

say aye; contrary no. The ayes have it; the report stands adopted.

Mr. TESCHEMACHER. As the engrossing committee have a great deal to do, and as the file on preamble and bill of rights is but slightly amended I would like to ask if it may not be considered as the engrossed file as printed.

Mr. PRESIDENT. It is moved and seconded that the printed file, preamble and bill of rights, be considered as the engrossed copy. 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 file will be so considered.

Mr. CHAPLIN. I move we take a recess until 9 o'clock tomorrow morning.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of taking a recess until 9 o'clock tomorrow morning will say aye; contrary no. The ayes have it; the motion prevails.

---

## TWENTY-SECOND DAY.

### MORNING SESSION.

Thursday, Sept. 26, 1889.

Convention assembled at 9 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Mr. PRESIDENT. The secretary will call the roll.

(Roll call.)

(Reading of the journal.)

Mr. PRESIDENT. Are there any corrections to be made to the journal? The chair hears none, and it will stand approved as read, Mr. Secretary.

Presentation of petitions, propositions and memorials. Are there any to be presented this morning? Are there any reports of committees? In cases where propositions have been referred to committees, and the originals not returned again, the secretary would ask that they be returned so that they can be all filed away, and a record kept of them, and if the gentlemen of the convention who have any of these propositions in their possession will return them within the next day or two, it will help us out.

Final reading of bills. File No. 88, as reported by your committee, has been properly engrossed, or rather the printed copy was made the engrossed copy, and is now before you for final reading and passage. Is there any desire to amend? Is there any section that any member desires to amend?

Mr. HAY. I have an additional clause that I want to suggest. The thing I want to add is this: "The provisions of this clause are mandatory unless by express words they are qualified or declared to be otherwise." It has been suggested that it would be a good idea to have that incorporated, and therefore I mention it.

Mr. HOYT. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Hoyt.

Mr. HOYT. As a member of the committee making the report I simply desire to say that I have carefully looked into this amendment offered by Mr. Hay, and it seems to me a proper thing to be incorporated into the constitution as there might possibly be conflicts between some portions of the constitution, and this would possibly and I think probably, relieve the difficulty arising in any such case. I can see no harm in it, and good might possibly come of it.

Mr. SMITH. I move the proposition be laid on the table, and come up before the convention at the same time as the article referred to.

Mr. PRESIDENT. It is moved that the proposition offered by Mr. Hay be laid on the table until the constitution comes up for final reading, and that it be then considered with the article referred to.

Mr. COFFEEN. I rise to a point of order. I understand this is an amendment to the bill of rights. The point raised is simply this: If this motion to table this amendment should prevail, it would carry the bill of rights along with it. I don't think we can table an amendment unless we table the whole subject matter with it.

Mr. PRESIDENT. Has the gentleman any authority for the point raised? It is the understanding of the chair that the motion would table the entire matter in the proposition itself, but not necessarily table the whole bill or file which it is proposed to amend.

Mr. COFFEEN. I have always seen the ruling in legislatures and other bodies where any motion is made to table any proposition that the whole subject matter to which it refers is tabled with it. I do not know as I can refer to any special authority, but I have always seen that ruling practiced in that way.

Mr. PRESIDENT. I perhaps misunderstood Mr. Hay, but I understood his motion was to present this as an amendment to the bill now under consideration. It is now moved by Mr. Smith that that matter be laid on the table, and be consid-

ered when the article itself comes up for final passage by the convention.

Mr. HOYT. It was understood by the gentleman offering the proposition that the article was now before the convention for final passage, and that amendments had been called for.

Mr. PRESIDENT. It was called up for final reading and amendments asked for, and the chair understood that this was offered as an amendment. Was it the intention of the gentleman from Laramie, Mr. Hay, to so offer this?

Mr. HAY. That is exactly what I intended to do.

Mr. SMITH. I will withdraw my motion. I thought you were calling for propositions and did not understand that the file was before the convention at this time. If the file is now pending it may as well be disposed of at this time as well as any other time.

Mr. PRESIDENT. The question is on the amendment offered by Mr. Hay. The chair would state that it seems to me that it would be a very dangerous matter to incorporate.

Mr. HAY. I want to say that I do not offer that again today on my own account, but at the suggestion of the committee. After it was voted down last night I should not have brought it up for discussion again but that the committee asked me to do it. I don't know whether it would reach the point desired or whether it is a good thing or not. I simply offer it because I was asked to.

Mr. ELLIOTT. I favor in every way any attempt at healing any possible defects in the constitution, but I think that the amendment offered would not only not accomplish that, but that it would be a rather dangerous provision to insert. The constitution should speak for itself, and if we cannot frame such a constitution, a constitution that declares in plain language what it means we should not try to frame any.

Mr. PRESIDENT. The thought that occurred to me was that there are many negative propositions in the constitution, in fact a large portion of the constitution is made up of negative propositions, and if you say they are mandatory, as proposed in the amendment offered, the effect of such a statement in the constitution would be to make these negative propositions mandatory. The rule is universal that these negative matters are never enforced until they are enforced and carried out by laws enacted by the legislature. They merely give the legislature authority to act in certain matters, and prevent their acting in certain matters.

Mr. SMITH. It would demand a strict construction of these matters instead of a liberal as intended.

Mr. HAY. I withdraw that amendment if it is permitted.

Mr. PRESIDENT. It will be withdrawn if there is no objection.

Mr. HARVEY. I last night moved to strike out all after the word "debt" in Sec. 5, under the supposition that it was necessary. My attention has since been directed to the law regarding this matter, and I find Mr. Potter was right. As now amended we could not enact any law to imprison any one to aid in securing the execution of a judgment, and I therefore move to amend the said Sec. 5 by adding the lines in the original section.

Mr. PRESIDENT. The convention has voted to strike out these very same words, and it so stands as the action of the convention, and it seems to me that it would look a little vacillating for us to take this action this morning. It would look as if we did not know just what we did want.

Mr. HARVEY. It was upon a misapprehension of the legal bearing of the matter that I made that motion last night, and since I have discussed the matter and considered it more carefully I think those words should be reinserted.

Mr. CAMPBELL. Was it struck out last night?

Mr. PRESIDENT. It was recommended by the committee of the whole that these words be stricken out, and the convention adopted their report with that recommendation, and it became the action of the convention by that vote.

Mr. HARVEY. To make it less awkward I move that after the word "debt" we insert the words "except in case of fraud." That is the language in the Nebraske constitution.

Mr. PRESIDENT. Gentlemen, it is moved to amend this file by adding to Sec. 5 the words "except in case of fraud." Are you ready for the question. All in favof of the motion will say aye; those opposed no. The ayes have it; it is so amended.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I voted in the affirmative last night, confirming the action of the committee of the whole in regard to this file, and I now desire to move that vote, so far as it effects Sec. 18, be reconsidered.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. It is moved to reconsider the vote by which the recommendations of the committee of the whole were adopted, so far as they relate to Sec. 18 of the printed bill. The secretary will read the section.

(Reading of Sec. 18.)

Mr. PRESIDENT. The question is on the reconsideration of the vote by which the report was adopted as to this section. Are you ready for the question?

Mr. CAMPBELL. I was not here last night when this matter was considered, so I do not know what arguments were made in regard to it, but it looks to me as if the section as it stands with that part out would make any person incompetent

to hold any office or serve as a juror unless he believes in a God. It strikes me that it is not just right.

Mr. PRESIDENT. Are you ready for the question? The question is on the motion to reconsider the vote. All who are of the opinion that the vote adopting the report of the committee of the whole should be reconsidered, so far as it relates to this section, will say aye; those opposed no. The noes seem to have it; the noes have it. The motion to reconsider is lost. Are there any further amendments to be offered to the file?

Mr. CAMPBELL. I suppose I ought to be censured for not being here last night, when this matter was discussed, and I ought not to take up the time of the convention at this stage of the proceedings, but I would like to inquire if any amendment was made to Sec. 9.

Mr. PRESIDENT. None.

Mr. CAMPBELL. Then I move to amend the last sentence as follows: "Of not more than twenty-three nor less than sixteen, any twelve of whom may find an indictment."

Mr. MORGAN. Second the motion.

Mr. PRESIDENT. The question is on Mr. Campbell's motion to amend Sec. 9 as follows: "Of not more than twenty-three nor less than sixteen, any twelve of whom may find an indictment." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to amend is lost.

Mr. CAMPBELL. Although I don't seem to be very successful with my amendments I want to place myself on record in regard to these things, and I will now move to strike out all of the last sentence after the word "indictment."

Mr. PRESTON. Second the motion.

Mr. PRESIDENT. It is moved to amend by striking out all of the last sentence in Sec. 9 beginning with word "but." Are you ready for the question? All in favor of the motion to strike out will say aye; those opposed no. The noes have it; the motion is lost.

Mr. CAMPBELL. I have another amendment which I wish to offer. Sec. 10, I believe that was not amended. Now, Mr. President, I don't think this committee here can improve on the language of the United States statute on this subject, and I therefore move to amend by striking out the words "to meet the witnesses opposed face to face," and put in the language which everybody understands, "to be confronted with the witnesses against him." That is the language that has been passed upon by the courts, and we all know what it means.

Mr. PRESIDENT. You have heard the motion made by Mr. Campbell to strike out and insert. Are you ready for the question? All in favor of the motion will say aye; those opposed no. The chair is in doubt. All those in favor of the motion will

rise to their feet and stand until counted—17. Those opposed will rise and stand until counted—10. The motion to strike out and insert prevails.

Mr. BAXTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter.

