laramie, three senators and six representatives.

Sheridan, one senator and two representatives, having six hundred and sixty over.

Sweetwater, two senators and two representatives, minus one hundred and six.

Uinta, two senators and three representatives, minus one hundred and twenty-six.

That makes it as even as it can be made, sixteen senators and thirty-three representatives.

Mr. PRESIDENT. The question is on the amendment of Mr. Baxter to strike out thirty-three and insert thirty-five. Are you ready for the question?

Mr. HAY. In discussing the question of a fair apportionment, I think the members of the convention have lost sight to some extent of the great increase we are making over the legislative assembly of the territory, and I think that about twenty-four is all we need, or at least we can get along with making an increase of five per cent, and even this is going to make a considerable increase in the expense, and there is no necessity for it whatever. We can get along with a much less number in the house, and I don't see why we need increase it in order to make it fair. We started out with twenty-eight and have got to thirty-five already, an increase of twenty-five per cent, and if the thing goes on I don't know where we will stop. A legislature of over fifty members, that is a very large increase over the present condition of things, and I don't think statehood is going to make that large increase necessary, and I don't want this convention to lose sight of the large increase in the expense that it is going to make. I think we can be just as fair with thirty as with thirty-five.

Mr. BROWN. I am opposed to the increase to thirty-five, as also I will be opposed to the use of five hundred as a unit instead of six hundred. The fact is, I am opposed to this whole scheme, to an apportionment upon votes. My honest conviction is that it is placing a premium upon rascality, or holding out an inducement to rascality. Whenever you say that you will apportion your representation upon the basis of votes, then you are saying to every county in the state, run up your vote as high as you can in order to get a large representation, and in that way you are holding out an inducement to fraudulent voting, and that has been practiced in my judgment in some of the counties to quite a large extent, and with the view in particular of increasing their representation. Now as a system I believe it to be wrong, but I am acting in this matter in deference to the action of the majority on the floor of this convention, and I proposed this amendment of changing this from fourteen hundred to twelve hundred not because as a matter of judgment I preferred it, but because the majority

seemed to favor that proposition, and inasmuch as they did, I was willing to concede that much in the interest of harmony. Now this proposed amendment to change from six hundred to five hundred, and to increase the number to thirty-five instead of thirty-three, I am opposed to that change in toto. My own idea was, and I made the motion simply to aid what I believed to be a wise thing, and a wise amendment on the part of this convention, to give to two of these northern counties an additional representative in order that they might not think that the people who reside along the line of the railroad were trying to take an unfair advantage of the northern part of the territory and in order that we might take away from these people who reside in the northern part of the territory this argument against statehood, that the southern part of the territory is unjust in its apportionment, and we may therefore conclude that they seek to establish statehood in order to take advantage of us in the future and we will oppose statehood on that ground. I say now in order to take away that argument that may be used in the north against us, I so proposed to increase this to thirty-two, in my judgment as far as it ought to be increased, and I think those two ought to go to Sheridan and Johnson counties, if added, but a claim has been made in behalf of Converse county, for a third one, and so far as I am concerned I am willing to accept it, but when we undertake to increase the representation of the counties along the line of the railroad, beyond what it already stands, I am entirely opposed to that, and to any such increase. If we want to be generous, if we want to give these northern counties an additional representative out of our generosity, and show them that we mean to be fair towards them, let us give it to them, but don't ask for anything more on the line of the Union Pacific, we have got enough.

Mr. POTTER. While I think we want to keep the number as low as possible, I should prefer thirty-three to thirty-two, because I think on the same principle that Judge Brown has suggested, in his argument in favor of an increase in the northern counties representation, you ought to give Converse county another representative. It is the only county in the territory that as a county represents the central part of the territory, it belongs neither to the north or the south. Sheridan and Johnson we may call northern counties, but Converse represents the central portion of the territory, and so it seems to me it will be better to have thirty-three instead of thirty-two.

Mr. ELLIOTT. I don't know whether I am speaking only for myself, or for the remainder of Johnson county. I have not discussed this with them, and I have not done so, designedly. I think that this is a matter upon which we must each and every one of us use our own judgment, and I did not wish to force my ideas upon them. I say at this time that I do not

know what stand they will take in regard to this matter. I wish to say to the gentleman from Albany that as one of the representatives of Johnson county, that I fully appreciate his action in this convention, his generosity in this convention, and the kindly spirit that he has shown toward the northern portions of this territory, and it was for that reason that the delegates gave him their votes as permanent president of this convention. Now, sir, in examining this proposed apportionment, we find that Johnson county is given an extra member of the house, and Sheridan an extra member of the house. Why? Because we are entitled to it? No. The very figures themselves show we are not entitled to it, it is thrown to us as a sop. It is to quiet us; to keep us still. Now I say, Mr. President, for myself and for the people of my county, so far as I know their feelings on this matter, that they cannot and will not accept any proposition that perpetuates the legislature of the territory of Wyoming in the manner and form in which it has been organized in past years. It is simply expecting them to rivet upon their necks permanently a yoke the temporary wearing of which has galled them so bitterly. I say here in the presence of this convention, that no proposition will be acceptable to the people of northern Wyoming that does not remove in some way the balance of power from where it now stands. We do not ask, sir, that it be thrown to us, that would be unjust, unreasonable, but we have got the right to judge of the future by the past, what we know of the past and of the present, and I say to you that the constitution of the legislature of Wyoming upon the same basis that it has been constituted, or virtually the same basis, cannot, to our minds, bring us anything but wrong and oppression. Now the proposition that we offered here was going to do us absolute justice, we have asked for but one senator, asked for but one representative, but we ask that the senate shall be constituted in such manner as to protect us from the larger body. I say, sir, is it a fair and honest and just proposition, and I say therefore for myself, as far as I am concerned, that I cannot in justice to myself and to my people, support any proposition which leaves it possible for the four Union Pacific counties to control the state of Wyoming.

Mr. McCANDLISH. It has always been a policy of mine all my life if I can't get what I want to take all I can get, and on this question I have felt that very way, and if we can get two let us get them.

Mr. BURRITT. I endorse both the sentiments of Mr. McCandlish and also Mr. Elliott. I had not intended to express my opinion with reference to this at all, but I have heard so much and seen so much I am constrained to explain my posi-

tion. I believe, like Mr. McCandlish, that Johnson county should have two, if they can get them, and I am in favor of taking these if we can get them. I don't care for what purpose they are thrown at us, whether as a sop or otherwise, but if we can get two members in the house and we cannot do any better, then I say take these two. On the other hand I don't think it will make any difference with the position that the people of my county will take in reference to statehood, whether we get one or two or three. I believe that the whole theory is wrong, and I rise, sir, to make an explanation of my position. From both political parties and almost every county in the territory on the line of the Union Pacific, during this convention, members of this convention, delegates from those counties, have stood up here on this floor and confessed that the vote upon which you now undertake to apportion the representation in the house and senate was a fraudulent and illegal vote. Now, sir, how shall you go to the people of this territory with any basis of representation that is based upon a fraud and a confessed fraud? Men have stood up here and confessed from time to time that it was fraudulent. When we had the educational qualification up, they got up here like men and confessed it as the honest men that they are. Now the basis of the figures upon which we are to divide this should be population and not upon fraudulent votes. I am perfectly willing, sir, that this convention should send the Johnson county delegates back, and the Sheridan county delegates back, with the confession in writing upon your journals, that because Johnson and Sheridan counties were honest, because Johnson and Sheridan counties had no railroad trains to run voters in to increase their vote, because they have no mines and corporate interests to vote illegal voters, they shall be condemned to wear the same galling yoke to which Mr. Elliott has referred, and which, sir, the people of Wyoming know they are wearing. The people of southern Wyoming know we are wearing it, because you have stood up here and confessed it. There was but one thing that could have been done by this convention which would have shown your good faith, and that was the proposition which was introduced here and so eloquently defended by the gentleman from Albany, organizing one branch of the legislature, so these counties in the north could have an equal show, and you have denied us that, and there is nothing that you can do, nothing that you can give us upon the basis of this illegal and fraudulent vote that will change the balance of power, but still, as Mr. McCandlish says, if we cannot get a whole loaf then I am willing to take a half loaf. I bow in submission to the will of the people, and I say, sir, that the disposition of this convention and the confessions heard from every delegation on the line of the Union Pacific road, too plainly

shows that the southern part of Wyoming is not ready to release its grasp upon the throat of northern Wyoming. I may add further, sir, that perhaps these chickens will come home to roost, and they will remember this.

Mr. HOYT. If I vote for this proposition it will not be on the grounds which have been announced here, it will not be as a sop to any portion of this territory, it will not be as a means to secure statehood, but it will be because I thought I saw, and I announced this the other evening, that there was justice in giving to that portion of the territory which is rapidly developing, and which in the nature of things is going to have a more rapid growth than ever before known, giving to it in our apportionment what we believe it will be entitled to when it comes to have representation on the floor, and I simply rise to reiterate that sentiment that we are not here to give a sop to anybody to obtain statehood, but simply to give it to them on the ground of justice. I too, sir, was in favor of the system proposed for the distribution of the members of the senate, I saw many good reasons for it, enough to decide me to vote on that side, to throw what influence I might have in favor of the constitution of that body in a manner different from the other body, to help support the scale of justice.

Mr. PRESTON. I fully support and endorse everything that has been said by Mr. Elliott and by Mr. Burritt on the question of apportionment. Now I cannot see what right there is, nor what good can be done, by giving to Sheridan and Johnson counties an extra representative in the lower house simply to get the delegates from that portion of the territory to vote for the proposition that has been submitted to this committee. A proposition was submitted to this convention a few days ago, by a majority of the legislative committee asking that each and every county in the territory have an equal representation on the floor of the senate. In other words, that every county in the territory should have but one senator. Some gentlemen who have advocated the giving of an extra representative in the house to Sheridan and Johnson counties, held that it was not right that the people of Wyoming territory, that the different counties of the territory of Wyoming, or the state of Wyoming, should be represented in accordance with its voters. I want to say to you, gentlemen of the convention, that I believe and there are other members who believe that the representation that we asked for in the senate was only justice and right, and I want to say on behalf of Fremont county, this morning in the convention, that there is nothing that you can concede so far as the lower house is concerned, to the northern portion of the territory that will right the wrong done us in denying the representation that we have asked for in the senate. Simp-

ly giving an extra member of the house to Johnson and Sheridan counties, does not in any way place them on the same footing and in the same position that they would have had, had the representation been accorded them on the senate floor as asked for. If you are so interested in the northern part of this territory, if you are so interested in their welfare, if you are so interested that they shall have some say in the administration of the affairs of the state of Wyoming, then why have you denied them the only thing they have asked for at the hands of this convention?

Mr. BAXTER. I heard the other day in one of our sessions the proposition discussed to make the representation equal in the state senate, and I have talked with a great many friends upon the proposition, and I have listened to all kinds of argument upon the subject, and from the beginning, and all through the discussions I have heard on this matter I have been invariably opposed to such a proposition, and I have been so opposed upon the ground of conviction, and I am still so. I believe I have cast an honest vote upon every proposition that has come before us for consideration, and I want to continue to do so, and what the gentleman alleges is a great wrong to the northern counties, strikes me is not a wrong at all. I fail to see where there can be any wrong in it. They ask for something that will correct an evil which we have all seen in the past, but which cannot be conceded without surrendering the rights of the people in other parts of the territory. It seems to me that a proposition for equality of representation that has been adopted during a century of national life, during the existence of this republican form of government in this country, is good enough for the state of Wyoming. Why is it that the people in one section should be practically disfranchised in one branch of the legislature in order that we may, or think we may, correct an evil? How claim that the evil will be corrected? I am as well aware as any one is that honest, square legislation has not been possible in the past because of the large representation compared with others, but would this do away with such things in the future? It seems to me that if the first senate shall consist of one member from each county it is only a matter that they shall agree upon among themselves. That one man can be satisfied in taking so much from the public treasury to vote for a measure, provided another is permitted to take so much for his pet scheme, and the same disgraceful state of affairs we have seen in the past may be seen in the future. There is no guarantee that we shall not have the same state of affairs in the future as in the past. I am free to say to this convention that I used every possible means I had in the last legislature to prevent the general grab

that was participated in in the completion of public works in this territory at that time. I never come into this beautiful building that I don't see the unnecessary expenditure of the many thousands of dollars appropriated for the building of these wings, although I admit that the work has been done as well as we could do it, and much as I admire it, but I claimed at the time that the main portion of the building as it then stood was all that we needed for ten years to come, and in my judgment there was no reason why it should be completed. It was completed simply by the fear of Laramie county that unless they got the money at that time, there was some danger of their never getting it at all, and because they believed it a matter of personal necessity at that time. And I opposed the appropriation for the penitentiary at Rawlins, simply because I thought we had no need of two jails. It will cost us twice as much to take care of our convicts as it costs under the present system. The only legitimate appropriation made in that general grab was the appropriation made for the university at Laramie City. The former appropriation had only been sufficient for them to commence with, and they ought to have had it, but we had no use for these additional wings to this capitol, we had no use for the penitentiary at Rawlins, we had no use for the insane asylum at Evanston. We had a few of those unfortunates among us, but they could be well taken care of without the erection of this asylum, and at much less expense. I have never seen the deaf and dumb asylum, and I have never seen the poor farm at Lander, and I say we had no use for them, but in order to reward these counties, in order to reconcile them to this general grab from the treasury, these things were given to them. But that is past, but we don't want that in the future, but it cannot be provided against in the manner urged on this floor. I agree with what has been said upon the question of representation upon the population instead of votes, and I should prefer to make this apportionment upon the population instead of votes if we could get at what the population is, but we don't know what it is, and it seems to me that the vote is as near as we can get to it. The amendment which I introduced here I did not introduce with the idea of throwing a sop to anybody. I was convinced when this matter was brought up before the committee the other day that it was unjust, and I so expressed myself at the time, and my idea was that Johnson and Sheridan counties should have a joint representative for their surplus, and Carbon and Albany should have a joint representative for their overplus, and I still think that that would be as fair as we can arrange it possibly, although I don't think that joint representatives are as effective as they ought to be. They are apt to represent the county

from which they come, rather than the district which they represent. But my idea was simply this, to get at as near as possible some basis of representation that should be as fair as we could make it, and taking the basis of five hundred we would have the three counties that are minus a sufficient number to entitle them to a full representation upon the floor, the counties of Johnson, Sheridan and Converse. Converse is one hundred and ninety-three short of the full number to entitle her to a third member in the house, Johnson county is but eighty-four short to entitle her to a second member in the house, and Sheridan county is one hundred and thirty short of the full number to entitle her to two representatives, and I believe the figures I have already given here will give us as fair an apportionment as we can possibly have.

Mr. CAMPBELL. I am in favor of this increase. I don't think that you can make a legislature too large, and I am in favor of as large an increase in the members of the legislature as we can make it and for this reason: The history of this country shows, especially this western country, that where the prize of a United States senatorship is at stake large amounts of money are spent, first in the election of members, and afterwards in buying them up, the members of the legislature, and I believe in making it as dear as possible when the prize is great. I believe the only way we can remedy this evil is to increase the number of the legislature and make it as high as possible. In Colorado we know the amount of money that has been spent there in the election of members of the lower and upper house for getting control to send certain persons to the United States senate, and in some of the other western states we know what has been done in this respect, and I believe the only way we can remedy this matter is to make the legislature as large as possible, consistent with our means of paying the expenses of a large representative body. As to where these conditional members should go, that is another matter.

Mr. TESCHEMACHER. I would like to bring this convention back to the subject before them. The majority report of the committee on apportionment has been adopted. There were four sections in that majority report, but the members of this convention don't seem to have heard but one, and that was the fourth section, and all the others went in one ear and out of the other. The apportionment report which has been adopted provided that the legislature shall be apportioned on the census of 1890, and provides for another apportionment to be made by this state in 1895. The fourth section provides for a special legislature and that legislature is the first one to be called after we are admitted. Now that one special legislature is the only one that is to be apportioned by this convention, because

the report says that thereafter the legislature shall apportion it in conformity with the population of the state of Wyoming, as shown by its census. Now I feel this way about the objection made by my friend, Mr. Burritt, from Johnson county. If the southern part of Wyoming is going to hold its grip on the throat of northern Wyoming, they will only do it because the southern counties will be the more populous counties, they will have the bigger population and will naturally have the larger influence. But if this is not the case, and the increase is going to come in central and northern Wyoming we will have one last grip this time, and then we will have to let go. We may have our hands on their neck just one more hundred days, and during those hundred days we will grab the north and grab it hard perhaps, but I don't think that we will do all the grabbing, and it will not be long before the north will have a grab at our throat. Now if you will simply come down to the question before this committee, it is simply this: The committee decided the other day that there should be thirty members in the house and now if you change this report of the legislative committee as suggested here, you will have the report of the apportionment committee fixing the number at sixteen and thirty and the report of the legislative committee fixing the number at sixteen and thirty-five or thirty-three, whichever of the amendments carries, and you will then have to go to work to make these reports conform. I am willing to accept thirty-five, as I am in favor of a large legislative body, but if you will come right down to the question before us, all we have got to do is to fix the number of this legislative assembly. That is all this convention has to do.

Mr. BROWN. I wish to say one word in explanation if I have been misunderstood. My idea was not to throw a sop to the northern counties. Nor did I think that it would do exact justice to the northern counties, but as I believed this convention had denied them exact justice, I was in favor of doing the best that we could under the circumstances. That is all, to approach justice in some degree, and it seemed to me that this move to fix the number at thirty-three in the first legislature was at least approaching justice for the north, and therefore I favored that number, but I am opposed to thirty-five, because it is increasing our membership in the south over our fair proportion. I am simply expressing my own sentiments upon the question, and right here I want to say that I think that no one has heard me accuse any member of this convention of acting under improper motives at any time. If I ever have I have to beg the pardon of every member in it. I have never so understood myself as expressing such words. I have always believed that every member was acting upon their best

judgment as to the proper method of arriving at what is right. I claim that for myself, and I freely accord to every other man in the convention just what I claim for myself. We may differ in our opinion upon all these questions but let us never say that because we differ in opinion with each other that we are actuated by improper motives. I do not like that idea at all. Now as to this number thirty-three. I certainly hope that it will be fixed at that instead of thirty-five.

Mr. CHAIRMAN. The question is on the amendment.

Mr. HAY. I would like to vote for one part and not for the other. I would ask the gentleman to make a division of his motion.

Mr. COFFEEN. Some of the members thought that I had a little more than my share of the discussion the other night, and you know how it came about and what a rush there was to crowd this to a vote, and I did what I could to prevent it. The arguments I made at that time have not been answered, and will not be. I wish to simply call your attention to a few things concerning the situation as it stands at present, without any amendment being made. It has been conceded and agreed by a majority of this convention, on a former occasion, that every county should have a representative in the senate, and therefore no argument should be drawn from the apportionment of the senate to bear upon the house, for as a matter of principle we have agreed that every county should have one senator and that as a matter of right, and not as a compromise. Let us look at the situation as it stands now. On the adoption of the majority report, we have thirty representatives, and sixteen senators. And the amount of it is just this, that the four counties on this railroad here will have twenty-two members in the house against eight in the outside counties, which is equal to saying that the outside counties away from this railroad shall have no chance whatever. And again, in the senate, the situation is this, they have eleven in these railroad counties, their representation controls the senate absolutely, and only five outside of it, as I say more than one-half, again. You don't have to use the slightest effort to carry every point. They are absolutely under your control. But let us look at the northern counties. Johnson county has nine hundred and sixteen votes, and she has one member in the house as it now stands. Four times that nine hundred and sixteen makes three thousand six hundred and sixty four, a little less than the vote of Laramie county, which should entitle her on the same basis to four representatives, and you have given her six. Then take Albany county, three times Johnson county's vote, gives you twenty-seven hundred and forty-eight, a trifle more than the vote of Albany county, so you will see that Albany county is

entitled to three to Johnson county's one, but you give her five to one. Take Carbon county, three times Johnson county, is twenty-seven hundred and forty-eight, so that on this ratio Carbon county has a little more than to entitle her to three, but you have given her five to Johnson county's one again. These are the considerations the people will look into, they will look into these figures, and I plead with you to make an examination of these facts. The same comparison will hold good in Sheridan county, as compared to these with a slight change. Three times Sheridan's vote is twenty-six hundred and ten, which will correspond to Albany and Carbon county's vote, so they would be entitled to three, and you have given them five, and the same applies to Laramie county on this basis she would be entitled to four, and she has six.

Mr. HOLDEN. I had thought this morning that I would not allow myself to make a speech. I did not feel disposed to enter this free for all. It appears to me that the greater part of this discussion has been a sort of general expression of the views entertained by various members in relation to this matter of apportionment, without being directed particularly to the question now before the house, and I feel disposed to follow the lead of the rest of the members present with reference to this matter. This is the first time that I have said anything on this floor with reference to this important matter of apportionment, or with reference to the basis, or the constitution of the legislature of this state. My own view with reference to this matter is that while the house of representatives should be based upon the representation of the population of the state, that the senate ought not to be. For this reason. It seems to me that the only object, the only reason that we can offer why we should have a senate is because we ought to have some check upon hasty legislation. To illustrate my idea. Your waiter brings you a hot cup of tea; he also brings you a saucer. You have use for the saucer for the purpose of cooling the beverage, in order that it may be subjected to your use without injury to yourself. Now that is the view that I take of the use of the senate. It is simply intended to serve as a check to hasty legislation, to cool it off, if you will allow me to use that expression. I have not heard any reason offered by members who are opposed to this, why that should not be the case, but the convention by its vote said that they are not willing to accept that plan. Now I feel disposed to quarrel with them, but I have no disposition whatever to impugn the motive of any member. I believe that every member here is desirous of doing that which shall redound to the greatest possible good of the state of Wyoming. Now if I cannot get what I want, I am willing, like my friend from Johnson county, to take the

next best thing. Therefore I prefer the amendment suggested by Judge Brown, because I believe it comes more nearly to being fair in this matter, and I object to the increase to thirty-five, because I think we had better make it thirty-three, I think it is the better number.

Mr. JEFFREY. I don't rise because I have much to say on this subject, but I merely wish to say that I think that this question has been discussed and argued from every possible standpoint, and unless the members present are prepared to vote upon this question, I am very much mistaken. I presume that they have figured it out for themselves, and I therefore think that if we are to proceed to a vote upon this question we might as well do so now, without any further delay in the matter.

Mr. CHAIRMAN. The question is on the amendment. All those in favor of the amendment will say aye; contrary no. The chair is in doubt. All those in favor of the amendment will rise and stand until counted—12. Those opposed will rise—19. The amendment is lost. The question is now on the amendment of Mr. Fox, to strike out the word twenty-eight and insert thirty-three. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HARVEY. I now move that the report of the committee be so amended as to take up that portion which refers to the senate, and incorporate the original report of the majority of the legislative committee, going back to the one senator idea.

Mr. PRESTON. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the sections of this file be so amended that the sections referring to the senate be stricken out, and the third section of the original majority report of the legislative committee be inserted in lieu thereof.

Mr. PRESTON. I move that during the discussion of this question that lobbyists be kept off the floor of the house.

Mr. CHAIRMAN. The gentlemen will keep off the floor of the house.

Mr. HARVEY. I introduced this amendment in perfect good faith, for I have listened with a good deal of interest to all that has been said and the arguments by the gentleman from Laramie county have convinced me more strongly than ever of the justice and wisdom of this. The argument this morning has shown beyond question that the majority has disregarded utterly the rights of the minority in the past. They say we have got all we want. We have got our state house, now number two, we will give you the same privilege we had, plunder until you get away with all you want. You as a majority, hon-

orable enough in every sense as individuals, but as a majority, confessedly you have plundered this territory. Now I propose to see that the minority are represented. This question needs no argument. You have given away your own case. This principle is right, and I think this house will concede the justice and wisdom of the policy.

Mr. MORGAN. I think that the gentleman has entirely misunderstood the position of the Laramie county delegation. Their position was that the apportionment should be upon the basis of the inhabitants of the county, that each man in every county was entitled to his equal share of representation and that in adopting the one senator idea it would deprive me of an equal representation in making the laws of my country, as compared with some other man in some other county. And so far as the majority is concerned it is more than probable that the largest number of the legislature will come from some of the northern counties in a very short time. I believe that within a few years the north will increase much more than any other portion of the territory.

Mr. POTTER. I think there is another question to be considered here. I believe the gentleman from Converse county acted in entirely good faith, but after all is it perfectly fair to bring this matter up now? This matter has already been acted upon, and several members of this body who voted upon this matter have gone away, with the understanding that it was settled, and did not expect it would be brought up again, and it seems to me that it is hardly fair to bring this up at this time.

Mr. BURRITT. Is a matter ever settled until it gets before the convention for a vote?

Mr. BAXTER. As this matter has been brought up, I want to say a word. I am opposed to the adoption of this amendment, and I am opposed to it because I don't believe it is right in principle or right in any other way that you can look at it. The only reason that I can conceive for such a proposition being submitted for the consideration of this convention is because of the fact that the senate of the United States is so composed, but there is absolutely no parallel between the two cases. The United States senate represents the equality of the states, and while we know that now the states do not bear the same relations as they were intended to a hundred years ago, we know what their relations were as well as we know of our own existence. The result of the revolution was not the creation of one nation, but of thirteen sovereign, independent states, and not states in the sense we use the term today, but in the sense that they were sovereignties, and took their position before all the powers as independent and sov-

ereign nations. The states were jealous of each other, but they felt the necessity of some general government. They framed the constitution of the United States, and was it not on the express condition that there should be equal representation in some body of its legislature that that was done. That the smallest and most insignificant of the sovereign states claimed equal representation in the senate of the United States. The question of population or industrial development cuts no figure whatever, when you put two sovereignties together. The states demanded equal representation in one of the legislative bodies, and would not enter into the union unless that was done, and it was for that reason that the senate of the United States was constituted as it is. But now as to the counties in the territory. Do they claim sovereignty? Is a man a citizen of a county? I surely propose to be a citizen of the state of Wyoming. My home may be in Laramie county or in some other county, but I am a citizen of the state, and the people of the state are entitled to representation. It so happens since my residence in Wyoming my property has been mostly in the county of Fremont, and I have gone there year after year to look after my private matters, and I have as many friends there as I have in any other part of the territory. For the past two years I have had interests in Johnson county and I go there annually to look after those interests, and I come in contact with the people of that county, and as I say I have friends in both of those counties and I have no desire to be unjust to anybody, but I want to do what is right in this matter. Suppose that hereafter annually it was demanded that the revenue should be divided, so that each county should pay an equal part, so that each county should pay just exactly the same amount as another county, no matter how great the difference as to the value of the property in the various counties should be, but that every county should contribute to the general fund such an amount as would represent the amount contributed by another. No one would entertain such a proposition as that for a moment, but it seems to me that the idea is just as consistent as that they should have an equal representation in the senate. It strikes me as a most extraordinary proposition. Now the argument has been used here that because the states have an equal representation in the senate of the United States, that the counties should have an equal representation in the senate of the state. But it has been shown here that the counties do not bear the same relation to each other as do the states of the union. A man is not a resident or citizen of any county, but he is a citizen of the state, and it seems to me that every citizen should have an equal voice, equal representation in the legislature of the state which

governs them. What justice can there be in a man who lives in Johnson county, or Sheridan, or Crook county, having five or ten times the say than a man who happens to live in some other part of the state? What justice is there in that? You all ask for justice on this floor, why should I be disfranchised any more than those men who happen to live in some other part of the territory. It seems to me that you are wrong, that you are practically disfranchising in one branch of the legislature those who are unfortunate enough to have their homes in some one part of the state, in favor of those who live in another part of the state. It seems to me a most extraordinary proposition. Other states have got along for over a hundred years with the other proposition, and it seems to me it should be good enough for Wyoming, and by the proposed change you don't reach the point as I tried to explain a while ago. There has been unjust legislation in the past, and you will see it again in the future. Men will come here and continue to grab from the public treasury, and enter into all kinds of trades which shall benefit this section or that, and you will have no guarantee that the same practice will not prevail in the future as it has in the past. The probability may not be so great, but you have no assurance that it will not be done, and what you propose here is the greatest injustice upon what happens to be now the most populous portion of the territory.