Mr. BAXTER. I move in the fourth line of Sec. 18, after the word "juror" to insert the following: "On account of his belief in God, or the non-existence of a God, nor." I do this because when the motion to reconsider was pending before the house some of the gentlemen here did not understand what was before the house.

Mr. CAMPBELL. Second the motion.

Mr. PRESIDENT. The gentleman proposes to insert language that he has already voted out. In order to do that it will be necessary to reconsider the matter.

Mr. BAXTER. My motion was to insert "on account of his belief in God, or the non-existence of a God, nor." I do not think those are the exact words that were stricken out.

Mr. PRESIDENT. Will the gentleman present his motion in writing?

Mr. COFFEEN. I would suggest that "on account of his belief or disbelief in God" would make the smoothest reading.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Baxter, moves to amend Sec. 18 by instrting the words "on account of his belief in God, or the non-existence of a God, nor." Are you ready for the question?

Mr. BAXTER. I simply want to say a few words in regard to this matter. Some of the gentlemen present claim that if this is stricken out, the effect would be the same as with it in. Other gentlemen seem to think that it would not. Now it seems to me that the best way for a man to convey his meaning is to say what he means. If he means that a person shall not be disqualified from holding any office of trust or profit, or serving as a juror, I want him to say so. I object to leaving this section in such shape that one man may interpret it to retain that restriction and some other man says it does not. If we mean that it does we had better say so; if we don't mean it, we had better say that we don't mean it. I don't see why a man's religious belief should disqualify him. The question does not touch me personally, because I believe in the existence of a God, but because I believe a man who does not believe in the existence of a God is just as well qualified, just as competent and just as truthful, as a man who does believe, to serve as a juror or hold any office of trust, that I insist this should be inserted. I know two or three men, citizens of this town, who, if placed on the stand, could not swear whether they believed in a God or not, and I would say further that

I don't believe that three men out of five have any deep, rigid convictions as to what they do believe in regard to this question, and I think you are placing a man in a false light to make him swear whether he does or does not believe something.

Mr. HAY. I would like to ask whether the words "any matter of religious belief whatever" would not cover it just as well. It seems to me that it is all covered by that one sentence.

Mr. PRESIDENT. Are you ready for the question? All those who are in favor of inserting the words proposed by the gentleman from Laramie, Mr. Baxter, will say aye; those opposed no. A division is called for. All in favor of the amendment will rise and stand until counted—13. Those opposed will rise and stand—17. In the negative. The motion to insert is lost.

The question now is shall the file be finally read?

Mr. BURRITT. I desire to offer a substitute for Sec. 6. The amendment offered to Sec. 6 that was carried last night takes away, in my judgment, all the force of the section, and I have a substitute which I wish to offer, which reads as follows: "No person shall be deprived of his life, liberty or property without due process of law."

Mr. PRESIDENT. The chair will state the motion of the gentleman from Johnson, Mr. Burritt. He moves that the following be inserted as Sec. 6, in lieu of the present section: "No person shall be deprived of his life, liberty or property without due process of law." Are you ready for the question? All in favor of the adoption of the amendment will say aye; those opposed no. The ayes have it, and the motion prevails. Are there any further amendments? The question is now upon the final reading of File 88.

Mr. CAMPBELL. I have been dubbed a crank for getting up here this morning and offering so many amendments, but nevertheless I would like to know what the words "American Union" in the last line of this file mean? I don't believe there is any such thing as the "American Union." I say it is the United States of America, and that there is no such thing as the so called "American Union," except as that vague term is used by spread-eagle, high flying orators, and I therefore move that the words "American Union" be stricken out, and the "United States of America" inserted in lieu thereof."

Mr. PRESIDENT. The question is now upon the final reading and passage of the file. It has passed the point where amendments can be made. All who favor the adoption of File 88 as now amended as a part of the constitution will say aye as their names are called; those opposed will say no as their names are called. The secretary will call the roll. The vote upon File 88 is as follows: Ayes, 31; nays, 5; absent, 13. The file No. 88 you have adopted, gentlemen, as a part of the con-

stitution of Wyoming. This disposes of all matters upon the table for final reading.

Mr. REED. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Reed.

Mr. REED. I desire to offer a proposition at this time and move that it be placed on the general file. The proposition is as follows: "Appeals from decisions of compulsory boards of arbitration shall be to the supreme court of the state, and the manner of taking such appeal shall be prescribed by law."

Mr. PRESIDENT. Is there objection to the proposition being offered at this time? The chair hears none, and it will be referred to the general file to come up in the regular order. Are there any other propositions or reports at this time?

Mr. POTTER. In accordance with the suggestion made by the chair, the judiciary committee desires to make a report upon some files referred to them.

Mr. PRESIDENT. Is there any objection to the report being received at this time? The chair hears none. The report will be received.

(See journal page 96.)

Mr. PRESIDENT. A motion to go into committee of the whole for consideration of the general file is now in order.

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

Mr. BURRITT. Second the motion.

Mr. PRESIDENT. The question is on the motion to go into committee of the whole for consideration of the general file. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion to go into committee of the whole prevails.

(The president called Messrs. Harvey, Casebeer, Clark, Foote, Campbell, Reed to the chair, but all declined. Mr. Elliott of Johnson finally accepted.)

Mr. CHAIRMAN. The first file to be considered is substitute for Files No. 59, 29 and 8, on education.

Mr. HOYT. Mr. Chairman, it will be recollected that this was taken up for a few moments the other evening, and at that time I stated that while all the sections had been very carefully considered by the committee, Sec. 1 was somewhat hastily prepared in order to get it before the committee of the whole. And I beg to offer the following as a substitute for Sec. 1:

(Hoyt's substitute for Sec. 1.)

"Since the security and general welfare of a state depends mainly on the popular intelligence and virtue of its citizens, the legislature shall provide for and maintain a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public

good may demand, and the means of the state allow, and such other schools as may be necessary."

Mr. BURRITT. I would like to ask Mr. Hoyt if he considers it a wise thing to leave to the legislature the establishment of grades in schools?

Mr. HOYT. I suppose the legislature will make such provisions as will lead to the establishment of grades. It is not supposed that the legislature will interfere with the grades as they are at present, but it has been thought possible that there might be other classes of schools. Schools for manual training have been opened in many places in connection with the public schools. Then there is the kindergarten, for very little children before they are prepared to enter the eight grades which are established almost universally throughout the country.

Mr. CHAIRMAN. The question is on the substitute. Are you ready for the question?

Mr. BAXTER. I take exception to it because I don't think that the security depends mainly upon the intelligence of its citizens. I think it is dependent upon the virtue and uprightness of its citizens.

Mr. COFFEEN. I wish simply to state that I think that intelligence is not the only safeguard of free institutions; virtue is greater and stronger than education.

Mr. RINER. I am inclined to think that if Mr. Coffeen and Mr. Baxter will refresh their memories they will recollect that in discussing the educational qualification to the right of suffrage, that they contended that it was. I am therefore in favor of the substitute.

Mr. MORGAN. I move to strike out all of the first part of the section down to the words "the legislature."

Mr. HOYT. I think the committee would make no objection to that. This clause is introduced only with the design to educate the public mind, that is all.

Mr. CHAIRMAN. All in favor of the amendment will say aye; those opposed no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—18. Those opposed will rise—6. The motion is carried.

As many as favor the adoption of this substitute as amended will say aye; those opposed no. The chair is in doubt. As many as favor the adoption of the substitute will rise and stand until counted—17. Those opposed will rise—6. The motion is carried. The substitute is adopted.

(Reading of Sec. 2.)

Mr. MORGAN. I suggest that the figures be stricken out and the words written.

Mr. CHAIRMAN. That is a matter that the committee on revision will attend to.

(Reading of Sec. 3.)

Mr. CLARK. I move to strike out the section.

Mr. PALMER. Second the motion.

Mr. HOYT. I would like to ask the gentleman why?

Mr. CLARK. My reason is that I believe in the section above everything that can possibly go to the schools is provided for, and I don't see any necessity for this section.

Mr. CHAIRMAN: As many as are in favor of striking out will say aye; contrary no. The chair is in doubt. As many as favor the motion will rise and stand until counted—16. Those opposed—5. The motion is carried. No objection to Secs. 4 and 5.

(Reading of Sec. 6.)

Mr. HOYT. There seems to have been an error in the first line, after the word "belong." I think there should be inserted "to the public school fund."

Mr. POTTER. I move to amend by striking out the words "county treasurers" and insert "custodians of such fund." Perhaps we ought to omit that part providing that the money shall be paid to the county treasurers, as the legislature might make other provision. I don't know as we ought to bind the legislature as to the method, and therefore I move to strike out "county treasurers" and insert "custodians of such fund."

Mr. BROWN. The county treasurer receives all the money for the school funds of the county, and I think he ought to receive every cent and then have it disbursed by the treasurer of the county among the several school districts. This belongs to the fund of the county and ought to be in the hands of the county treasurer.

Mr. BURRITT. Let me call attention to the fact the constitution, as we now have it, does not specify any county officials at all. Now supposing the legislature should see fit to designate some other person than the county treasurer, supposing they shouldn't have a county treasurer and should call it something else?

Mr. COFFEEN. I desire to ask one question of the committee. "All fines and penalties." Are there not other funds that should be turned over to the county besides "fines and penalties?"

Mr. HOYT. That matter was carefully considered by the committee, and while several matters were included they were finally thrown out as being funds that would go into the county fund in a general way, and we thought it not wise to interfere with them.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Hoyt, to insert after "belong" the following: "To the school fund." As many as favor the amendment will say aye; those opposed no. The ayes have it; the amendment is carried. The next amendment is the one offered by Mr. Potter,

to strike out "county treasurers" and insert "custodians of such fund."

Mr. HOYT. I suggest that the words "county treasurers" be allowed to remain, but after the word "collected" to insert a clause which Mr. Potter will prepare, covering the ground, which he will now offer.

Mr. POTTER. In order to get this right I move to amend as follows: "All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties, and be paid over to the custodians of such funds for the current support of the public schools therein." Amend the whole section in that way.

Mr. GRANT. I think that this fund ought to be turned over to the county if possible, and I think that the section as it now stands is right. We certainly will have a county treasurer; we will have to have.

Mr. CHAIRMAN. Are you ready for the question?

Mr. FOX. I think that the section as it now reads is just right. I have been in the Albany county treasurer's office and I know all the money that comes in to the treasurer is put into the school fund, and is apportioned by the school superintendent of the county to the different districts of the county, according to the number of children, and I think the county treasurer is the proper person to handle it.

Mr. CHAIRMAN. As many as favor the amendment will indicate the same by saying aye; those opposed no. A division is called for. As many as favor the substitute will rise and stand until counted—17. Those opposed will rise—17. The motion is carried and the substitute is adopted.

(Reading of Sec. 7.)

Mr. RINER. I move to strike out the word "sacred" for the reason it is unnecessary.

Mr. BAXTER. I rise to make an inquiry. It says that "all funds for educational purposes." The state may have some funds set apart for a university. Now under this section would not that fund have to be applied for the "benefit of the public schools."

Mr. FOX. I move that Sec. 7 be stricken out.

Mr. CHAIRMAN. The question is on the motion of the gentleman from Laramie, Mr. Riner, to strike out the word "sacred." All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BAXTER. I move to strike out in the seventh line the last four words and insert "or of the United States." I think bringing in the word "securities" so many times makes the sentence awkward.

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.

(Reading of Sec. 8.)

Mr. BROWN. I call the attention of the committee to the fact that the word "funds" refers to two or three different funds, while the intention of the section is to refer to the funds in the preceding section. I therefore move to amend by inserting the words "in the preceding section."

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

Mr. GRANT. I move to strike out in the third line "school district" and insert "county."

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

Mr. BROWN. I move to insert in line one of Sec. 7, in place of the word "educational" the words "public school purposes."

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. 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.

(Reading of Sec. 9.)

Mr. JOHNSON. I move to strike out the word "five" and insert "three." To have it five would work a great hardship in some of the outside districts.

Mr. CHAIRMAN. 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 is carried.

Mr. BURRITT. After the word "age" I move to insert "actually in attendance and enrolled." If I can get a second I will explain.

Mr. REED. Second the motion.

Mr. BURRITT. I make this amendment by reason of a little experience I had as superintendent of public schools in my county. The number of school children returned to me as superintendent of public schools made me open my eyes. I carefully examined the law, and being satisfied that there was no such number of children in school, and after taking advice, I found I could do nothing but apportion the money to them, and I made the apportionment, but at the same time sent them by registered mail a notice that any false return that had been made by the board of trustees might get the school board into trouble, and I found that they had made their report, sending in the names of every person between the school ages, in that district, whether they attended school or not. The result was that a district where about twelve children went to school they had about four hundred and seventy as I remember it. I went over there and personally investigated the matter, and found that they had included in that list a large num-

ber of cowboys on the range. Now I think it should be distributed among the counties in accordance with the number of children actually in attendance.

Mr. SUTHERLAND. I would like to speak just a moment. We have got a school district in Albany county, two families support it, and if you would only allow us for the children that actually go to school we would have to shut up the school, and deprive the children up there of any chance to go to school at all, and for that reason I would rather see it as it stands.

Mr. BROWN. I generally agree with my friend from Johnson, because he is very clear headed, but I cannot agree with him in this. I think that there is but one way to apportion this money among the schools, and that is the way provided by this section. If you change as suggested you hold out this inducement. In order for a county to get more than its fair proportion of school money, this plan might be adopted: People who are not entitled to school money because of their non-attendance would go into school for a single day, and enroll as members of the school, and never again go into the school, and they would go for the very purpose of securing the school money. In some districts you might find that it worked to great advantage to the interest of a single county. Now in distributing this money as between counties, and that is the proposition here, what reason can there be against the theory of counting every person of school age in the county. What objection to this method is there? We have, by law, now a way of ascertaining the age of every person in the county who is entitled to it; our assessors are required to incorporate this in his report. And if such system is continued we will have some reasonable method of ascertaining the number of scholars who may draw money, and have some data upon which to act in distributing money, and it seems to me the much better method, and the only one that can be fairly adopted.

Mr. BURRITT. I would like to say to Judge Brown that there are six hundred children in the public schools of Cheyenne, right over there there are two or three hundred, certainly a hundred and fifty. Now if this is carried out in the way planned here, we in Johnson county who are attempting to support the public schools up there, will not have as much money per capita for the support of our schools, according to the number of children in them, as will the city of Cheyenne. I acknowledge, Mr. Chairman, they would be on the opposite side of the position I take in the city of Laramie and in the city of Cheyenne, where large private schools are maintained, and reduces the general per capita school tax for the support of the public schools, but I insist that it works an injustice where we have such private schools, having a large number in attendance, and if the state is to have a compulsory educational clause as it is, it seems to me the method suggested by me is

the only equitable one to divide the public moneys equally among the children of the public schools.

Mr. BROWN. Would the gentleman wish to deprive the children in the territory of their fair proportion of the public moneys, whether they go to school or not?

Mr. BURRITT. I don't go much on these outside schools. If the people want to send their children to outside schools let them pay for it, and not take our money away.

Mr. SMITH. What the gentleman from Johnson says is probably true, but I fail to see the force of any argument in it. Suppose they do have private schools, it is the people who live here who support these schools, and the others have the benefit, for they get more for their schools, but still the money comes to their district. I don't see how you can improve on the method provided here; it may sometimes work hardship. Now in fact it would injure the larger school if we were to distribute it in proportion to the average attendance, but I don't think it would be fair. Now in our county Rawlins gets about ninety per cent of what Carbon gets, they maintain their schools with two teachers, and the teachers have no more scholars than we have. They make it their business there to see that every scholar they can get hold of gets to their school at least half a day to get on the roll. It seems to me as if every person made it their business to secure every scholar there is in the district, so they show a large percentage, our average attendance is just as good as theirs, but they keep theirs up by watching it. The teacher makes his report, and the superintendent makes his apportionment accordingly, and I admit it works some hardship occasionally.

Mr. BURRITT. I withdraw my amendment. We are standing in our own road. We will send and register all our cowboys and the Indians and soldiers on the Fort McKinney reservation, and we will get our share of the money.

Mr. JEFFREY. I have always been of the opinion that this matter of the apportionment of school money properly belongs to the legislature, and the discussion here this morning tends further to prove it. It is very easy to repeal a statute, but a hard matter to change a constitution, and as the members of this convention very widely differ in their opinions on this matter, I move to strike out all after the word "county:" in the second line down to and including the word "each" in the third line, because I believe the proper course to pursue is to leave it to the legislature.

Mr. MORGAN. On behalf of the committee I would like to say that this question was very carefully considered, and the committee deemed it wise to insert this clause as it reads, and I believe it ought to stand as it reads. We have a compulsory school law in this territory that every child must go to school. Now we must provide for every child whether they

attend or not. The argument of private school don't cut any figure; in time no one may attend these private schools; they may have all come out and want to go to the public schools. All of the age that must attend must be provided for by law, and why not determine it right here, and it seems to me that this section properly disposes of the matter.

Mr. HOLDEN. I hope the amendment as suggested by Mr. Jeffrey will prevail for this reason. Under our statute as it now stands the superintendents of public instruction are required first in making their apportionment to apportion one hundred and fifty dollars to each district in the county, and the balance of the fund can then be apportioned pro rata according to the average daily attendance. Now if this section is left as it is now, it seems to me this provision of the legislature which they wisely made for the maintenance and protection of the weaker districts, would be rendered impossible, and under the proposed distribution it would give some of the smaller districts less than \$100, and on that they could not maintain a public school.

Mr. COFFEEN. I am opposed to the amendment to strike out for this reason. You will leave the distribution of quite a large fund to the legislature, to the bias and prejudice that may prevail there, and I do not approve of that. The state will be liable to suffer more or less injustice in this matter unless you keep the distribution of this fund as provided in this article; that takes it out of the power of the legislature, for any local or any other reasons, to vary it from the number of children of school age. I think you will all admit that it is more equitable and safer than to leave it open. I believe it is about right as it is, and shall oppose the motion to strike out.

Mr. HOYT. I will just say that that point was carefully considered by the committee.

Mr. CHAIRMAN. The question is on the motion of Mr. Jeffrey to strike out the words "according to the number of children of school age in each." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

(Reading of Sec. 10.)

Mr. SMITH. I move to insert the word "such" before the word "further."

Mr. CHAIRMAN. It is moved to insert the word "such" before the word "further" in the first line. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments to Sec. 10? The secretary will read Sec. 11. Any objection to Sec. 11? The chair hears none. Sec. 12 will be read.

(Reading of Sec. 12.)

Mr. TESCHEMACHER. I would like to ask what that means.

Mr. POTTER. I will explain that. It won't do to let the territory nor the superintendent of public instruction prescribe text books. I venture to say there is no more corruption than that which is caused where the prescribing of text books is left to the legislature. This matter has been very fully discussed throughout all the states, especially in his own state the gentleman will find that this question has given rise to a great deal of discussion.