Mr. HOLDEN. I stated a few minutes ago that as a matter of principle I was in favor of the one senator representation from each county, but this convention has shown by a majority vote that they were not in favor of that plan, and members who were here and participated in that discussion and cast their votes with the majority of this convention have many of them gone home, and while I am in favor of the principle, I am not in favor of bringing this matter before this house now for the reason that it would be unfair to those who have gone home. For that reason I shall vote against this amendment, and in favor of Judge Brown's amendment, because I look upon that as a compromise measure, and under the circumstances the more fair to all.

Mr. SMITH. This seems to be a day for personal explanations, sort of a love feast. I don't know as I have any explanation to make on this proposition except perhaps I might say this: That when this question was voted on before, I voted with the one senator representative system, but I did it at that time because there had been three votes during that day before they concluded that the opponents of the one senator system had a majority, but in order to be sure, that we might be in a position to reconsider, I voted with the one senator men, but I have at no time been in favor of the one senator system.

I don't believe it is fair. I believe that in making up our mind as to what to do in this convention, we should use and exercise our very best judgment, taking into consideration what the future will do in the development of the various counties. It is true that the counties along the line of the railroad, and more especially Laramie county, has had absolute control, and has exercised it with an iron rule, but if others besides Laramie county had not been willing to engage in log rolling, to take part in the deal, Laramie county would not have been able to carry through the schemes that she did, and I can say, though I say it with shame, that the members who have come to this capital in our legislature from Carbon county have been just as big thieves as those from Laramie county. They have helped job after job through. True, they did not get a part of the main steal, but the situation will change. It has been said here that in the future the center of power will be somewhere else, and then there will be a new combination, that Laramie county has got all she wanted, and it is your turn now, and she will help the other fellows now. Taking into consideration the fact that the counties north of us will grow faster than those along the line of the Union Pacific, I have felt that the basis of representation as fixed here was most fair, and I trust that amendment will not carry. As to this question of its being unfair to bring this matter up at this time, because certain members have gone home, has nothing to do with it. Because these men were here and voted and have gone away, is no reason why this should not be taken up again, and if they don't like it, it is their own fault.

Mr. COFFEEN. I don't intend to make a speech upon this subject, but in this instance I think it only just to say a word or two. I believe I have seen indications of efforts at times to make it appear that the small delegation from Sheridan was an enemy to the delegation from Laramie. It is not correct. I believe that the Laramie county delegation votes entirely according to its own judgment in this matter, for what they believe to be the best in this, as in everything else, and I believe I have many friends in that delegation, and I don't know that I have any enemies. I believe what they have done has been done on conviction, and in considering this question as I have, it is not because I have an enmity to any county whatever. All I ask is that you concede to me what I concede to every man on this floor, both now and in the past and in the future, that on every question you vote according to your judgment and conviction, and for the best interests of the whole territory. I concede that to every man, and I don't want to state it again.

Mr. HOYT. I regret being obliged to say a word on this subject, if I have spoken at all, I have spoken briefly, but I

desire that my position should be distinctly understood. With me this is not a question of fairness, it is not a question of justice, not a question of enfranchisement, not a question of national representation, but it is in the broadest possible sense a question of statesmanship. A government is fundamentally established for the welfare of the people, and in the formation of a government we must always have in view the welfare of the people and how to best perpetuate its existence. This is the broad minded basis upon which I have based my action on this question. It is not proper in my judgment to say that the equal representation of the counties in the constitution of the senate would be a disfranchisement of a portion of the people. The people of New York, with two senators, as against the state of Dakota, with two, do not feel disfranchised because they have not a larger representation in the senate. I agree with the gentleman on my right that there is an important distinction to be made between the constitution of a state senate to be formed on an equal representation of the counties of the state, and the constitution of the senate of the United States, to be formed on the equal representation of the several states, and I agree with the gentleman also as to the history of the constitution of this government. The several states were not willing to form a union unless they could form it on that basis, the smaller states I mean to say, were not willing to unite with the larger ones in the constitution of the government of the union unless they should have an equal representation in one body. I do not agree with the gentleman, however, on the point of sovereignty. A sovereignty has power inherent, and has relations with all foreign powers. It can coin money, it can have a standing army, and a navy, and determine by war, if necessary, its standing among the nations of the earth. These are the elements of sovereignty. Nothing else makes a state sovereign. The states are not sovereign, at least not in the broadest and truest sense. The question with me was and is what will best promote the welfare of Wyoming in the future? What will be for us the best form of government for all times? I have found in myself no sympathy with any combination against any locality. I believe all will agree with me that my record has shown that I have not been localized, that I am free of any local considerations here, but that I have as broadly as I am able, with such statesmanship as I can command, advocated what I believe will be the best form of government for Wyoming. What will best preserve it, what will be best for its interests, what will be the best checks upon frauds and mismanagement, what will give us the wisest legislation, what will build us up, and make us more truly to form the broadest and grandest commonwealth

within the states of the union. I am satisfied that it is best for the future interests of this state that we so constitute our legislature that one branch shall be a check upon the other, and for that reason I am of the opinion that a senate composed of one and only one member from each county of the state is the best form of government.

Mr. BAXTER. The gentleman from Albany last upon the floor has not stated correctly the position which I took with reference to the sovereignty of the states. I don't desire you to think for a moment that I suppose the states are sovereign. I stated distinctly, or it was my intention to do so, that they occupy an entirely different relation from that which they did when the government was formed. When the government was formed I said they were all separate and independent, and only united because of the necessities of the situation. The constitution of the United States was drafted in 1787, and provided when nine states shall ratify it, it should be sufficient and go into operation. Nine states ratified it at one time, and provided for an election in 1788, when Washington was elected as their choice, and he qualified and assumed the office in 1789, and it was not until more than a year after Washington had assumed the office of president that North Carolina and Rhode Island ratified the constitution and came in. They had declined to come in, and until they did ratify the constitution, they were considered as sovereign and independent states, and this is what I stated before, or at least intended to do so.

Mr. CHAIRMAN. The question is on the amendment of the gentleman from Converse, to substitute the section of the original report of the majority committee on legislation, instead of the sections in the majority report of the apportionment committee. All in favor of the amendment will say aye; contrary no. A division is called for. All in favor of the amendment will rise and stand until counted—11. Those opposed will rise—17. The motion is lost. I would call the attention of the committee to the fact that the legislative report and the report on apportionment do not agree. The number in the house has been changed from thirty to thirty-three, and the report of the apportionment committee should be reconsidered in order to make it conform.

Mr. TESCHEMACHER. I move that we now reconsider the report of that committee so as to have it changed to conform with the report of the legislative committee.

Mr. COFFEEN. I rise to a point of order. I am in favor of what the gentleman is moving for, but by the adoption of that report after we arose on Saturday night, put it beyond our reach.

Mr. MORGAN. The gentleman does not seem to understand that the question before the house is to reconsider that report. This the committee certainly can do.

Mr. IRVINE. As by the action of the committee the number of members of the house has been increased by three, has anything been decided as to where those three members shall go? I want to raise that question right here.

Mr. TESCHEMACHER. That's what we want to reconsider for.

Mr. CHAIRMAN. The question is on the motion of Mr. Teschemacher to reconsider the report of the apportionment committee, so as to make it conform to the legislative report. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. FOX. I have a proposition which I wish to submit. The apportionment as it stands now is as follows:

- Albany county, two senators and five representatives.
- Carbon county, two senators and five representatives.
- Converse county, one senator and two representatives.
- Crook county, one senator and two representatives.
- Fremont county, one senator and two representatives.
- Laramie county, three senators and six representatives.
- Johnson county, one senator and one representative.
- Sheridan county, one senator and one representative.
- Sweetwater county, two senators and three representatives.
- Uinta county, two senators and three representatives.

Now the way I figure it out is this. Albany county, with a population, or vote rather, of 2,608, is entitled to two senators, plus 208, and five representatives, minus 392, and the difference between her plus and minus vote is 184.

Figuring Carbon county the same way, her vote being 2,633, she is entitled to two senators plus 233, and five representatives, minus 367, the difference between her plus and minus vote being 134.

Converse, with a vote of 1,350, is entitled to one senator plus 107 votes, and to two representatives plus 107 votes, making a total plus vote for Converse of 214.

Crook county, with a vote of 1,350, is entitled to one senator plus 150, and to two representatives plus 150, making a total plusage for Crook county of 300.

Fremont county, with a vote of 1,047, has one senator minus 153, and two representatives minus 153, a total minus for Fremont of 306.

Johnson county, with 916 votes, has one senator minus 284, and one representative plus 316, giving Johnson county a plus vote of 32.

Laramie county, with a vote of 3,695, is entitled to three senators plus 95, and six representatives plus 95.

Sheridan county, with a vote of 870, has one senator minus 330, and one representative plus 270, giving Sheridan minus 60.

Uinta county, with 2,037 votes, has two senators minus 363, and three representatives plus 237, or minus 126 in Uinta county.

Sweetwater county, with a vote of 1,747, has two senators minus 653, and three representatives minus 53, a total minus of 706.

This is the way the figures stand on the present apportionment.

Now my amendment is this:

Albany county, two and five, minus 184.

Carbon county, two and five, minus 134.

Converse county, one and three, minus 386.

Crook county, one and three, minus 300.

Fremont county, one and two, minus 306.

Johnson county, one and two, minus 586.

Laramie county, three and six, comes out even, 95 plus in the house and the same in the senate.

Sheridan county, one and two, minus 660.

Sweetwater county, two and two, minus 106.

Uinta county, two and three, minus 126.

Now I think that is as fair as it can be made. I propose to give Converse county one and three, Sheridan county one and two, Johnson county one and two, and Crook county one and three. I have taken one from Sweetwater county and allowed it to Crook, as Sweetwater was allowed two and three, with a minus of 706. While I have given Crook an extra one, with only 300 minus. I think that is much more equal.

Mr. COFFEEN. I think the gentleman will excuse me, but I think he has made a mistake in his figures. I notice the vote of Crook county is only 1,150, and he has thirty-four members instead of thirty-three, an extra one.

Mr. FOX. The gentleman is mistaken, for I have taken one from Sweetwater, making thirty-three in all.

Mr. BAXTER. It seems to me we will have to do this thing all over again.

Mr. COFFEEN. It seems to me that the easiest way to get at this is to go back to the first principles, where we left off, and decide by a vote where these three extra members shall go. I think it is generally understood where they should be placed. I will make that amendment. I move that we simply declare it the sense of this convention that the extra three members shall go one to Converse county, one to Johnson county and one to Sheridan county.

Mr. TESCHEMACHER. Second the motion.

Mr. ROWN. I should like to know how this question gets here. It is a surprise to me. On Saturday the committee of the whole had this matter under consideration, fixed definitely and positively the apportionment and where the different number of representatives should be assigned, the committee reported that back to the convention. The convention ordered the approval of the report of the committee, and the report was placed in the hands of the engrossing committee, as the record will show.

Mr. TESCHEMACHER. I beg your pardon. I don't care what the record will show. I will say that the secretary never placed it in my hands.

Mr. CHAIRMAN. The record does not sustain you.

Mr. BROWN. Was not the apportionment decided upon by the committee and reported back to the convention with the recommendation that it be accepted as the final apportionment by the convention.

Mr. MORGAN. Why discuss here what the committee did or what the convention did not do? It is now half past twelve, and a number of the Laramie county delegation will have to be at court this afternoon. One member of the bench will be there for the last time, and they desire to be present. I suggest we now rise and adjourn until 3 o'clock.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Coffeen. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. MORGAN. I move when this committee arise they report back to the convention with the recommendation that the convention adopt the report of the committee fixing the number in the legislative report conforming to that in the apportionment report.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BROWN. Have we conformed this bill with the apportionment file? It seems to me that we have only made them agree as to the number in the house, thirty-three, and the senate, sixteen, giving Johnson, Converse, Sheridan and Crook counties each one more each than we gave them the other day.

Mr. POTTER. In order to make them conform, I move wherever the word "vote" is used that it be made to read "population" instead.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I move the committee now rise and report.

Mr. CHAIRMAN. You have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now rise and report.

(See journal page 82.)

Mr. MORGAN. I move we now take a recess until 3 o'clock.

Mr. PRESIDENT. Gentlemen, you have heard the motion, that we now take a recess until 3 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will take a recess until 3 o'clock.

AFTERNOON SESSION.

Monday afternoon, Sept. 23,

Mr. PRESIDENT. Convention come to order.

In accordance with the request made of Committee No. 10 this morning, they have sent in their report.

The secretary will read.

(See journal page 83.)

Mr. PRESIDENT. What is your further pleasure, gentlemen?

Mr. TESCHEMACHER. Committee No. 19 would like to make a report.

Mr. President:

Your Committee No. 19 have revised Articles 2 and 3 of the constitution, and present them for final passage.

Mr. POTTER. I object to receiving the report at this time on this ground. It is not the proper time to bring it before the convention. We never will get through. I take it these articles have been adopted and referred to the revision committee, and they don't come back here until the whole constitution is put in form and submitted as a whole for adoption.

Mr. TESCHEMACHER. The revision committee yesterday asked permission to bring these matters in in this way, so that the enrolling could be done as each article is adopted. Otherwise, if you wait until the last day, under these rules they will all have to be enrolled before we can take any further action, and that means three or four days extra work. The rule says "the committee on revision having completed its revision as provided in the preceding rule, shall report the article or articles of the constitution of Wyoming to the convention, when it shall be fully read, and when it is thus read the question shall be on the article or articles so revised or amended, and if the same shall be in the affirmative the constitution as a whole shall be carefully enrolled under the supervision of the committee on revision and adjustment, and signed by the president and members of the convention." Consequently the enrollment cannot be begun until these article have been adopted,

and then we would have to do two or three days work and the members would have to remain here so their signatures could be attached to the document. I asked permission to present these articles in this way, and the convention decided it should be done. We have decided upon articles two and three, and that the preamble shall be Article 1, and if we can have them adopted we can have them enrolled with very little extra work.

Mr. POTTER. I construe Rule 53 entirely different and also 54. Rule 53 says: "So soon as any entire proposition for incorporation in the constitution shall have been disposed of, such proposition if agreed to by the convention shall be referred to the committee on revision and adjustment, to be by that committee embodied in the constitution." Rule 54 says "the committee on revision having completed its revision as provided in the preceding rule shall report the article or articles of the constitution." That don't mean the different articles shall be reported separately, but if the constitution shall consist of but one article then we shall adopt that one, but if more than one article is reported, if there is more than one article in the constitution, then we shall adopt them. That is the way I understand it.

Mr. TESCHEMACHER. The only question is time for the enrollment. I explained that to the convention day before yesterday. I don't know whether you were present or not. I explained that if we really acted in accordance with these two rules, then the revision committee could not do a single thing towards enrollment until every article of the constitution had been adopted, and consequently we should have to remain here during the time necessary to enroll the whole constitution, after it had been adopted, and I asked permission to change the plan and suggested this method.

Mr. PRESIDENT. I will state my construction of these rules. We had at the beginning no committee on engrossment. In my opinion we needed no such committee, because of the construction of these several rules, and the provisions made by them. I take it that the rules mean simply this: As we pass upon certain propositions, and they are referred to the committee on revision, they bring them back to the convention in articles, or as propositions, having revised the language, attended to what is commonly called the engrossment of these bills, bring them back revised as to the language and in the best form they can be put. They are then put upon their final reading and we vote upon them, or change them as necessary, then the revision committee takes them and puts them as a whole into the constitution, and we again pass upon that constitution as a whole. These are perhaps properly arranged as articles. The rules evidently indicate that the propositions as

adopted and sent to the revision committee shall come back to us in the form of articles revised for the constitution, and then be finally voted upon. But we have got to do it in a different way. We have no engrossing committee, their duties are performed by the revision committee, and these propositions have come back to us engrossed. The question now is whether it is necessary for us to again act upon these matters in different articles as revised by this committee. The convention undertook to give its advice a day or two ago, and instructed the committee to proceed with their work. The committee have presented their report in accordance it seems to me with the instructions of the convention. It is for you to determine if we shall take these matters up and examine them at this time, and vote upon the work of the revision committee, or leave it until they are all through. The matter is under the control of this convention to do as they think best.

Mr. POTTER. I withdraw my objection.

Mr. TESCHEMACHER. If we acted upon the suggestion of Mr. Potter the revision committee would be obliged to be outside of the convention altogether, take no part in the debates and discussions of this convention, and that might be a good thing for the convention.

Mr. PRESIDENT. The chair will take up the regular order of the day.

Mr. CAMPBELL. I move an amendment to the rules that an extra committee be appointed, to be known as committee on address to the people. I think some person should be at work on that before the constitution is adopted.

Mr. PRESIDENT. I wish the gentleman would include address to congress as well as to the people.

Mr. JOHNSTON. Committee No. 8 desires to make a report.

Mr. PRESIDENT. I take it Mr. Campbell simply desired to give the usual notice in regard to the amendment to the rules. If there is no objection the report of Committee No. 8 will be read.

(See journal page 83.)

Mr. PRESIDENT. Resolutions requiring no debate may be adopted at once under our rules. Resolutions requiring debate must lie over one day. I take it there is no debate upon the passage of this resolution.

Mr. JOHNSON. I was going to make a motion to suspend the rules, and move its adoption if necessary.

Mr. PRESIDENT. The question is on the adoption of the resolution as read. So many as are of the opinion that the resolution be adopted will say aye; those of the opposing opinion will say no. The ayes have it; the resolution is adopted. The chair will refer the resolution to the engrossment committee,

who will be required to furnish two engrossed copies of the resolution to be forwarded in accordance with the instructions therein contained. A motion to go into committee of the whole is now in order.

Mr. POTTER. I make it.

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we now resolve ourselves into committee of the whole for consideration of the general file. So many as are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Elliott take the chair?

Mr. CHAIRMAN. The file for consideration is No. 66, by Committee No. 10. Your Committee No. 10 revised File No. 66 as originally referred to this convention, and report it back as follows:

Sec. 1. No person not a citizen of the United States or who has not declared his intention to become such shall be employed upon or in connection with any state, county or municipal works or employment.

Sec. 2. The legislature shall by appropriate legislation see that the provisions of the foregoing section are enforced.

Mr. CAMPBELL. I move the adoption of the report as read.

Mr. REED. Second the motion.

Mr. BROWN. I move, Mr. Chairman, that when this committee rise it report back the file as amended with the recommendation that it do pass.

Mr. CAMPBELL. Second the motion.

Mr. CHAIRMAN. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

The next bill on the general file is File 82, on police powers.

Sec. 1. It shall be unlawful for any person or corporation to exercise the police powers of this state, without due authority of law.

Sec. 2. The legislature shall incorporate laws to see that the provisions of the foregoing section are enforced.

Mr. CHAIRMAN. Any amendment to the file?

Mr. REED. I have got a substitute for that file.

"No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this state for the suppression of domestic violence, except upon the application of the legislature, or executive, when the legislature cannot be convened."

Mr. BROWN. I move the adoption of the substitute in lieu of the original.

Mr. REED. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the substitute be adopted in lieu of the original. All in favor of

the motion will say aye; those opposed no. The ayes have it; the motion is adopted. What will you do with the substitute, gentlemen?

Mr. BROWN. I move that when this committee arise the substitute be reported back to the convention with the recommendation that it be adopted.

Mr. MORGAN. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

Substitute for File No. 50. This is the report of the committee on Sec. 28 of the substitute offered for File No. 50. The rest of the substitute was agreed to but this section was referred back to the committee.

“Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.”

Mr. POTTER. I move when this committee rise it report this section back to the convention with the recommendation that it do pass.

Mr. BROWN. There is another file here which refers to boards of arbitration. It seems to me that File 84 covers everything.

Mr. HAY. I would like to inquire in regard to File 84, as to the means of payment of these boards. I think they should be paid.

Mr. CHAIRMAN. I would suggest that that is a matter which the legislature can provide for.

It is moved that when this committee rise they report back this section with the recommendation that it do pass. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

Substitute for File 31, railroads.

Mr. CHAIRMAN. Mr. Baxter made an amendment to Sec. 2, to strike out all after the word “and” and insert “common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, whether individuals or corporations.” This was offered by Mr. Baxter as an amendment to Sec. 2.

Mr. RINER. The objection to the proposed amendment was suggested here the other day, and the more I examine the matter the more I am inclined to think it is a very dangerous provision. Without some saving clause it forces upon a corporation the necessity of charging their own employes for transportation from one part of the line to another, in order that they may carry on their business. This matter was suggested by Mr. Potter the other day, and since the matter was in committee of the whole I have taken occasion to look into the question

and I am satisfied that the amendment as proposed by Mr. Baxter will lead to that result. I don't believe it is desired to propose anything that will lead to that result. And cripple a corporation so that it cannot operate its line of road.

Mr. BAXTER. If you would add "except employes" would that meet the objection?

Mr. CHAIRMAN. The question is on the amendment of Mr. Baxter. Are you ready for the question?

Mr. HOYT. I have a substitute for the section as it stands with the proposed amendment.

"All railroad and telegraph lines are hereby declared to be public highways and common carriers, and as such they shall be required to deal impartially with the public, and shall make no unjust discrimination or unreasonable charges for the services rendered."

Mr. POTTER. Second the motion.

Mr. HOYT. I will say a few words in support of that proposition. I think every member appreciates the value of railroads, and we need more of them, and wishes to deal justly and fairly with them, but there are certain interests of the public, which the railroads themselves will concede, which should be preserved and protected, and the object of this proposition is briefly to cover this ground, and protect the interests of the entire public.

Mr. RINER. I don't wish to oppose the amendment, but would simply suggest if it is the purpose of this convention to go into pure legislation, we had better wipe out the legislature altogether and proceed to legislate. I think it is apparent to every lawyer here, at least, that Sec. 2 as it now stands is subject to legislative control entirely, to all intents and purposes, and they will have the right to go into the question of rates, if they see fit to do so. Now, as a matter of fundamental law, what is the use of loading down the constitution with a lot of words which mean nothing. If it gave the legislature one single bit more power than they have now, I will vote for the amendment, but I will ask Judge Brown if he thinks it does. Has not the legislature the same power under Sec. 2 as it now stands as it will have with the amendment.

Mr. BROWN. I don't like to pass upon that question.

Mr. RINER. If the legislature has not the power and Governor Hoyt's substitute gives it the power, I will vote for the amendment. But I think there is no necessity for it at all. We are here to make a constitution and not for legislation. I have no objection to the principle, but I don't think the amendments offered add one thing to the section except words. If as a matter of law it alters its legal effect, I will vote for the amendment.

Mr. BAXTER. I am opposed to the substitute and I favor the adoption of the amendment. It seems to me only proper; my friend from Laramie has said it is right, and if it is right I see no objection to incorporating it into the constitution. I want to say to him, and to the other members on the floor of this house, that I have no sympathy whatever with this feeling of hostility that we find in some parts of the country towards corporations, not only railroads, but corporations of any kind. I have lived at different times in places where it was only necessary for a man to bring suit against a corporation, without reference to the facts in the case, to gain a verdict by the jury. I have got no sympathy with that spirit, but at the same time I fail to see any impropriety of putting into our constitution that which the gentleman himself says is properly within the power of the legislature to exercise. If they have the power why not declare they have the power? The next objection that is raised is that as it stands it will exclude employes. This is a forced construction. Everybody will understand that the employes necessarily employed in the operation of a railroad shall be excluded from that section, that is understood and there is no use in putting it in here. There is no restriction upon railroads transporting their own employes. My colleague says the legislature already has the power. That may be, but sometimes it is well enough to put it in, well enough to declare a principle, even if the legislature has the power. It was argued here the other day on this question preventing the entering into contracts by corporations with their employes, releasing them from any liability in case of accident, it was argued here at that time that there was no necessity for it, any such contract was void if made, that such a provision would not add any strength to the proposition, if made. If that is the case why is it they attempt to make such contracts, and when secured why do they attempt to stand upon them? I suspect this amendment as submitted is a little too plain to be satisfactory. I think it is right and proper that it should go in there, it is admitted that it is right, and if right there can be no impropriety in putting it in. It is contended that corporations should stand as individuals; we hear that argument made time and again, and invariably overruled. Corporations are creatures set up by the government with special powers, on the theory that they are in some way contributory to the public good, and if endowed with special powers they should be subject to the control of the people. I believe it is proper that this should go in, and I don't believe the substitute covers the ground as well as the amendment, and for that reason I stand by the amendment as offered.

Mr. CHAIRMAN. Are you ready for the question?

Mr. POTTER. I want to read what I take from the constitution of Illinois, adopted in 1870, which it seems to me struck at the root of the whole business. "The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariff on the different railroads in this state, and enforce such laws by adequate penalties, to the extent if necessary of forfeiture of their property and franchises."

It seems to me that Governor Hoyt's proposition was something like this; I have only heard his read once of course.

Mr. RINER. There is a portion of Governor Hoyt's substitute that perhaps can well be adopted. I was talking to Judge Brown, however, and he and I both agree that for the purpose sought to be accomplished, that the language as contained in Sec. 2 as printed is the better language. Adding the last sentence of Governor Hoyt's proposed amendment makes just the change he seeks to make. His proposition I think much better than the one proposed by Mr. Baxter, and I therefore would suggest that change.

Mr. SUTHERLAND. I am in favor of Mr. Baxter's amendment, and opposed to the substitute for just that one word "unreasonable." I would like to ask any man who has had dealings with any railroad, if they can define what the word "unreasonable" means. I have paid as high as twenty-two dollars for a car from Sherman, and in less than three days after have paid sixteen. I went to the office and told them that they had made an "unreasonable" charge and they gave me to understand that it was no unreasonable charge, and for that reason I am opposed to this substitute.