Mr. CHAIRMAN. Is there objection to Sec. 12? The chair hears none.

(Reading of Sec. 13.)

Is there objection to Sec. 13? No objection. Sec. 14 will be read.

(Reading of Sec. 14.)

Mr. HOYT. I will say that this section was approved and printed by the committee before the report had been made by the committee on public lands. Since that report came in I see they use the words "land commissioners" instead of "board of public lands." It will be necessary to make them conform. I therefore move that this section be made to conform, so far as the title is concerned, to the section contained in the article on public lands.

Mr. FOX. I move the words "state treasurer" be stricken out.

Mr. POTTER. I was going to suggest that as the public lands report is before us, although it has not been reached yet, as we don't want any confusion in these two bills, it strikes me it would be best to refer them to a joint committee, composed of the two committees, in order that they may be made to conform, and if necessary this matter be embraced in one section.

Mr. HOYT. Could not the revision committee attend to that?

Mr. GRANT. I move to amend by striking out the word "governor" instead of "state treasurer."

Mr. HOYT. Is not this the organization contained in the article on public lands?

Mr. GRANT. My object is to make them conform.

Mr. COFFEEN. I second the motion but for a little different reason. It is this. The state treasurer is the official who would, I take it, be more interested in rushing the sale of the public lands, more so at least than any of the other three persons, and therefore I would retain the governor. My own conviction is that the land ought, as nearly as practicable, be held in perpetuity, and not disposed of hastily. I would rather the public school lands be held for twenty years, and by that time the state will see that the true policy is not to dispose of them

at all. I should favor leasing our lands and not sell them at all. I just bring this up that the gentleman may think of it when we come to it.

Mr. CHAIRMAN. The question is on the motion to strike out the word "governor." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. The question is now on the motion to strike out the word "state treasurer." Are you ready for the question? All those in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise and stand until counted—9. Those opposed will rise and stand—11. The motion is lost. Any further amendments?

Mr. HOYT. I move that the revision committee be authorized to make Sec. 14 of this file conform to the section regarding the same subject contained in the article on public lands.

Mr. BROWN. Is that not one of the duties of the revision committee to look after just such things as this and make them conform? I see no use of authorizing them to do this thing, when they already have that authority.

Mr. CHAIRMAN. Sec. 15 will be read. Is there any objection to Sec. 15? The chair hears none. Sec. 16 will be read.

(Reading of Sec. 16.)

Mr. CLARK. I offer the following as a substitute for Sec. 16 of the printed bill: "The establishment of the university of Wyoming is hereby confirmed, and said institution with its several departments is hereby declared to be the university of Wyoming. All lands which may hereafter be granted by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the board of public lands, but may not be sold on terms not approved by congress, nor to any one person, company or corporation, in quantities exceeding 640 acres."

Now, Mr. Chairman, the only changes made in the section is, first, the change as to the permanent location of the university, a change as to the grants of the United States, and the changes in the last clause, which really means nothing as it stands in the printed bill, "they shall be disposed of to no person in subdivisions exceeding 640 acres," which means nothing, because under our laws there are no subdivisions of 640 acres.

Now in regard to the first part of the section, I am willing that the establishment of the university as a fact in the educational system of our territory should be conceded. But I am not willing, and I would not vote for any proposition that permanently locates a public building or institution in any one place.

I am not in favor of locating the university at Laramie City forever, any more than I am in favor of permanently locating the capital at Cheyenne forever, or the insane asylum at Evans-ton forever.

Now in regard to the next place where the substitute differs from the printed bill. "All rights, franchises, immunities and endowments heretofore granted or conferred are hereby perpetuated unto said university." I am firmly of the opinion, after looking up the law this morning, that if that is passed, no matter what may be the needs of the university, no matter what the wealth and assessable property of this territory, there will be absolutely required to be collected and paid into the treasury a tax of one-half a mill on the dollar on the assessed valuation of the territory. I may be mistaken, but I believe under the term "endowment" comes this tax. In the original law providing for the establishment of a university, which is Sec. 3,716, is the following: "To provide an income for such university, there shall be assessed upon all the taxable property of the territory, in each year after the passage of this chapter, a tax of one-fourth of a mill, on each and every dollar of the assessed valuation of such property." If that is not an endowment, I don't know what it is. There shall be levied a tax of so much, that means there is an endowment of a quarter of a mill on every dollar of assessable property in Wyoming territory. The last session of the legislature amended that. It was not merely an appropriation bill, granting so much, but it is a direct amendment to this original Sec. 3,716. It is found in Sec. 35, page 62, of the session laws of 1888. Sec. 3,716 (which I have just read) of the revised statutes is hereby amended and re-enacted so as to read as follows: "Sec. 3,716. To provide an income for such university there shall be assessed upon all taxable property in the territory, in each year, a tax of one-half of a mill on each and every dollar of the assessed valuation of such property, which tax shall be levied, collected and paid to the territorial treasurer in the manner provided by law for the levy, collection and payment of other territorial taxes." So I fear if we adopt this section we may get into trouble, and it will be something we may regret in the future. I believe in the good sense of the people of Wyoming, it has been settled so far as educational matters are concerned, in providing for the beautiful university, and in the providing for a tax for the support of that university. As a state, this university will have a large income, a larger income perhaps than the territory itself, from the use of its school lands, and the further provision in this bill that the legislature shall provide for any deficiency that may exist, it seems to me according to my construction of the word endowment that this would have the effect of making that one-quarter or one-half of a mill tax permanent, no matter what the needs may be.

Mr. GRANT. Not to exceed one section of land, would not that be sound?

Mr. HOYT. I feel I may consider myself authorized by all members of the committee to say that the committee in drafting this section had no intention of perpetuating a fixed tax, a tax of any particular amount, to the university, as one of its funds and resources, and I do not think that the language used would involve that.

Mr. POTTER. I agree with the chairman that it was not the intention of the committee.

Mr. COFFEEN. In view of the statements of the last two gentlemen it would seem that there is no serious objection on their part to making it certain that this will not be made perpetual. I am in favor of the amendment as proposed; I think it is necessary for all the three points that he named. First, we will be sure this tax is not made perpetual; second, that it will not permanently locate the university, not that I think that anybody at present desires to move it, but it would be safer and better not to bind ourselves unnecessarily, third, the change in the language of the last clause makes the sense much better, and makes three good reasons for favoring the substitute offered by Mr. Clark.

Mr. CLARK. My attention has been called to the fact that there has already been a grant of seventy-two sections to this university, and I therefore desire to insert after the word "which" in the eighth line "or lands which have heretofore been granted."

Mr. BAXTER. I move to amend the substitute by striking out the last part of the last sentence. I don't see why we should put a limit on it. If you will realize more by selling to one man, what is the objection to one man's acquiring more than 640 acres? I don't see any use in putting that restriction upon it.

Mr. CHAIRMAN. The question is upon the amendment to the substitute. Are you ready for the question? Moved to strike out the last part of the last sentence. 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—15. Those opposed will rise—7. In the negative. The motion is carried.

The question is upon the adoption of the substitute as amended.

Mr. BROWN. The only objection that I have to the proposed amendment is that it puts the university on wheels, to be wheeled around anywhere they may please at any time. I am opposed to the amendment for that reason, and I simply say to some of these gentlemen that if they propose to put these buildings on wheels it may prove a boomerang to some of them.

Mr. POTTER. I don't believe in putting it on wheels, but if the majority of the convention don't want to make it perpetual, they can make the location as established for a certain term of years, and let it be changed on a vote of the people.

Mr. PRESTON. I am in favor of this amendment for the reason that I think it is a good idea to put these buildings on wheels. When we become a state we want to wheel them up into the central part of the state. Therefore I am in favor of the amendment.

Mr. RINER. I am of the opinion that the location of these public buildings should come in a separate section. I notice there is always a separate article on the location of public buildings and state institutions, and are generally in this form. It provides they shall be located at the place at which they are located at the adoption of the constitution for a certain term of years, which in the judgment of the convention can be fixed at any term, and that afterwards they may be changed upon a vote of the people. That, it seems to me, is a fair proposition. I therefore favor Mr. Clark's amendment. I take it that the committee on schedule have provided that the location of these public buildings shall only be changed after a proper term of years by vote of the people. That is where it belongs, and has no place here. I think all these institutions should be located where they are now located for a certain term of years. We don't want that question submitted until we are able, and the interests of Wyoming warrant the change. Then it will be submitted after a certain term of years to a vote of the people. I don't believe the university will ever be changed, but I agree with Mr. Clark that it is not right for this convention to seek to locate any public institution except for a term of years, and after that let it be submitted to the people, and if they want to change it they can do so. They can consider any question of expense, and their taxable resources, and if they see fit to make the change they can do it.

Mr. BROWN. The schedule does not provide for any of these things. It might well do so, and I think should properly contain such provisions, but inasmuch as this leaves the entire matter open if we adopt this section as now proposed, it places practically the university upon wheels, whatever it may do to the other institutions. The sentiment expressed by Mr. Riner coincides exactly with my own views upon this question, and I think that these institutions should be located for a term of years, and should never be moved except upon a vote of the people, and I think this should be so as to the capital, as to the university or any of these public buildings or institutions that have been established by law. Now if it is the sense of the convention to place these things in the schedule, I am satisfied with that, but I am not satisfied that these things should be

left open to come into future sessions of the legislature for the next ten years, to be matters of log rolling.

Mr. RINER. I think it is the sense of this convention that these things go into the schedule, there can be no reasonable objection to that that I can see.