Mr. MORGAN. I don't like that word unreasonable in this section. Why not just say "without discrimination," that is much stronger than qualifying it by the word "unreasonable."

Mr. CHAIRMAN. Are you ready for the question?

Mr. RINER. I want to know whether Governor Hoyt accepts my suggestion before I vote.

Mr. HOYT. I accept it.

Mr. COFFEEN. I would ask for the reading of the first amendment offered by Governor Baxter. I am opposed to the substitute because the wording is not so clear and strong as this amendment. You talk about unjust discrimination, I want it understood that I vote against discrimination of any kind, believing that any discrimination is unjust. I am in favor of Mr. Baxter's amendment and opposed to the substitute.

Mr. CHAIRMAN. The question is on the substitute. All in favor of the substitute as offered by Governor Hoyt will indicate the same by saying aye; those opposed no. The noes have it; the substitute is lost. The question now recurs on the amendment offered by Mr. Baxter.

Mr. BAXTER. In order to have this in the best language possible, I would like to ask whether it is proper to call telegraph lines public highways; if it is I will leave it.

Mr. POTTER. That is all right.

Mr. CHAIRMAN. The question is on the amendment of Mr. Baxter. Are you ready for the question?

Mr. RINER. I move to amend by adding "and their families."

Mr. REED. Second the motion.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment offered by the gentleman from Lar- amie, Mr. Riner, will say aye; contrary no. The ayes seem to have it. A division is called for. All in favor of the motion to amend will rise and stand until counted—13. Those opposed will rise and stand—10. The amendment is carried. The ques- tion now recurs upon the amendment as amended. Are you ready for the question? As many as are in favor of the amend- ment will say aye; those opposed no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—14. Those opposed will rise—9. In the negative. The amendment is adopted.

Any further amendments to this File 31?

Mr. HOYT. I wish to offer a substitute for Sec. 3 as fol- lows: "Every railroad corporation or association operating a line of railroad within this state shall be required as often as once annually to make a report under oath to the auditor of state, showing the amount of its business within this state, together with such other facts as the legislature may require, and in such form as the auditor shall prescribe by authority of law."

If there is a second to the substitute I will explain.

Mr. COFFEEN. I second the amendment, but it seems to me that they should be required to make this report under oath.

Mr. HOYT. It says under oath. In the first place, I think there should be authority in the legislature covered by the con- stitution to require other facts if it should be deemed import- ant; the amount of business is one thing. I believe, I may say, after having a good deal to do with railroad matters for a term of years, I feel satisfied that both the interests of the corpo- rations themselves and of the state, would be promoted by a thorough knowledge of the facts. Often the stockholders them- selves are working in the dark. Voting and acting in the dark, matters are left to the directors, who control the affairs, and the stockholders have but little knowledge of the business. It is important then and to the interests of the stockholders that they should have information, and the state should have such information. There would be no harm done to any corporation that is dealing justly and fairly with the public in having all

the facts spread before the world. This does not require any specification of facts, but simply says "such other facts" in connection with their business as the legislature may deem it important to the public interests to require, and the form shall be prescribed by the auditor, who shall be delegated by law with such power. I think that very often the quarrels and general warfare that is carried on between railroads and the public are because the public do not understand all the facts and circumstances and difficulties connected with the operating of a railroad, on the one side, and the railroad having antagonized the public on the other side, and if the facts were known these troubles would be avoided, and I think there should be some such provision, in the interests of the corporations as well as of the public.

Mr. CHAIRMAN. The secretary will read the substitute offered for Sec. 3.

(Reading of the substitute.)

Are you ready for the question?

Mr. RINER. I would like to ask the legal fraternity of this convention what is added by the proposed amendment to this section. The legislature may prescribe that that report shall be made under oath, that it shall be made by the president and secretary of the company, they may prescribe that it shall show a list of stockholders, and the amount of stock held by each, they may require anything which the legislature may think proper to require to protect the public interests. If we are going into the question of legislation, let us do it. I think I see gentlemen here who would be glad to take up these matters, and go into the question of rates and load them down with stuff in this constitution that will have little legal weight whatever. This section as it stands gives the legislature just as full and complete powers as the proposed substitute, and is worded in language that cannot be mistaken, I think that the amendment offered is unnecessary, because it gives to the legislature no additional powers, and gives a chance for trouble about the construction of the language, whereas the language here is plain and simple and can be construed without any difficulty by either lawyer or layman. But the greatest objection I have to the amendment is that it is legislation, and has no place whatever in this constitution.

Mr. HOYT. In answer to that I merely wish to ask the gentleman if it is so highly improper and unnecessary to add the proposed provision, why is this section offered at all? I believe that the people have the power in themselves, inherent in the people of the state, to regulate these corporations. There are many powers inherent in the people, yet when we frame a constitution we insert provisions concerning them, giving instructions to the legislature and giving notice to the world regard-

ing them, that they may understand and that the people may understand what is expected of them. Now if the proposition offered is out of place, then this section in the printed bill is out of place. Now I only wish, Sec. 3 having been introduced and considered at some length, to perfect it if possible, and perfect it in the interests of all concerned. I am opposed to legislation in the constitution. I opposed it from the beginning, but here is a provision, an article which we propose to adopt, in some other form or another, even if it is legislation, so let us make it as clear as we can.

Mr. RINER. I don't seem to succeed in making myself plain. I didn't know that I said it was unnecessary to adopt Sec. 3. My proposition was that the proposed amendment adds nothing to Sec. 3. I am not opposed to Sec. 3. The section as it now stands provides this report shall be made in such form as the legislature shall prescribe. I say that in that language, "in such form as the legislature may prescribe," under that language the legislature may require a railroad to show anything that they deem necessary and important for the public to know. They may require them to embody in that report a list of their stockholders, the number of shares held by each, they may require anything relating to their business that the legislature see fit, I say this that the section as it stands is better than the amendment, and I stick to it. Where a form is prescribed you are limited to the form, and you are bound, and the legislature is bound, and has only power to put in their requirement such matters as are stated in the constitution. Let us leave it as it is, it is broad enough and leaves the legislature power to require at the hands of the company any matter which in their wisdom they deem necessary and important. I say that the proposed amendment weakens the provision, because the amendment undertakes to prescribe what that report shall include, and is a limitation upon the power of the legislature. It is well known to every lawyer that where a form is prescribed you are limited to the form, and I want to know if leaving the entire form to the legislature as in this section, does not leave the matter in better shape and upon a better basis, as a constitutional provision? I think it does.

Mr. HOYT. The gentleman's explanation seems to discover to me that he has a different reading of the provision than I have. This is the section: "Every corporation or association operating a line of railroad within this state shall be required as often as once annually to make a report under oath to the auditor of state, showing its business within the state, in such form as the legislature may prescribe." The word amount is not there. I merely want to have this in such shape that there

will be no question about it, and if the convention thinks the section as printed covers the whole ground I withdraw my substitute.

(Substitute is withdrawn.)

Mr. TESCHEMACHER. I move when this committee arise they report back the substitute for File 31 with the recommendation that it do pass.

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. You have heard the motion. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion prevails.

File No. 60, federal relations.

Mr. CHAIRMAN. The secretary will read Sec. 1.

(Reading of Sec. 1.)

Is there any amendment to Sec. 1? If not Sec. 2 will be read.

Mr. POTTER. It strikes me, although I have not read the bill under which all these states are admitted, it strikes me that these matters contained in this report come under the head of ordinances. It strikes me that way. I know Sec. 2 does.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Any objection to Sec. 2? If not Sec. 3 will be read.

(Reading of Sec. 3.)

Mr. CHAIRMAN. Any objection to Sec. 3?

Mr. HOYT. It occurs to me that Secs. 2, 3 and 5, while proper in themselves, these sections necessarily belong to other articles to be incorporated in the constitution, and should be omitted from this article. I think part of them belong in the bill of rights, and in the file on public schools, the educational article, and are found there.

Mr. FOX. The committee's report recommended that these should be put in the constitution where they belong, as the revision committee may decide. Senate bill 2,445, under which we hope to come in as state, makes this requirement embodied in Sec. 3, so the committee on federal relations thought they ought to report it.

Mr. POTTER. I think I can call Governor Hoyt's attention to the senate bill, to the end of the bill where it refers to Wyoming. and I find the same provision in the bill referring to other states, that said convention will provide by ordinances irrevocable, without the consent of the United States and the people of said state, certain things, and this section is in exactly the words of the senate bill. No matter if they are in other places of the constitution, they must go into the constitution under the head of ordinances.

Mr. BURRITT. I think the revision committee can attend to all these things, and I therefore move that when this committee arise it report this file favorably to the convention with the recommendation that it do pass.

Mr. CHAIRMAN. I want to call attention to Sec. 4. It strikes me as being very broad.

Mr. POTTER. That is just what the senate bill declares, that the debts and liabilities shall be assumed by said state.

Mr. BROWN. I offer as a substitute for Sec. 4, "All debts and liabilities of the territory of Wyoming shall be assumed and paid by this state."

Mr. POTTER. Second the motion.

Mr. CHAIRMAN. The question is on the substitute offered by Judge Brown, to Sec. 4. Are you ready for the question? As many as favor the substitute will say aye; those opposed no. The ayes have it; the substitute is adopted. Any further amendments to the file? It is moved that this file be reported back to the convention with the recommendation that it do pass. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes have it; the motion is carried.

File No. 84.

Mr. RINER. I move when this committee arise it report back this file with the recommendation that it be adopted as a part of the constitution.

Mr. BAXTER. It seems to me that in its present shape it is entirely too far reaching, if I understand the purpose of the provision. It says: "The legislature shall establish boards of arbitration, whose duty it shall be to hear and determine all differences and controversies between laborers and their employers." My idea about this board is this; they don't care to hear the differences that may arise between me and somebody I have employed to build a fence, or any trivial matter of that kind, if they do you will have boards of arbitration sitting constantly. I understand the object of this proposition is to reach matter of such gravity as would threaten a strike of any considerable number of employes, that such differences shall be submitted to a board of arbitration, and not may be, as Mr. Riner seems to understand, upon application of either party. I believe it to be the intention of this committee to indicate in some way or other when parties shall call upon a board of arbitrators to adjust their differences; others may do it if they choose, but we should not say here that all differences between employers and employes shall be submitted to a board of arbitration.

Mr. SMITH. I move to strike out "on the district courts."

Mr. CHAIRMAN. It is moved and seconded that the last four words in the last line of this file be stricken out. Are you ready for the question?

Mr. SMITH. I would like to ask the attention of the convention to this, as it reads. Where are you going to limit them if they have all the powers and privileges conferred by law on the district courts? Who is to determine what is "applicable?" I am in favor of a measure of this kind, but I am in favor of its being regulated by law in such a way as they will be in a position to do something, but as it is now it will simply amount to a dead law.

Mr. CHAIRMAN. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. HARVEY. I think this thing is absurd.

Mr. CHAIRMAN. Does the gentleman wish to make a motion?

Mr. HARVEY. No, I don't care to, but this thing seems absurd as it is now.

Mr. BAXTER. I think myself it is desirable to have a proposition in this constitution which will make it binding upon either party to a contest to submit it to a board of arbitration, provided the employer is employing labor of such an amount as to seriously threaten the disturbance of the peace of the country, but it seems to me that in its present shape it is a most extraordinary clause. It shall be the duty of the board to hear all differences between employers and their employes. That means every man that employs hands. If I have a man working for me and we have some difference we have to go to this board. If an employer is employing labor of such quantity as to threaten a strike upon the part of a large number of employes, there should be some provision for arbitration in that case, and not that they submit but that they shall come in and submit to arbitration upon the application of either party.

Mr. BURRITT. The question as I understand it is upon reporting back this file with the recommendation that it do pass. This is the first time I have seen this file, and I have been reading it vigorously, endeavoring to get at the meaning of it, and been hoping that some member would get up and explain. I have heard no explanation as yet. If it said: "The legislature shall establish boards of arbitration, whose duty it shall be to hear and determine differences and controversies between laborers and their employers upon such matters and in such manner as the legislature may prescribe," and stop right there, there might be some sense in it, but if this file passes in its present shape it don't mean anything in the world, it is just like a blank piece of paper, and I am opposed to the committee making any such report in reference to this file. You might

just as well wipe out the judiciary altogether. If this was intended by Committee No. 10 to reach corporations who have differences with these labor organizations, why then it seems to me that it ought to be so worded. As it is now it fails to reach that purpose. Any person could drive a four horse team and wagon through that and never touch that idea. I may be a blockhead, but I fail to see any meaning in it the way it now stands.

Mr. REED. There seems to be a good deal of controversy over this file. If a man will read it over carefully he will see that there is a good deal of sense in it, and not so absurd as some of these gentlemen seem to think. Sec. 1 as it now stands has already been adopted by another state. I will state that my object in proposing it to this convention was this, to protect us. I presume everybody knows that the Union Pacific a short time ago was on the verge of a very important strike, similar to the C. B. & Q. I know it anyway, and know all about it. The company in trying to get around the strike insisted upon arbitration, and we refused to arbitrate, because we took the stand that we had nothing to arbitrate. One morning in Omaha every paper in the city came out and said the Brotherhood was bound to arbitrate, and should arbitrate. We didn't understand the sudden change of opinion, but simply to accommodate the public and the people at large we said we would arbitrate. They took one man, we took one man, and these two selected a third, and in two hours they decided that our ground was just, and that the company was in the wrong. I want this proposition in here in some way so we can submit these differences. Your section in your judiciary bill is not going to reach these big strikes at all.

Mr. McCANDLISH. I would like to ask the gentleman, in the case he speaks of, suppose the case had been reversed, suppose the Brotherhood had wanted to arbitrate, and the company had refused to arbitrate. There is nothing in this bill to make them arbitrate, if they don't want to. I would like to see something put in it to compel them to arbitrate.

Mr. REED. I will state that the Union Pacific will always arbitrate; they have got their teeth cut; and the C., B. & Q. will always arbitrate.

Mr. BROWN. I have a motion that I want to make, and I wish to state before hand why I make it. I don't believe in putting things in this constitution that will amount to about as much as the wind whistling around this statehouse, and when we keep in this proposition or article the words which follow "employers" in the second line it simply destroys the entire proposition, and makes it about equal to the whistling of the wind. When we undertake to do anything let us do it so that it will accomplish its purpose and reap results. I know

what Mr. Reed wants to accomplish, and I offer this amendment because I believe it will accomplish just the object which the gentleman has in mind. I propose then to strike out all of these words in the third line, "which shall be submitted to them in writing by all the parties." I propose to insert in the second line between the word "laborers" and "between" the word "organizations." The proposition which we desire to reach here is not the difficulties that constantly arise between an every day laborer and the man who employs him, every stable boy and his employer, but we want to reach a much more dangerous element. When men organize to resist the rights of their employers they then become an organization, and as an organization they become dangerous to society. Under such circumstances, when so organized, they destroy immense amounts of property; they may destroy the entire property of a corporation, and if these matters are compelled by law to be submitted, if these labor organizations may be brought to submit their differences to these boards of arbitration, society may be saved bloodshed, outrage and all other violence that we suffer from this cause. There is another thing about it, it will not only save the property of the employer, but if this measure is enforced, it will save the men who organize to resist wrong, the results of their hard earnings, and it is to save them the expenditure of their hard earnings in resisting what they believe to be wrong against their rights, that these boards of arbitration should be established. Not only in their interest is it that we should establish them, to save them, but we should establish them in the interest of general society, and for the good of society at large. These matters have been considered in every part of the world, strikes are common everywhere, men who think their rights have been taken away from them by organized capital, to their injury, will resist the wrong, and have the right to resist, and I admire them when they do resist, but when they are compelled to resist to the extent of destroying life and property, they are injuring not only their employers, but themselves and society at large. There is but one way to reach these outbreaks, and they can be reached by these courts of arbitration, and I say to you, gentlemen, let us here in Wyoming at least undertake to establish a remedy for these evils which are as wide as the world. When we undertake to do it by the establishment of a board, or a court of arbitration, we are taking one step in the right direction, you can depend upon it.

Mr. COFFEEN. I would like to ask Judge Brown one question. I believe we are striking in the right direction in behalf of the vast number of laborers when we establish these boards, but when he says organizations of laborers, I think that term may be more limited

than we now think, not so broad as if we said "or associations." The courts may decide the term organizations will limit this to those that are established with their presidents and secretaries, in some large form or other, a small body of men associated together ought certainly to have the benefit of this. I support this most heartily, but I am a little afraid of that word organizations as it is. "Or associations of laborers" I think would improve his amendment.

Mr. BROWN. It seems to me that when we say organizations of laborers, it is any organization of laborers, that is my idea, but if what the gentleman suggested will add anything to it, I am entirely willing to accept the amendment.

Mr. COFFEEN. I say the word association would be a good word, organizations or associations of laborers, and that being accepted I wish to say a word on this. I think this covers the ground perfectly; they must be submitted in writing and leave it to the legislature to prescribe what powers and authority they shall possess, and under what circumstances they must come to arbitration, if necessary, and I believe the legislature will deal wisely with all these things. Again, while it is true, no doubt, what the gentleman stated concerning the demands for arbitration, on the part of the corporation, and not the laborers, my own observation has been among the people with whom I have lived, that the laborers have in many cases sought arbitration, and sought it in vain, and therefore I want it so it shall not be impossible to bring these matters to arbitration; that they shall be brought before these boards of arbitration, and I am therefore in favor of the amendment.

Mr. BURRITT. If this file is open to amendment I desire to move an amendment to the amendment, but I won't designate it in that way. I offer this as a substitute for the whole proposition, and I desire to say, Mr. Chairman, just this: I endorse fully all the gentleman from Sheridan has just said, but the point I object to, the one I made when I first arose, although I may not have made it clear, is the point I desire to emphasize, and is my reason for offering this amendment. I am just as much in favor of protecting organized labor of any kind as any man in this convention, and I should like to see it on an equality with capital, but what I object to is incorporating into this constitution a precise form of judiciary for this matter of arbitration, which may after a little experience, after the first case even, prove to be an unwise provision. Now in the manner in which I have worded this substitute it will leave it to the legislature to prescribe the jurisdiction of this court, what its duties are, and when its services shall be required; but if we put it in as it is now, and it prove a failure, we cannot change it without changing the constitution. I offer the substitute, which reads as follows: "The legislature shall establish boards

of arbitration, whose duty it shall be to hear and determine all differences and controversies between organizations or associations of laborers and their employers, which shall be submitted to them in such manner as the legislature may provide."

Mr. REED. I am afraid, as the gentleman here on my right has suggested, that by the time we get through with the original file, we won't know what it is. I have no remarks to offer upon the amendment offered by Judge Brown. I think it is right, and reads sensible on the face of it, but to add any amendments to it we can't tell whether we are going to have a board of arbitration or not, the way matters are going now. I don't favor any more amendments; I will take my chances on it as it is.

Mr. RINER. I will favor either the substitute or the amendment. I will favor the substitute first because that is to be voted upon first, but I want to call the attention of the convention to one matter, and that is this: When you confine your question of arbitration to organizations or associations of laborers, you cut off and deprive one-half at least of the railroad men in the country of the right to arbitrate. I believe in arbitration, so does every one who has any interest, directly or indirectly, in corporations. I wish it might be possible for every company, or any man who has any differences of any difficulty between the laborer and his employer, to come to arbitration. It is better for the company and better for the laborer, but I don't believe when you come to look this over it exactly reaches the question. However, if it is thought by the convention that it does, I will gladly vote for the amendment, because I believe it is a step in the right direction, although it does not go far enough in my judgment.

Mr. CHAIRMAN. The question is on the substitute.

Mr. SMITH. I would like to ask that the two amendments offered by Judge Brown be put separately, as I would like to vote upon them separately.

Mr. CHAIRMAN. The question is on the substitute offered by the gentleman from Johnson, Mr. Burritt.

Mr. REED. The gentleman would seem to doubt that every branch of labor on the Union Pacific is organized. To my knowledge there is not a single branch on that road that is not organized, all under a separate head, but under one federal control, as it were.

Mr. COFFEEN. I rise to ask that the amendment be read. (Reading of Mr. Burritt's substitute.)

Mr. CHAIRMAN. Are you ready for the question? All in favor of the substitute will say aye; contrary no. The ayes have it; the substitute is adopted.

Mr. POTTER. I move that when this committee arise it report back this substitute with the recommendation that it do pass.

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion, Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Substitute for Files 7, 26, 27, 41, 55 and 54, revenue.

Mr. RINER. I move this be made the special order for tomorrow afternoon. I will explain if I can get a second.

Mr. POTTER. Second the motion.

Mr. RINER. I do this because this is a question upon which I wish to vote intelligently. There are a number of members who are away, but who will be here on tomorrow's train, that have taken the trouble to inform themselves about this matter, which I consider one of the most important matters this convention has to deal with. I believe we ought to avail ourselves of all the information we can obtain, and there are a number of gentlemen from Rock Springs and Uinta, and others that I know of, I don't know whether Mr. Richards will be here or not, who are particularly interested in this, and would like to take part in the discussion.

Mr. HAY. Have it made Wednesday morning; the Cheyenne & Northern will come in tomorrow night and Mr. Richards may come in on that.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved that when we rise we report this back to the convention with the recommendation that it be made the special order for Wednesday morning. Are you ready for the question?

Mr. BROWN. I object to Wednesday. There is no use in putting it off day after day. We might as well tackle it now as any time. Let us have it tomorrow. There is no use in delaying these things, putting matters off, let us get down to work and get through. I am opposed to Wednesday.

Mr. HARVEY. There is no probability of anyone coming on the Cheyenne & Northern.

Mr. HAY. Well, then if that is the case, I withdraw my motion, as that was the only reason why I made it.

Mr. CHAIRMAN. The question is on the motion that this be made special order for tomorrow. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

(Substitute for Files 11, 38, 42 and 72.)

Mr. CHAIRMAN. Is there any objection to Sec. 1? If not Sec. 2 will be read.

(Reading of Sec. 2.)

Mr. HARVEY. I think that is surplusage; it is unnecessary; that is perfectly understood, and I think there is no use in putting it into the constitution. I therefore move to strike it out.

Mr. HAY. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. COFFEEN. I hope the motion will not prevail. Because things are axioms is one of the very best points that can be made in favor of their being put into the constitution. Because a thing is regarded as an axiom is no restriction upon courts or legislatures. If there is no other reason for striking out than because it is an axiom I think it had better remain where it is. Such things as are universally admitted to be in the interest of good government ought of all things to be incorporated in the constitution. Sometimes the right of the state has been questioned to regulate these things, and sometimes it has been decided one way and sometimes in another, and for that very reason I think it ought to be inserted here.

Mr. HAY. My idea in having this stricken out was because I considered it unnecessary. But if the convention thinks it is necessary, I have no objections to make.

Mr. CHAIRMAN. It is moved and seconded that Sec. 2 of this file be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. As many as favor the motion to strike out will rise and stand until counted—9. Contrary minded will rise and stand until counted—18. In the negative. The motion is lost.

Mr. FOX. I move to strike out all after the word "declared" in the fourth line. I think all that follows is a repetition.

Mr. HAY. I wish to say that is what I objected to.

Mr. CHAIRMAN. It is moved and seconded that all after the word "declared" in the fourth line be stricken out. As many as favor the motion will say aye; contrary no. The noes have it; the motion is lost.

(Reading of Sec. 3.)

Mr. CAMPBELL. In order to bring this matter before the convention, I move to strike it out. I confess that I don't know what it means but in order to bring it before the convention and have it explained, I move it be stricken out. I cannot see any necessity for it at all. I don't see what it is striking at in the first place.

Mr. BROWN. The idea of the committee in reference to this matter I have no knowledge of, but it seems to me that the operation of it would be this: That if some person or persons have organized or undertaken to organize a company for some purpose, and has not done anything under it, that it would be wiped out. That is my idea. There exists, it is said, I don't

know whether there is any truth in it, but it simply illustrates what I think is attempted to be reached here in this section. It is said that in the Sweetwater somewhere a straw railroad company, organized under the laws of the territory, has gone and occupied a canyon, and by their occupation of it have prevented the Northwestern road from constructing its line over the route that they have selected and want to build over, and that the extension of the Northwestern line has absolutely been prevented by the said straw company occupying that canyon. If that is true we don't want these straw companies to continue to occupy places of this kind, and prevent bona fide corporations from building, and that is what this section strikes at, and would prevent some one getting up a company on paper, and going out and doing one or two days work, and prevent some bona fide company from occupying the ground and constructing a road, or compel them to buy them out at some exorbitant figure.

Mr. MORGAN. I think if any one would go down to the secretary's office and examine the incorporation articles on file they will find a great many that have done nothing but taken out their organization papers. At an auction not long ago in this city the stock of one of the corporations of this sort, amounting to some seven hundred thousand dollars, was sold for fifty cents. The company was organized but nothing was done under it, and never will be, and just as Judge Brown says their charter ought to be canceled, so as not to prevent bona fide corporations coming in and occupying the ground.

Mr. POTTER. As a member of the committee, when this was read to me by the chairman I saw no objection to it, for it seemed to me to refer to special charters or something of that kind, but Judge Brown's statement here leads me to doubt the wisdom of putting it in here just as it is. It reads "under which an actual and bona fide organization shall not have taken place and business been commenced." I believe with Judge Brown that these straw companies ought to be wiped out of existence, but we want to be careful, in putting this in the constitution that we do not wipe out corporations or companies which are formed in good faith, and intend to do business, although they may have not done so as yet. I recall to mind one that I know of myself. I know that the Burlington road have located a line from their present termination down somewhere near Fort Laramie, and have filed their plat with the United States general land office. They have their right of way, have bought rights of way through lands, and have paid for it, but they have not built. The railroads have all been somewhat obstructed in building owing to the depression in business, but they intend to build. They have put money into this right of way, but under this provision that com-

pany, it is not called the Burlington but is known here by some other name, the Grand Island & Western, I think it is, would have to be wiped out of existence because they had not commenced business. At least I think that would be the construction of this, but it might not be.

Mr. SMITH. Is not that commencing business? If they put their money into it, that would indicate their good faith. But there are some corporations who have not done any business and don't intend to do any, and they ought to be wiped out of existence. But we ought to be very careful about this section.

Mr. COFFEEN. A word. In the first place it is clear that the same wish in regard to this matter exists in the minds of all. In the next place, as I take it, if a railroad has commenced business to the extent of surveying the line, or buying the right of way, or anything else that indicates their good faith, they are safe. This is intended to block the way of companies organized to take advantage of the free railroad lands, to cut them off from getting privileges in that way, but if acting in good faith, it don't hurt anybody.