Mr. JEFFREY. By way of explanation concerning that schedule, I will say that the idea of the committee on schedule was that that would be provided for under a separate heading of state institutions. We found that was the customary way of doing it, and that is why it was omitted.

Mr. HOYT. I merely desire to say that the committee in drafting this followed the form which they found in some constitutions locating or confirming the location of the university, where it happened to be a provision of the constitution, and as to the matter of fixing or saying anything about the location of public buildings, the committee on education were of the opinion that that subject would be dealt with, and more properly, by the committee on schedule, and so left it out.

Mr. POTTER. I move this be referred to the committee on public buildings.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of so referring Sec. 16 will say aye; contrary no. The ayes have it; the motion prevails. Sec. 17 will be read.  
(Reading of Sec. 17.)

Mr. BURRITT. I move to strike out from lines five and six the words "as the crowning educational institution of the state." Mr. Chairman, I move to strike this out not for the reason that I hope it will not be the crowning educational institution of the state, but because very likely it may not be. A private university more heavily endowed than the state university might be able to get ahead of it.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise and stand until counted—15. Those opposed will rise—8. The motion is carried. Any further amendments?

Mr. BROWN. I move to strike out "both sexes, irrespective of race or color." I don't believe there is any sense in encroaching on the color line. Leave those terms out, and it don't exclude anybody.

Mr. HOYT. The question has sometimes been brought up about the propriety of admitting colored citizens, and we wanted to put that beyond all question by putting it in here, as it has not been covered in any other place.

Mr. CHAIRMAN. As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor of the amendment will rise and stand until counted—14. Those opposed will rise—16. In the negative. The motion is lost.

(Reading of Sec. 18.)

Mr. BURRITT. I don't see why trustees should serve as university regents without receiving some compensation, and I think that can be left to the legislature. At such time as the state is able to pay the regents a fair compensation for taking this trouble, a fair provision can be made for it, and I think it should be left to the legislature. The governor will appoint some trustees from distant parts of the territory, who may have to be absent from their business a long time to attend to their duties, and they should have some compensation, and I think that matter should be left to the legislature.

Mr. BAXTER. I don't like the beginning of the sentence. I move to amend by striking that out and saying "the legislature shall provide for the management, etc., by a board of trustees."

Mr. RINER. Second the motion.

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

Mr. JOHNSTON. I move to strike out in the second line the word 'seven' and insert "five." My reason for doing so is that these men will probably be appointed from distant parts of the territory, and it would be harder to get a quorum with seven than five.

Mr. HAY. Strike out consisting of seven members and leave it all to the legislature.

Mr. BROWN. I believe that the number of the board as fixed now is as wisely done as it can well be. You will find this certain, no matter how the number of the board may be increased or decreased, the board is compelled to meet as often as once a month, and often times meets three or four times a month to attend to the necessary affairs of the university, and to call men from different parts of the territory as often as they are compelled to meet, would be an unwise thing and could not be done. Now however your board is constituted, you will have to have a majority of the trustees appointed from sections so near the seat of the university as to enable a quorum to meet there at any time for the transaction of the necessary business of the university. I believe as it is fixed now it is wisely done. It may be well to trust it to the legislature however.

Mr. HOYT. I will simply state I know of no institution of this kind in the country where the board of trustees consists of a less number than seven. This is the least number of which I have any knowledge, and I confirm what has been said by Judge Brown on the matter of having the board at least consist of seven.

Mr. COFFEEN. I wish simply to express the hope that this will not prevail. I believe seven to be the better number for the reason stated, and I would add no number to touch the efficiency of the board as fixed and reported by the committee in charge, unless there is some grave reason for changing it.

Mr. HAY. I had no desire to effect the efficiency of the board, but it seems to me its efficiency would be better secured by leaving it to the legislature, instead of fixing a number here.

Mr. CHAIRMAN. The question is on the motion to strike out "seven." As many as favor the amendment will say aye; contrary no. The chair is in doubt. As many as favor the amendment will rise—12. Those opposed will rise—16. In the negative. The motion is lost.

Mr. HOPKINS. I would like to make an amendment in this way. I believe that the president of the university and superintendent of public instruction should be members of this board of trustees. I believe they should be active members of that board, and I should like to make an amendment so as to cover that ground.

Mr. BROWN. I would suggest an objection to that. As this will stand the governor appoints three trustees. Now if the president and superintendent of schools are to be made trustees, they would have to be appointed by the governor, and we don't want to put the control in the hands of the governor. I think the proposition is just right as it is, and will serve the state in the best way.

Mr. CHAPLIN. I move to strike out the last sentence.

Mr. CHAIRMAN. Gentlemen, you have heard the motion to strike out the last sentence. All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BAXTER. I voted in the affirmative to strike out the number "seven," so I believe I am in a position to move a reconsideration. If some gentleman would be kind enough to second the motion I will, I believe, be able to show why it should be fixed at a much larger number. I formerly lived in a section where the university that was handsomely endowed was almost broken down by being without sufficient trustees or regents, as they call them there, and it finally got to a pass so that the legislature had to increase that number to twenty or twenty-five, and it came about in this way. There it just happened that the men who were filling these positions had somebody that had to have a living (and while it is not fair to suppose that such a condition of affairs is going to come about here, or that our trustees will be governed by any such considerations), I know that in the university of Tennessee it did come about, a few incompetents were placed on the faculty because of the relations they bore to the board of trustees, and the university lost standing which it took twenty years to

recover. My idea is this, they should not be paid anything, but that they should meet once a year and give such attention to the affairs of the university as might be needed. Leaving the control of the faculty under such restrictions as they might prescribe. I believe if you are going to fix the number at all, you should fix it much larger. I don't see why the ordinary routine of the university should not be left to this faculty.

Mr. BROWN. I want to make a suggestion to those who have this matter in charge. My idea of this whole business is this. That the financial affairs of the university ought to be under the control of a board of trustees, and their entire duties and connection with the university should be limited to the care of its property, and its financial affairs. That there should be constituted, outside of the board of trustees, a board of regents, whose duty it should be to generally look after the welfare of the university as an institution of learning, and controlling its corps of principals, and all that sort of thing. That should be their part of the work, and they should not be controlled by the board of trustees.

Mr. BAXTER. I would suggest that instead of having two boards, that you have a larger board of trustees, and they might designate an executive committee out of their own number, and delegate to them certain powers.

Mr. COFFEEN. In lieu of the recommendations that have been presented, I move after the words "consisting of" be inserted the words "not less than."

Mr. RINER. I move that this committee rise and report 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 that this committee now rise and report will say aye; contrary no. The ayes have it; the committee will now rise.

Mr. President:

Your committee of the whole, having had under consideration substitute for Files 59, 28 and 8, report progress and ask leave to sit again.

H. S. ELLIOTT, Chairman.

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

Mr. BURRITT. I move it be adopted.

Mr. PRESIDENT. 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 report of the committee of the whole is adopted.

Mr. RINER. I move we take a recess until 2 o'clock.

Mr. PRESIDENT. 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 convention will take a recess until 2 o'clock.

## AFTERNOON SESSION.

Thursday afternoon, Sept. 26th.

Mr. CHAIRMAN. The gentlemen of the convention will resume their seats. At the hour of adjournment we were considering the general file. The action of the convention upon the report of the committee was to the effect that we would be permitted to sit again on the file.

Mr. HAY. I have a report which I want to present; a report of Committee No. 15.

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

Mr. HOYT. Second the motion.

Mr. PRESIDENT. It is moved that we now go into committee of the whole for consideration of the general file. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Will Mr. Elliott take the chair? Gentlemen, we are now in committee of the whole, Mr. Elliott in the chair.

Mr. CHAIRMAN. When the committee arose, gentlemen, it was on the point of considering the motion of the gentleman from Laramie, Mr. Baxter, to reconsider the vote by your committee, on the motion to strike out "consisting of seven members." Shall the vote by which the committee refused to strike out be reconsidered? As many as favor the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. COFFEEN. I will now offer the amendment that I did heretofore "consisting of not less than."

Mr. HOYT. I have a suggestion to make which might be taken into consideration with that; to add after the word "members," who shall have authority to appoint an executive committee of their own number to have charge of the university." If the legislature saw fit to enlarge the number it would be unnecessary to have any executive committee.

Mr. CHAIRMAN. Gentlemen, it is moved to insert between the words "of" and "seven" the words "not less than." Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. I just wish to make one general comment. I believe that power is held now by the board to authorize a certain portion of it to act for it.

Mr. HAY. I want to ask the indulgence of the committee just a moment. Committee No. 15, on salaries of public officers, want to make a report, and would like to have it printed, so it can come before the convention tomorrow.

Mr. RINER. I move that this committee rise and 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.

Mr. President:

Your committee of the whole, having under consideration substitute for Files No. . . . . ., report progress and beg leave to sit again.

H. S. ELLIOTT, Chairman.

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

Mr. COFFEEN. I move the report be adopted.

Mr. PRESIDENT. It is moved that the report be adopted. All in favor of the motion will say aye; contrary no. The ayes have it; the report is adopted.

Mr. HAY. I should have included this motion to print, when I asked permission to present the report before.

Mr. PRESIDENT. Is there objection to the report being received at this time? The chair hears none. The secretary will read the report.

(Reading of report of committee No. 15.)

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

Mr. GRANT. I understand there is a minority report. I move that both be ordered printed.

Mr. PRESIDENT. The question is on the printing of the majority and minority reports of Committee No. 15. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to print prevails. Any further reports?

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

Mr. PRESIDENT. The convention, unless there is objection, will go into committee of the whole by unanimous consent, for consideration of the general file, Mr. Elliott in the chair.