Mr. HAY. I am unfortunately connected with a corporation that owns some land. We put in twenty dollars an acre for it, it is coal land. We put that in two years ago, we have never been able to get title to it, and we have never done any business except to put our money into it. We expect to some day, and I don't for myself see the justice in dissolving it.

Mr. HARVEY. I would like to ask if this is intended to wipe out these corporations without any hearing.

Mr. FOX. Bona fide organizations it says.

Mr. RINER. It is qualified by the words "business been commenced in good faith."

Mr. BROWN. In answer to the question presented by the gentleman from Converse, Mr. Harvey, I would say this does not wipe out without a hearing. The gentleman will see in an instant, by an examination of the section, that there are many questions of fact raised in this section. "All existing charters, franchises, etc., under which an actual and bona fide organization shall not have taken place." That is one fact; a bona fide organization. Its business commenced is another fact. The good faith of the parties is another fact. Now all of these facts would seem to have to be considered before any organization is wiped out. Who is to decide upon these facts? How are they to be determined? The corporation must go into court and establish the fact that they cannot wipe them out under this provision. But another proposition: "business commenced." That is not so clear to me. It seems to me that a railroad company, for instance, when organized, don't commence business when it commences to buy its right of way, it don't commence even when it commences constructing its road.

The business of a railroad is that of a common carrier, and when we say commence business in the sense used here it means business, the business for which or the purpose for which the corporation was formed, and it is a dangerous word to use in the section it seems to me. Now perhaps the proposition presented by Mr. Hay would also illustrate this same question. A corporation is formed and they undertake to acquire title to land. If the purpose and the object is to mine coal, one of the incidents perhaps to its business would be acquiring title to the land, but the business of a coal mining company is producing coal, the main business of the company, so can you say that the business for which it was organized has been begun with the purchase of the land? It is a very difficult question I should say. I can see why the term business was used here by the committee. It is evidently used because the intention was to cover a great variety of corporations, and you cannot say the construction of a railroad, because that would limit it to a single class of corporations; that the purchase of land for a coal mining company, because that limits it again to another class. The word business was used here by the committee with a view of applying it to all classes of corporations, but I am afraid that it is a dangerous word to use.

Mr. RINER. The suggestion made by Judge Brown, as to the condition of affairs out on the Sweetwater, in view of the legislation had by congress, cuts no figure whatever. Congress has provided by law where any railroad company occupies a canyon or pass in the mountains, where it is impossible to get through in any other direction, that another railroad can even condemn their track if necessary in order to get through, they have got to allow them to go through, so as a matter of fact the question of that corporation holding that canyon up there and delaying the construction of the Northwestern, cannot be the case in view of the legislation had by congress. It is on public land. There has been a great deal said about the application of this section to railroad corporations. It hits fifty ditch companies and coal companies and other corporations where it hits one railroad, and if that is the purpose, although I must admit the danger of the suggestion made by Mr. Potter and Judge Brown as to the word dangerous, the section is not dangerous. The purpose of this is to wipe out all of these straw companies on file with the secretary of the territory, that is all right, and I don't believe anybody will disagree to that. In the way this is worded, however, it must not only, in order to save the organization of a corporation, be organized, have a president, secretary, etc., a bona fide organization, but if the business has not actually been commenced, in good faith, at the time of the adoption of this constitution. If a corporation fails in either of these things, under this provi-

sion of the constitution as here proposed, it will have no validity. Here you require them to not only organize in good faith, for the purpose for which incorporated, but you require them to actually commence business, and I think that the term business will bear the construction placed upon it by Judge Brown. I believe it is dangerous, but I am unable without considering the matter to suggest just what word should go in there. The purpose of the section is all right, and I think the effect of such a provision a good one, but we should be careful to word it so as to avoid the objection made to it by Mr. Potter.

Mr. SMITH. This section has been effective in the states where it has been used to meet just such corporations as have been referred to by Mr. Riner. There are many companies, ditch companies, commercial companies, and banking companies, who two days before the election takes place to adopt this constitution, or two months before, who have not perfected their organization. A great many organizations are organized in good faith, for a special purpose, but not in good faith for the purpose of transacting the business organized for. The law as it stands now may be favorable to a particular kind of corporation, more favorable than under a state government, and they will organize for the purpose of securing rights they will have by so doing, and which they would not have under state laws, and that is the intention of this section to prevent things of that kind. If they organized under the territorial law and they do not prosecute their business, they are not entitled to continue their charter, and they ought be compelled to give it up and organize under the state law. I think this section was drawn up also by the committee on railroads, when they made their report, but they did not incorporate it in their report, but thought this was the proper place for it. The public is interested in looking after its railroad lands, although I have no doubt whatever that this would apply to a railroad acting in good faith. It proposes for instance to reach straw companies where it is evident they are trying to get hold of these railroad grants for speculation, and hold them and compel another road to buy them from it, a sort of blackmail you might call it. I understand this is intended for them, and I think it should be incorporated in this constitution, although I think perhaps that it might be worded differently.

Mr. BROWN. I don't know that what I propose will exactly meet the situation, but I submit it for the consideration of the committee; that is to strike out the word "business" and insert "the purpose for which formed has been dilligently pursued in good faith."

Mr. HAY. It seems to me that the object desired by these gentlemen can be reached in some other way. For the sake of reaching these straw companies referred to by them, I don't

think we ought to effect the interests of every corporation that might not be able to pursue their business right along. I think if an organization elects its officers every year, keeps its organization in force, have their board of trustees, their secretary and president, and show their good faith in keeping their organization alive from time to time, it ought not to be dissolved; they may be unable to raise the money, I know a good many of that kind, organized in good faith, but who found it impossible to raise the necessary amount of money to carry out their plans and are not liable to within the few weeks before the adoption of this constitution. The question of the straw companies holding the public lands ought to be reached in some other way, and not by affecting the franchises of corporations organized in good faith, and who are keeping their organizations alive in good faith every year.

Mr. POTTER. I believe it is the unanimous sense of this convention that if any corporation has been organized in good faith, that it ought to be permitted to exist. I believe that is the sentiment of this convention, and that being the case, there is no use in saying anything more, or to hear any more arguments on this question if you believe that. I think it would be an outrage to take away their franchises if they are organized in good faith, just as much an outrage as it would be to take away my property. Now then, I am going to add the following to the amendment suggested by Judge Brown, or rather in place of his amendment: To strike out the words "business been commenced"-and insert "for the purpose for which formed, and which shall not have been maintained in good faith." I don't know as that is any better, but it seems to me that it is.

Mr. COFFEEN. The gist of this article as prepared and reported by the committee is to know that the organization is in good faith to do something. If it does nothing, why I guess it ought to be gotten out of the way and let somebody take the field who will do something. The gist of it is that they should commence business in good faith. The first thing it is necessary for a corporation to do, is a part of its business, if it be the survey of the road bed, acquiring title to lands, or anything of that kind, the first thing it does, so I don't believe there is any danger in this section, and I don't believe we can improve upon it. The Washington constitution has exactly this same section in it, I think the section as it stands covers the ground perfectly.

Mr. BAXTER. I move that this committee rise, report progress and ask leave to sit again.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will

say aye; contrary no. The ayes have it; the motion prevails. The committee will now rise.

(Committee report. See journal page 84.)

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. POTTER. I move it be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole as read be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the report is adopted.

Mr. RINER. I move that we now take a recess until 7:30 this evening.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion that we now take a recess until 7:30 this evening will say aye; contrary no. The ayes have it; the motion to take a recess prevails.

EVENING SESSION.

Monday evening, Sept. 23, 1889.

Mr. PRESIDENT. Convention come to order.

Gentlemen, at the hour of adjournment we were considering the report of the committee of the whole on substitute for Files No. 11, 38, 42 and 72. The committee of the whole rose and asked leave to sit again.

Mr. RINER. I move we go into committee of the whole for consideration of the general file.

Mr. FOX. Second the motion.

Mr. PRESIDENT. All in favor of the motion to go into committee of the whole will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. Will Mr. Johnson of Laramie take the chair?

Mr. CHAIRMAN. At the time the committee arose the question was on the amendment to Sec. 3, to strike out "business been commenced" and insert "and been continued."

Mr. CHAPLIN. I offer this as a substitute: "All existing charters, grants of special or exclusive privileges under which organization shall not have taken place, or shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no effect or validity whatever."

I will state that this section is taken from the Illinois constitution and seems to do away with the business part objected to this afternoon, and in my opinion covers the ground entirely.

Mr. MORGAN. I like the original section pretty well, and if this substitute takes its place I shall like it equally well.

This article is of more importance than I thought when we adjourned. It is intended for something like this. There are numerous corporations in this territory which are virtually dead, but they can be revived by any designing man, and made alive under the new constitution when it comes into effect, without being subject to the provisions thereof. The corporation might be apparently dead, so far as the original organization was concerned, but it might have been organized under special favorable privileges, and be revived for the purpose of getting the benefit thereof, and putting them into operation without being subject to the provisions of the constitution. I think my friend from Albany was mistaken in his ideas this afternoon, that this would effect railroad companies, because their business was that of common carriers, whereas in the incorporation of a railroad company it is for the purpose of constructing and maintaining a railroad as well as common carriers. This is intended to prevent corporations which are virtually dead from being revived without being subject to the provisions of the constitution. If they want to reorganize they can do so under the new constitution and be subject to it. It seems to me there is no difficulty about this, and I think Sec. 3 or the substitute will, either one of them, answer the purpose.

Mr. SMITH. I hope this substitute will not prevail, because I think if you will look at this section carefully it is really a very important one. Now as to this word "business" as referred to here. The section as it reads, "bona fide organization shall not have taken place, and business commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity." The word business there is unnecessary, the gist of the whole thing is the good faith. There are a great many corporations that have spent considerable money in acquiring franchises, that may have some particular purpose in desiring to hold their franchises, yet have done nothing, that corporation has its existence. Every corporation until legally dissolved is an existing corporation and from what I have heard here there are corporation papers on file in the office of the secretary of this territory covering almost every conceivable interest you can think of. These corporations by their charters here may be revived, and they are revived under the law which they were created. A charter granted is a contract, and no constitution or subsequent law can effect it, unless the right is especially reserved at that time, and they are only subject to the laws under which the charter was granted, and if they prefer to act under the old charter there is no remedy for it, and you cannot make them subject to the new constitution. Another thing. I desire to call attention to the complications and difficulties that would arise in business if corporations did revive and do busi-

ness under the old charter. There is always more or less litigation connected with corporations.

Mr. MORGAN. Let me read a section from the Pennsylvania constitution: "All existing charters or grants or special or exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity." That is almost word for word as we have it here.

Mr. CHAIRMAN. The question is on the substitute offered by the gentleman from Albany, Mr. Chaplin. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question now recurs on the amendment to strike out the words "business been commenced" and insert the words "been continued." Are you ready for the question?

Mr. POTTER. I really think that this amendment covers the ground and puts it just where we ought to have it. Nearly all the corporations formed in this territory are for private business purposes, nearly all of them, with the exception of the few railroad companies we have. They may own property, may have acquired property, and as I said this afternoon, may not have gone into actual business. Mr. Smith says that good faith is after all the gist of the whole matter. If there is an organization in good faith, it covers the whole question, and we need look for nothing further. They cannot prove that unless they have gone into business or are making arrangements to go into business and I am not sure whether the courts would not hold that it will not be considered so unless they have actually gone into business, and as it would have to go to the courts anyway why not leave it entirely to them? Although all these other states have adopted this, but they may have some other questions, something in those states that we have not got. They may have some law by which they can grant special charters. No charter has been granted in this territory since I have been a resident of it. They have all been organized under the general law. We have no special, exclusive, privileges given to corporations. I don't believe one can be pointed out.

Mr. FOX. The object of this section here is to bring everything as near as possible under the state government when we organize. Under the restrictions we put on corporations, these old corporation papers that have never been used will be in demand. Parties will buy them up because organized under the laws of Wyoming territory, and they will carry out the object of the incorporation under the laws of the territory. I think this section is a good one and should be adopted just as it is now.

Mr. RINER. In arranging this report on corporations, I think in the consideration of any one subject, we must view it in the light of the succeeding sections. Sec. 8 provides that "no corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of corporation." Take the case to which Mr. Hay referred this afternoon. Here is a corporation organized in good faith, for what purpose? The articles of incorporation say for the purpose of mining coal. They have invested a large amount of money in coal lands, but have not developed them as yet at all. They own the land, for which they paid the government price of twenty dollars an acre. By your adoption of Sec. 3, unless you put in a saving clause, as suggested by Mr. Potter, you dissolve that company and take away its franchises. Now then here comes in the trouble of this whole thing. Members of the committees take out this and that from the different state constitutions, without taking into consideration for a moment whether they effect the local conditions we have here or not. Now I say to this constitutional convention that the people will never ratify a constitution which is going down into the pockets of the people of this territory and take away from them thousands of dollars which they have invested in corporations, such as Mr. Hay suggests. That is a corporation which I know was organized and is organized and exists today in good faith, yet taking your whole report, coupling Sec. 8 with Sec. 3, and you take from that corporation not only its franchises and its property (because its charter is part of its property), but also the right to utilize that property, for other purposes. Supposing your constitution is adopted tomorrow, I ask you, more especially the legal members of the convention, whether or not as a matter of law they would not be wiped out of existence?

Mr. BROWN. Let me ask you a question? How will you remedy the section so as to save such companies and yet maintain the general object of the section?

Mr. RINER. I think Mr. Potter's suggestion reaches the exact case. When it comes to the question whether or not parties have formed a corporation in good faith, we know that it is a well defined proposition in law, the court will have no trouble in ascertaining what good faith is. "All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place and been continued in good faith at the time of the adoption of this constitution," I say that is broad enough, and as broad as we want to have it in this constitution. As to this matter no one can say I am speaking for any particular corporation, it won't effect a railroad in the territory. The section as it now reads, unless this amendment is put in, you will find, I venture

to say, stamp out of existence at least twenty-five corporations which are maintaining their organizations in good faith, as much as the Northwestern railroad maintains its organization in good faith. It will dissolve a number of coal companies; to my knowledge there is one formed a short time ago for the purpose of developing a coal mine near Rock Springs, a private corporation in which no railroad or no man who has any interest directly or indirectly in a railroad company, are stockholders, they have bought their land and paid the government price for it, but as yet have done no work. Now are you going to say that company shall be dissolved because they have not as yet done any work, and may not have done any at the date of the adoption of this constitution? They are poor men, laboring men, who thought they could do better at this than to work for the Union Pacific in their coal mines by the day. By your provision, unless you put in a saving clause such as suggested by Mr. Potter, you drive them back to the mines to work by the day. I say the thing is not right. Let us look at it as men, as intelligent men, who want to do the right thing, in view of our local conditions here. You cannot take a section from the Pennsylvania constitution, another from Colorado, another from South Carolina, where the conditions are entirely different from what they are here, and attempt to apply it here, because it worked well in Pennsylvania. It is a mistake and you will find it out to your sorrow later on.

Mr. COFFEEN. "In good faith" applied to the fact of continuing the organization, don't reach far enough, we ought to in some manner say good faith in the going forward to activity. Consider it in the light of Sec. 8 Mr. Riner says. I contend it is not effected by Sec. 8, unless they have violated it, and if they have it is best for the people that they should not be able to hold their rights. But I would like to ask a question. Some parties have been referred to by the gentleman from Laramie, Mr. Hay, as having organized a corporation, made their organization and invested their money, in doing that have they not commenced business?

Mr. RINER. The courts have decided that they have not.

Mr. COFFEEN. If you can state the courts have decided that, it will help us out in this case. But we want to prevent corporations from simply holding their franchises in bad faith and doing nothing at all, but if they are doing something in good faith, investing money in coal lands in good faith, as has been referred to here, then I stand in favor of protecting their rights.

Mr. MORGAN. I move as a substitute the following: "The general assembly shall not remit the forfeiture of the charter of any corporation now existing or alter or amend the same or pass any other general or special law for the benefit of such

corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

Mr. RINER. There is one objection to that. We have already provided, and I think very properly, that special charters shall not be granted in any case, therefore the part referring to special charters should be cut out.

Mr. CHAIRMAN. The question is on the substitute. As many as favor the adoption of the substitute will say aye; contrary no. The noes have it; the motion is lost. The question is now on the amendment to strike out "business been commenced" and insert "been continued." As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—7. Contrary—9. The amendment is lost. The question now recurs on Sec. 3 as it originally stood.

Mr. RINER. I shall be compelled to raise the question of a quorum.

Mr. CHAIRMAN. As I understand it the question of a quorum cannot be entertained in committee of the whole.

Mr. RINER. As the matter was passed upon the other day it was decided that the question of a quorum can always be raised.

Mr. MORGAN. I decided the other day that the question could not be raised, and afterwards found that I was wrong and took it back. The question can be raised in committee of the whole as well as in the convention.

Mr. CHAIRMAN. The chair did not understand it that way.

Mr. MORGAN. I move that we pass this section for the present, and not take a vote on it now.

Mr. COFFEEN. I rise to second that suggestion in deference to Mr. Riner's wishes, so we can go on with the business and not lose any time.

Mr. HAY. I move to amend the motion of the gentleman from Laramie, Mr. Morgan, so as to make it that we pass over this file entirely and go on to the next file on the calendar.

Mr. TESCHEMACHER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that we pass over this file and go on to the next file. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next file is File No. 85, by Mr. Jones.

(Reading of the file.)

Mr. RUSSELL. I move when this committee rise it recommend this section for adoption.

Mr. JONES. Second the motion.

Mr. CHAIRMAN. It is moved that when we rise we recommend that this file be adopted. Are you ready for the question?

Mr. HAY. I am not quite clear about this and would like to hear a little discussion upon it. In order to bring it before the committee I move to strike out "in all mines."

Mr. FOX. I don't think this belongs in the constitution. It is legislative business and should be left to the legislature.

Mr. RUSSELL. I don't see why this should not be incorporated in the constitution. The question has been raised in Colorado, and they have incorporated a part of this in their constitution. We all know that eight hours is sufficient for any man or boy to be imprisoned in a mine. This would not interfere with the matter of contracts. He might contract to work sixteen hours. It would not interfere with contracts at all. I think it belongs in the constitution and that is where it ought to go. The mining people, in my part of the country particularly, requested that it should be put in there.

Mr. SUTHERLAND. I am in favor of this being incorporated in the constitution, as I think eight hours is long enough for a man to work in wet mines. I think eight hours is long enough for a man to stand working in cold water, and I am for that reason in favor of having it incorporated, and not trust to the legislature to pass such a law. I know there is always a chance to get around it. I have worked large shifts of men in Connecticut, where the same law was in force. The men could work longer under special contract, but I know it was taken advantage of by those under age, boys for instance, and the law was complied with to the letter in regard to them, and as long as the government has made eight hours an actual day's work, I don't think it is anything but justice to those who have to work below the surface of the earth for a living that we should pass this, as long as it is their request.

Mr. POTTER. I move to strike out all after the word work. I make this amendment for this reason: I don't see why a taxpayer should pay his money out on shorter hours than an individual, and if eight hours is enough work for a city or state, it is enough for me. I believe a rule which is a good rule for one is a good rule for all, and if it is not a good rule for all, it is not a good rule at all.

Mr. SUTHERLAND. So far as its being a good rule, I referred to the mines. A number of years ago the brick layers and stone cutters called for eight hours as a legal day's work, and now every state in the union has accepted eight hours as a legal day's work.

Mr. POTTER. If it is long enough to work for the state why is it not long enough to work for me? Why should he work less for his money for the state than for me?

Mr. SUTHERLAND. I don't know why. I believe if you hire a man I will guarantee that the first thing that you will do is to state to him whether he is to work for eight hours or ten

hours, and you will pay him so much an hour. That is the way it is done. I have worked in coal mines, and for a man to stand drenched with cold water longer than that is not right, ten hours is too much.

Mr. HARVEY. What is the object of this law; to contract for ten hours and work for eight hours under the contract?

Mr. RUSSELL. In answer to that question, I will state the object of this law. A young man who cares for education, being compelled to work in a coal mine, say ten or twelve hours, it allows him little time or opportunity to study or improve himself, little time for recreation and study, but with eight hours, he will have plenty of time to study and educate himself, and this is largely for the purpose to give the boys a chance. There is no question but there are hundreds of men in this territory who would rather work sixteen hours than six, and they can do it if they wish, but it is the opinion of the intelligent men that eight hours is sufficient to work in these mines, and as I said before, it is to give the youth who have to work in these mines and help their fathers support the family, an opportunity to educate and improve themselves.

Mr. POTTER. Why do you confine this to mines and to state and municipal works? Why should eight hours be confined to that class of work? Why should a man who works on a store building be compelled to work longer than a person who works on a statehouse? If eight hours is enough for one kind of work, why is it not enough for all kinds?

Mr. SUTHERLAND. All the trades unions in the country have adopted this eight hour system; where contracts are made the contractors are all in favor of the eight hour system. A man will do almost as much work in eight hours as he will in ten. You have a fresh man where you have a tired one when he works ten hours. The stone cutters like it better, the brick layers like it better, and all over the east this system prevails.

Mr. HOYT. I agree with my colleague that this is legislation, but we have done considerable legislation, and this covers but one or two lines in the constitution. This is an age of human sentiment, and great progress has been made in the consideration of this question of labor, and the interests of the laboring classes. I recollect very well when children worked fourteen and sixteen hours in the factories until the intelligent people and the legislatures in the states east of the Mississippi and in the northeastern states, where these great factories are, came to the rescue and saved these young children, from their drudging toil which was wearing out their lives while they were yet young. I have never had, I think, so much sympathy for any one as I have for these men who work in the mines, who go beneath the surface and toil in the dark for hours, in the

damp, unwholesome atmosphere, until their lives wear out while they are yet young. Now inasmuch as this does not require a man to pay any more for so much work per hour than if he worked sixteen hours, this will give the men a little time for study and recreation, and I am in favor of this proposition, and yet I think, as Mr. Potter does, if eight hours is enough for a day's work on state and municipal works why is it not enough for all work? I think it should be conceded as a general proposition, that eight hours work is enough for any man, and I hope to see the time when eight hours will be, when men shall not be required to work from hour to hour with little time to devote to the cultivation of mind, and his family and the comforts and enjoyments of home life.

Mr. JONES. It is a matter of fact that the statutes have a similar section to this in regard to employment on state and municipal works, while we miners who labor under the surface are compelled to work longer. Eight hours is long enough for a man to work in the damp, impure air of a coal mine. I introduced this section at the request of the miners of Uinta, and I hope it will pass.

Mr. BROWN. I want to present another view of this question for the consideration of those gentlemen who represent the laboring interests of this country. I remember last winter the railroad company was talking about cutting down the work in the shops to eight hours a day, and there was a howl went up against that sort of thing, and by the laborers themselves. There is another thing in reference to this same matter. I heard a gentleman on this floor say a few days ago that he would not dare to go home among his people if a measure of this kind was adopted, and he lives among a mining people. The idea was that if this eight hour system was adopted as a matter of law all these companies would enforce it whenever they took a notion, and there would be no way of getting around it. Now take it in a mine. A man cannot go and work as he pleases and as long as he pleases, or as short as he pleases. If he goes into a mine to work and they are employing men upon the eight hour system, when the eight hours are up he goes out and someone else goes in there to take his place. There are many men in the mines who are not willing to work under this eight hour system, and I think that a great majority of them will be found to consider that the adoption of such a proposition as this would work a great injury to them. You take it where you are working under the eight hour system, and when that system is adopted by a mining company, they arrange it with their employes so that their men are changed whenever the eight hours expire, and they make that arrangement with all their employes. I have never yet seen a mine where that system could be adopted and followed without cleaning out every

man who went in there at the end of eight hours, or let him work for sixteen hours if he wants to. That is the only way you can arrange it. I don't believe therefore that this is a thing that laboring men want. The gentleman from Uinta says we want it there. Another mining man from Carbon says we don't want it, and it is the very last thing in the world that we do want. I don't know how these gentlemen are going to settle it between them. It might work well in its application to children, but my own idea about it is that children should never be allowed to go into mines at all, and those that let their children do it don't do their duty.

Mr. HOYT. I agree with Judge Brown that the mines are no place for children, but this does not reach the difficulty. Now if all the miners in the state really desired this to be placed in the constitution they should have petitioned this body to do it and we should have had some sort of an expression from the miners of the territory in regard to it. If we put it in the constitution necessarily that rule applies all over the territory, and the only question in my own mind is as to whether they want it or not.

Mr. JONES. Of course we don't expect to earn as much in the eight hours as we would in ten, working by the piece. If we can make three dollars and a half in ten hours and only three in eight we are willing to take it, for the purpose of educating our children.

Mr. HOLDEN. I presume I am in the same boat with the majority of the members of this convention, I don't know anything about this matter. But as I infer from my colleague here the object of this thing is simply this: Under the present regime these men go into the mines at seven o'clock in the morning, and are compelled to remain there until six o'clock in the evening. Now they tell me that they work by the ton, that is so much money for so much work, so much for mining each and every ton of coal. They tell me that they are only able to work part of the time they are down there, but they are compelled to remain there, without doing anything at all. Now in order to send their sons to school, as I understand it, they do not wish to be required to remain down in the mines longer than eight hours each day, that the boys shall not be required to remain down there longer than eight hours each day. If the men are strong and healthy and desirous of making more money they might remain longer, and they would certainly be paid for it.

Mr. RUSSELL. This may appear to you gentlemen a very simple thing in your minds, simply because you are not miners. My colleague and I have been miners for the last twenty-five years, and we know what we are talking about, and I wish you gentlemen to understand that I made the statement here that it was at the request of the miners of our county, I had this

article introduced here. I don't know anything about this opposition from Carbon county. I know there are many miners that this would not suit at all, but I say the intelligent class of miners wish the measure passed. This eight hour system may reduce my wages, but they will reduce my wages anyhow and I will have to work ten hours. It is a question of supply and demand. Now, gentlemen, I hope this will pass and be embodied in the constitution.

Mr. PRESIDENT. The question is on the motion that this file be reported back to the convention with the recommendation that it be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The next thing on the general file is the proposition on education.

Mr. RINER. I move this file be made special order for Thursday morning. Governor Baxter and one or two others are much interested in this question and would like to hear it discussed.

Mr. PRESIDENT. The question is on the motion that the educational file be made special order for Thursday morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I move the committee now rise and report.

Mr. CHAIRMAN. The question is now on the motion that this committee rise and report. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the committee will rise and report.

Mr. PRESIDENT. What will you do with the report of your committee, gentlemen?

Mr. CAMPBELL. I move the report be adopted.

Mr. PRESIDENT. The question is on the motion that the report of the committee of the whole be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I move we now adjourn until 9 o'clock tomorrow morning.

Mr. PRESIDENT. The question is on the motion to adjourn. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The convention will adjourn until tomorrow morning.