Mr. BROWN. In looking at this section I find the following words: "The duties and powers of the trustees shall be prescribed by law." This leaves it for the legislature to limit their powers, to increase them, or anything else, and covers entirely the proposition which Governor Hoyt was about to offer.

Mr. CHAIRMAN. If there is no objection the amendment will be withdrawn.

Mr. BROWN. I move to strike out all of the words of the section after the word "senate" in the sixth line.

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. It is moved to strike out the words "whose duties and powers" shall be prescribed by law. All

in favor of the motion will say aye; contrary no. The ayes have it; the motion to amend prevails. Any further amendments to Sec. 17? If not Sec. 18 will be read.

(Reading of Sec. 18.)

Mr. FOX. I move to amend by striking out all after the word "prescribe" in the third line.

Mr. HARVEY. Second the motion.

Mr. HOYT. This provision was incorporated by the business members of the committee, who had knowledge of institutions of just this kind, which have been managed in like manner with very great economy. These institutions often cost a great deal, on account of the expense attending the management of them, by separate trustees. We are going to have a penitentiary and deaf and dumb asylum, and they will involve a large, expensive management, and we must think of these things. There are always unselfish persons ready to give their services to the state, and who devote a good deal of time to it, and can be retained from time to time. This has been done very successfully in other states and I think it would be well to put this in.

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

Mr. JOHNSTON. I move to strike out all after the words "and reform" in the fourth line, leaving it to the legislature to designate the number, and leave the last line in, "and whose duties and powers shall be prescribed by law."

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 to strike out prevails.

(Reading of Sec. 2.)

Mr. FOX. I move to strike out the words "in Sec. 1" and insert "in the preceding section."

Mr. GRANT. That is a matter for the revision committee to fix.

Mr. COFFEEN. If there is no objection I move to strike out in line five the words "Sec. 1" and insert in lieu thereof "the next preceding section."

Mr. HOPKINS. I move to amend by saying the "last preceding section."

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.

(Reading of Sec. 1, health and public morals.)

Mr. CHAIRMAN. Any amendments to the section as read?

Mr. CAMPBELL. I think the first part of this is merely introductory, and I therefore move to strike it out.

Mr. HOYT. It was thought that it might be well to put that in, it gives a high moral tone to it, and there is no harm in it.

Mr. CHAIRMAN. Is there a second to the motion to strike out? The chair hears none.

(Reading of Sec. 1, public buildings.)

Mr. GRANT. I move to insert "and other property."

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 to insert prevails.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Any amendments to Sec. 2?

Mr. FOX. I move when this committee arise it report back the substitute for Files 59, 28 and 8, with the recommendation that it do pass.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion that when this committee arise it report back the substitute for Files 59, 28 and 8, with the recommendation that it be adopted as a part of the constitution of the state, will say aye; contrary no. The ayes have it; the motion prevails.

The next thing on the general file is File No. 86, public lands and donations.

(Reading of File 86.)

Mr. COFFEEN. This I think cannot be too carefully considered, and in order to get it before the committee I will offer an amendment. In line five after the word "donations" insert the words "after the expiration of fifteen years," and change the word "shall" to "may."

Mr. TESCHEMACHER. Second the motion.

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

Mr. COFFEEN. I don't wish to discuss this question. I fear too little thought has been given to it, and I do not know that my amendment will carry, but I believe it is wisest to withhold these lands from sale. For myself, I am convinced it will be better to hold them perpetually, but they should be held at least for fifteen years, and I believe the soundness of my amendment will be vindicated by that time. I see no reason why lands which will become valuable in the future should be disposed of by the state, when the rental will amount to more than the proceeds from the sale of these lands. I know it is argued that it sometimes becomes a matter of great complication to take care of the lands of the state, and yet in more states than one think of the great revenues that are derived from the reserved lands of the state. In the state of New York they derive an immense revenue from them, it requires a great number of men to take care of them. Let us consider

this matter carefully, in fifteen years these lands will be worth much more than they are today, and by that time it may be found advisable to preserve these lands in perpetuity, and derive an income from them.

Mr. CHAIRMAN. Any further remarks?

Mr. FOX. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Albany, Mr. Fox.

Mr. FOX. The committee on public lands considered this question, but there are some reasons why it should not be adopted. There is a proposition in this senate bill that we will come in under, that gives us certain lands for a certain purpose, and among these lands is one hundred thousand acres for a scientific school, a hundred thousand acres for state normal schools, and a certain amount for penal and reformatory institutions, such as the state may see fit to establish. It may be necessary that we should derive the proceeds from the sale of these lands for these institutions. Amongst these are seventy-five sections of land for the erection of a state capitol, that can be applied in case we should need to build a new capitol in years to come and we won't need these lands after the capitol is built. We will need them in the erection of the capitol. For some of the other institutions we might need the money inside of fifteen years, and if that can be raised inside of that time, I think that is the way to raise it. I think it is not best to put this limitation upon it.

Mr. JOHNSTON. Do I understand that this amendment would apply to the grants of arid lands to the state, if they should be made?

Mr. FOX. "To the state of Wyoming. For the establishment and maintenance of a scientific school, one hundred thousand acres; for state normal schools, one hundred thousand acres; for state charitable, educational and penal and reformatory institutions, three hundred thousand acres. None of the lands granted by this act shall be sold for less than ten dollars per acre." Now then, these institutions, as I said before, we might build them inside of fifteen years. In fifteen years most of us will have passed from earth, I don't expect to be here by that time, and while we are making provisions for our posterity, if we can enjoy a little of it ourselves, let us have it. I think the section as it is drawn up is better suited to the case than the amendment.

Mr. HOPKINS. It strikes me there is little necessity for limitation as to time in this section of the bill. I believe that the price mentioned is sufficient. That must be the lowest price, and I don't think there is much danger of their selling ever.

Mr. HOYT. I suppose it might be possible to induce congress to change that; reduce it so as to allow a sale at less than ten dollars. While I agree with the gentleman from

Sheridan as to the importance and our duty to preserve and protect these lands intended for educational purposes so as to get the largest proceeds out of them, but it might be necessary in certain cases, as has been referred to, that the lands so intended to be used, be sold and the proceeds applied to the construction of buildings. We should leave it so they can be disposed of if necessary. If it is found to be impossible to dispose of them at ten dollars an acre, congress might allow us to dispose of them for less than the price fixed. The price may be changed or diminished at some time in the future if there should be sufficient reason for it. But the lands intended for the support of the common and public schools and of the institutions of learning, should be very carefully handled by the state, and kept from sale as long as possible. I know in my own state of Wisconsin 240,000 acres of land were given to that state for an agricultural college, and the legislature being anxious to speculate to some extent upon these lands, provided that they be put upon the market, and land worth fifty dollars an acre for the pine timber standing upon it, was sold for \$1.25 an acre, and gobbled up, much of it, by the very members who provided for the sale. We want to be very careful about this matter.

Mr. JEFFREY. I want to vote understandingly upon this question, and I presume it is the intention of this convention to proceed in all respects as far as possible in conformity with this senate bill, and I would like to ask one question. I would like to know whether this convention can properly be considered as part of the legislature of this state, and for this reason. Sec. 15 reads: "That the state of Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated and disposed of exclusively for the purposes herein mentioned, in such manner as the legislature of the state may provide." I want to be clear upon that point, so I may vote understandingly upon this question.

Mr. MORGAN. I think I understand that. This convention can restrict the legislature, can prevent future legislatures from doing certain things. There is no difficulty about that.

Mr. COFFEEN. I think the gentleman from Laramie has properly stated the matter we are now discussing. There is no question in my mind but what this motion to amend is consistent with the bill. The legislative powers are determined in all states by the constitution. But I want to say a word further. I really believe if you had time to think over this, if it were not for the rush we are now in to get through, that three-fourths of the members of this convention would be convinced of the wisdom of securing them at least as long as fif-

teen years, and by that time we will know whether we will want to dispose of them or not.

Mr. MORGAN. It seems to me that it would be the better plan to divide these lands, and sell part of them now, and reserve the other part.

Mr. COFFEEN. I have thought of that. We might have a small per cent of them sold. Five hundred thousand acres are to be given to us in these grants. We will have an agricultural college somewhere in the territory, and we shall have to have buildings for that, and a portion of these lands would have to be sold for that purpose, but let us preserve a large portion of these lands at least, properly preserve them, and the income of which shall go to the support of these institutions. I apprehend that it is not the desire of this convention to throw them onto the market hastily and to rid ourselves of them. One point further, though I do not care to raise it, the temptation that might come to the legislature, and because I speak upon these things I do not wish anyone to think that I have lost confidence in our legislature, because I have not, but the object of my bringing these things up is to make safeguards on behalf of the people, and one of the best safeguards would be to prevent them from selling these lands for a term of fifteen years.

Mr. TESCHEMACHER. Let us look at this from a business point of view. How much of this land that we are going to get would we refuse ten dollars for today?

Mr. HAY. I am opposed to any limit here, and I think if there ever comes a time when these lands can be sold for ten dollars they ought to be sold. There may come a time when we can't get ten cents an acre for them. If there comes a time when they can be sold for ten dollars they ought to be sold.

Mr. COFFEEN. I don't wish to discuss this question any further than to ask will the lands granted to the territory ever bring more than ten dollars?

Mr. BURRITT. If he can pick out one section on the public land grant that would bring ten dollars an acre I would like to see it.

Mr. CAMPBELL. If these lands are sold for ten dollars an acre the man would have a good suit against the state on the ground of false representation as to their value.

Mr. SMITH. I know of some lands that I would like to buy for one hundred dollars an acre.

Mr. CHAIRMAN. The question is on the motion to insert before the word "such" the words "after fifteen years." All in favor of the amendment will say aye; contrary no. The noes have it; the motion is lost.

The question is now on the motion to strike out the word "shall" and insert the word "may." Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. CLARK. I have an amendment which I wish to offer to this section. That would more properly come in two amendments, and I want to state the object of the amendments before offering them. In the western part of the territory a great many people have settled on these school lands, in some cases long before the government surveys were run. They live there and they own improvements on the land, and this amendment is offered for the protection of those who have made actual settlement and improvements upon these school lands, and is for the purpose of giving them a previous right to purchase. The amendment is this, and I offer the two as one: To insert after the word "bidder" in the sixth line the following: "After having been duly appraised by the land commissioners at not less than three-fourths of the appraised value thereof." And after the word "acre" in the seventh line "provided, that in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres, at a sum not less than the appraised value thereof, and in making such appraisement the value of the improvements shall not be taken into consideration." I will state that I am not at all particular what course is taken to arrive at this result, but I believe the result sought is a just one, and should be placed in here in some way in regard to the regulations of the sale of public lands.

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

The question is now on the latter part of the amendment offered by Mr. Clark. Are you ready for the question?

Mr. SMITH. I don't know as I quite caught the amendment when it was read, but I don't think it covers the ground. They should have the right to purchase immediately after the adoption of this constitution.

Mr. CLARK. I go on the principle, Mr. Chairman, that not an acre of this land ought to be sold without an appraisement by the properly constituted authorities of some kind. No man, or body of men, ought to be allowed to sell these lands before they have been appraised, and I judged, on writing the amendment hurriedly, that the proper persons to make this appraisement would be the land commissioners, and if made and honestly made, then not an acre of the land ought to be sold for less than three-fourths of the appraised value, no matter whether it is worth five or ten, or five thousand dollars an acre, as it might be in Rawlins, at least three-fourths of the value ought to be realized, and I went on the assumption that many bona fide settlers, and they should be given the prefer-

ence right to buy, but they should not be given the right to purchase at less than three-fourths of the appraised valuation, if it should be appraised they would probably be glad to pay the full value of the land. The intention of it is they can buy it at auction or private sale either.

Mr. GRANT. I am heartily insympathy with Mr. Clark's proposition. In making rules for the leasing of school lands we attempted in that to protect the settlers by giving them the preference, and I would like to see this carried out, so they can be fully protected, if we can get at it in the proper way. Generally the man who settles on the school section is a poor man. He can afford to pay what the land is actually worth. The man who has land all around him may be able to pay for the sake of that land three times the value of the land, and what it is worth, and thus freeze out the poor settler, or the man who has made a home.

Mr. TESCHEMACHER. I only wish to show from my own personal knowledge how this would work. Before this territory was organized and before the land was surveyed at all, Mr. Hunton, an old resident of this territory, took up a homestead claim on the Chug. When the land was surveyed his claim was found to be on Sec. 16, consequently it was school land. Mr. Hunton went to the land office and asked them if they would not allow him, under the law, to relinquish that homestead and take up another. They refused to do it, having no right in the premises, they could not do it, so Mr. Hunton kept the land. He put his improvements there, he built his house there, and he lived there for ten or twelve years. The land on the Chugwater has increased somewhat in value, and it has become quite a valuable place. When the government gave the right to lease these lands the county commissioners fixed the value of the land at thirty dollars an acre, which Mr. Hunton had to pay. He had his home there, he had built a fine house, and a fine stable, and ditches and improvements that had cost him his money, and it does not seem to me fair. That is a case that occurred in my own experience, and it might have occurred to a great many old settlers here, and although I understand that Mr. Grant will say this does not apply to school sections at all, it does not matter a bit in the application of the argument. Some poor man today may have settled on unsurveyed land, may have settled on capitol building lands, or the other buildings they have appropriated land for, and it does not seem just that that man should be obliged to pay more than the actual value of the land. He has put in his time, his money, and why should another man come in and buy up all his improvements over his head? It seems to me a plain case of injustice.

Mr. HOLDEN. I think the state should be as generous in this matter as the United States has been. They provide by

law where a party settled upon unsurveyed land that when this land shall be surveyed that the man who settled there before the survey shall have the prior right to buy. In that case the settler has ninety days to perfect his entry, and it seems to me the state should be as generous as the United States has been. Now, I know myself of quite a number of cases where parties have settled on school lands, sixteen or thirty-six years ago. They have made valuable improvements, some of them are of a character they could not remove, irrigating ditches for instance, and it seems to me that the board of appraisers should seek to make the value of these lands so that the party residing there should have the prior right to buy at that price. It would be an injustice to deprive these men of that right.

Mr. HOYT. It is very clear that people who settle before the survey is made should be protected, but I think under the United States statutes persons who go upon the school lands are treated as trespassers, and I have always understood that they had no special privileges. I am told that when the lands which now constitute Indian reservations are thrown open for sale the persons occupying them have no privileges. I think there should be a distinction between those who went upon the lands without knowing they were school lands, and those who knew they were. I think that the state is bound to see that it gets the most it can out of these lands, but I think some deference should be paid to those who are already on them.

Mr. HOLDEN. I would like to say that under the laws of the United States now in operation our territory has leased many of its lands. Many parties had made improvements before they were surveyed, and under the regulations adopted by our territorial authorities, the preference right was given to those who had occupied those lands and improved them, and now believing that they would have the prior right to buy secured to them, they have gone on and made valuable improvements there. Now should they be deprived of their labor to this extent? I think not. They have leased these lands and pay all that the county commissioners require them to pay and will do so until such time as the territory will permit them to buy them.

Mr. CLARK. I just want to say a few words, and then I'll promise not to say anything more, until it comes to a vote. There seems to be some misunderstanding as to the object of this appraisement. The object of this is to cause the lands to bring a higher price. In the absence of any appraisement, as this section would stand, the lands could be sold for ten dollars. It would be a very easy matter for three or four men to get together and keep the price of the land down to ten dollars, agreeing that none shall pay more than ten dollars,

one to take his piece and another his, and the school fund defrauded, but the land if we put it in the hands of these commissioners to appraise, they will appraise at what they believe it worth, and if they believe it worth two hundred dollars an acre, it cannot be sold for less than a hundred and fifty dollars an acre. This appraisement is to be made so that the land will bring a higher price than it would have otherwise done, and I would say further that I believe a man who goes upon thirty-six, or upon any section of government land, and makes himself a home there under the mistaken idea of his rights, even though he be a trespasser, is entitled to some rights. I have seen a great deal of distress and wrong, as I consider it, done within the last year by that mistaken idea. The Union Pacific railroad company owns a great deal of land near Almy and Bear River. It has been understood and given out, not by the railroad authorities themselves, but as a matter of common rumor and common belief, that the parties who leased that land in years gone by should have the first right to purchase it at an ordinary price, when the Union Pacific should put it on the market. There was no authority for that statement, the officials of the Union Pacific railway company, so far as I know, never said that that should be so, but it was generally understood among the people. Now this land came on the market, and what was the result? The result was that the land was sold in townships. A man had settled upon 160 acres, who perhaps had been paying rent for that land, and had improved it, and made two spears grow where none ever grew before. He could not afford to buy a township of land, but the rich land owner was the man who came in and at the rate of one dollar and a quarter bought up a whole township of railroad land, became possessed of this man's improvements, became possessed of the result of ~~this~~ labor for years, and there is absolutely no redress for him. Now, he had no right perhaps to think that he would be entitled to the first right to buy, but he did think so, and he improved the land in good faith, with the intention of making it a home. On thirty-six at Almy, a portion of it is a valuable section. It comes right up close against the quarries, and the section is already largely built upon by miners and those connected with the mines, and why? Because it was the only place there that could be made a home. The Union Pacific railroad, or the Central Pacific, would not sell them a lot upon which to build a house, or a cottage, and the consequence is that thirty-six and a portion of others is covered over with dwellings, homes of people engaged at the mines, and they have improved that section, and a portion of it, the part lying near Bear river, is quite valuable, I am informed that the county commissioners in fixing the valuation of that, fixed it at the rate of two hundred dollars an acre, because it is cut up

into lots of one-quarter pieces. These people are entitled to some rights, and they are entitled to some protection. If the land is worth two hundred dollars an acre, the appraisers will appraise it at two hundred dollars an acre, and if these men want to purchase their homes they can purchase them at the rate of two hundred dollars an acre. I believe that the amendment is just and right; I believe it is proper and I think it ought to prevail.

Mr. SUTHERLAND. I am in favor of the amendment. It is generally understood by these people who have settled upon these lands, that if this land comes to the state they will have the first chance to buy it, and if the land is appraised I am sure it will give general satisfaction. Mr. Clark says there was no agreement with the Union Pacific in regard to its land. There was. Walter Singley, who was managing it, made an agreement that when this land was put on the market that each of the settlers should have the preference right to purchase, but in that case every person with whom I am acquainted, who had settled on school lands, really understood when we become a state he will get the preference above all others.

Mr. JOHNSTON. When the United States survey is made I believe notice is given that section sixteen and section thirty-six are reserved, for the purpose of creating a school fund. I think that that reservation of these sections was justly made. That it was with the intention that they should increase in value by settlement around it, and I believe that the school fund is entitled to this increase in value, and that the lands should be sold to the highest bidder.

Mr. GRANT. That will probably be the case under this, and I think that the settler ought to be protected, and I think he ought to have the preference, and at an appraised valuation, on three-fourths of it.

Mr. RUSSELL. Unless this is amended for our protection, it leaves it open for the sacrifice of the homes and dwellings of over fifty of our citizens in our town who have built on a half section of school land. I myself am located on the same piece of land, that is where we have built our homes, our cottages, and our dwellings and surroundings, and fifty of the workingmen of that town are so located. The county commissioners went to work and offered it for rent, and fixed the valuation at fifty dollars a lot, and we pay that rent on that valuation, at the present time, but if that was put up to the highest bidder, a speculator might come in, and buy up all that land, and then if he wanted to make money on the transaction, he could fix the rent very high, not because of the value of the land, but because of the fifty houses on that land, and unless we came to his terms of rent we would have to move off our dwellings, and for this reason we would be compelled to

pay a pretty high rent rather than move our dwellings, and I think we should be protected from anything of this kind occurring.

Mr. POTTER. The same thing occurs in the northwestern part of our city. There are thirty or forty people located on part of a school section now.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Uinta. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted.

Mr. BROWN. Another thing that ought to be thought about. Now suppose that the United States donates to the state a large amount of land how is it to be selected? It has occurred to me that we ought to have some provision in this bill providing that it shall be selected in equal proportions as nearly as practicable from the different counties of the territory, so that the men who might be appointed to select this land could not select it all in one place, in the interest of some single portion, but so that it shall be distributed around through the territory generally. There ought to be some restriction in this bill to prevent them getting it in that way.

Mr. HOYT. It is for our interests to have these lands where they have the greatest value, regardless of the portion of the territory where they are found. The university lands have been selected according to the best judgment of the men appointed, so as to yield the largest proceeds to the university fund, and it strikes me that is the true principle. They are to be located in the interest of the fund, and not of localities.

(Reading of Sec. 2.)

Mr. SMITH. I move to strike out in lines five and six the words "and for the erection of a capitol and other public buildings. Leave that out and let the legislature say how it shall be done.

Mr. CHAIRMAN. The motion is not seconded.

(Reading of Sec. 3.)

Mr. CHAIRMAN. Any amendment to Section 3?

MR. SMITH. I move to strike "judicial" out in the third line.

Mr. CAMPBELL. Second the motion.

Mr. CHAIRMAN. It is moved tha the word "judicial" be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BURRITT. I would like to inquire if commencing with the defining of the crime of embezzlement, that last clause with reference to evidence, is exactly a proper one in there? I have not examined it, but it looks to me as if it goes down into the laws a little finer than a constitutional provision requires.

Mr. CHAIRMAN. I would state to the committee that as an additional suggestion to the one made by Mr. Burrittt, that another portion of that section reading "or otherwise than in the name of the state of Wyoming, or shall deposit in any banks or with any person or persons," and other portions of the section also come under the last clause. It does not only refer to the latter part of it, as suggested by the gentleman from Johnson.

Mr. MORGAN. I move to strike out the word "suitable."

Mr. SMITH. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that the word "suitable" between "pass" and "laws" be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. HOYT. I move to strike out the word "charge" and insert "require," "shall require."

Mr. CHAIRMAN. It is moved to strike out the word "charge" and insert the word "require." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out and insert prevails.

Mr. BURRITT. I move to strike out all after the word "felony" in the fifteenth line. It strikes me it is not a proper provision. It looks a great deal like the old proposition of a man being found in possession of an animal which did not belong to him, it was found with another man's brand upon it, and that should be prima facie evidence that the other man stole it. I see no reason why the ordinary rules of evidence should be changed for the protection of this fund. That should be safe enough under the laws that have stood five or six hundred years.

Mr. POTTER. I move to strike out all after the word "them" in the seventeenth line.

Mr. CHAIRMAN. It is moved and seconded that all after the word "them" in the seventeenth line be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

(Reading of Sec. 5.)

Any amendments to Sec. 5?

Mr. MORGAN. I move to strike it out.

Mr. CHAIRMAN. It is moved and seconded that Sec. 5 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 will rise—9. The motion to strike out is lost.

(Reading of Sec. 6.)

Mr. BURRITT. I move to strike it out; all of it is in the educational bill.

Mr. CHAIRMAN. It is moved and seconded that Sec. 6 be stricken out. 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. BROWN. I want to offer an amendment to Sec. 5. We have already passed an amendment to this bill which gives parties who settle upon the land certain previous rights, and I propose to insert after the word "privileges" "except a previous right to buy, as in this constitution otherwise provided," or perhaps it would be better to have the clause at the beginning of the section.

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 to amend prevails.

(Reading of Sec. 7.)

Mr. CHAPLIN. I move to strike it out.

Mr. BURRITT. I move to amend the amendment of Mr. Chaplin by striking out all of it down to the "provided however" clause.

Mr. CHAPLIN. I second that motion.

Mr. CHAIRMAN. It is moved and seconded that Sec. 7 be stricken out down to the words "provided however." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. POTTER. In order to make this clear I think we will have to make an amendment; to insert after the word "income" the words "perpetual school fund," strike out aforesaid so as to make it clear.

Mr. CHAIRMAN. Gentlemen you have heard the motion. Are you ready for the question? All in favor of the motion to strike out and insert will say aye; contrary no. The ayes have it; the section is so amended.

Mr. COFFEEEN. In Sec. 2 I move to strike out all after the word "source" in the third line. I will state my reasons for striking this out. If you want to use any of the moneys arising from the sale of lands, and it has already been argued on this floor that you must reserve the right to sell some of these public lands so that certain institutions may be built, but if you do not strike that out you can only build with the interest accruing, which would preclude the building of any institution.

Mr. POTTER. I think you will see by the senate bill that the grant of land is put in that way, for the erection of a capitol and other public buildings," and put in no other way, and not granted with the income only.

Mr. SMITH. The senate bill is not the law. And if you pass it with a provision like that in it you cannot use the money at all, but the income must be applied.

Mr. CHAIRMAN. Gentlemen, you have heard the motion of the gentleman from Sheridan, to strike out all after the word "source" down to and including the word "unsold." Are you ready for the question? All who are in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails. Any further amendments to the file?

Mr. JEFFREY. There is one portion of this last section, Sec. 7, which is not clear to me. There are several school funds and it seems to me it should be designated just what fund it means. It reads "added to and become a part of the school fund." It is not quite clear to me what school fund it is, and I therefore move to insert the word "said" before the word "school."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment offered by the gentleman from Laramie, Mr. Jeffrey, will say aye; contrary no. The ayes have it; the amendment is adopted. Any further amendments to the file?

Mr. POTTER. I desire to offer an amendment to be added as another section to this file, although this may not be the proper place for it. "The legislature shall have no power to change or locate the seat of government, the state university, but may after the expiration of ten years after the adoption of this constitution provide by law for submitting the question of the location of the seat of government, the university or other public institutions, located at the adoption of this constitution, to the qualified electors of the state, at some general election, and a majority of all votes cast upon said question at said election shall be necessary to determine the location thereof. Provided, that for ten years, and until the same are respectively and permanently located the location of the seat of government and university shall be as follows:

"The seat of government shall be at the city of Cheyenne, and the state university shall be located at the city of Laramie."

As to the poor farm and deaf and dumb asylum my idea of it was that that should be left to the legislature, and not permanently located. So far as the deaf and dumb asylum is concerned I have not talked with many here regarding it, but I did talk with some of the gentlemen about the poor farm and their ideas agreed with mine. I am not particular about either of them, however, and if any better method can be devised I am ready to accept it. I don't desire to cut out the poor farm or the deaf and dumb asylum, if anyone wants to insert them in this bill and include them with the rest.

Mr. FOX. I think that ought to come in under public buildings.

Mr. SMITH. If we become a state the government will probably turn over the penitentiary at Laramie to the territory, and we don't want two penitentiaries, and the one at Rawlins might be turned into something else, and there ought to be a provision that that can be done.

Mr. TESCHEMACHER. The file in regard to public buildings has not got out of the hands of the committee as I remember it, and I would much prefer that this be added as an additional section there, and therefore, Mr. Chairman, I move we go back and take up the file on public buildings and have it amended.

Mr. CHAIRMAN. Gentleman, 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. We will now go back and take up the file on public buildings.

(Reading of Mr. Potter's amendment.)

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Laramie, Mr. Potter. Are you ready for the question?

Mr. TESCHEMACHER. I would like to ask for information. Would it not be a good plan to state the names of the counties where these institutions are located? There may be another Cheyenne or another Laramie in ten years. I therefore move to amend by inserting the names of the counties in which these various public buildings are located.

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

Mr. COFFEEN. I wish to ask for information. It is a little difficult to know just how these matters stand, not having a printed file before us. As I remember it, it says that after ten years the legislature "may." The question is just this: Could the legislature thereafter make a permanent location without submitting it to the people, of other institutions than those specially mentioned.

Mr. POTTER. I desire to add a provision to that as follows: Provided, that any state institution whatever that was heretofore located shall become the property of the state, and may be managed by the state as the legislature may prescribe by law." Our deaf and dumb asylum and the Fremont poor farm, the legislature would provide as to those.

Mr. PRESTON. You don't need to get into any muddle on account of the poor farm in Fremont county. We don't care how soon it is moved, we never cared for it at all. The convention

need not be disturbed about that, because it does not bother us a bit.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Potter. Are you ready for the question?

Mr. COFFEEN. The suggestion made a moment ago, touching the question whether or not they would have power to locate other institutions permanently as they may be formed? If the legislature has that power I would like to know it, and to make sure I will move to strike out the words "other public institutions" and insert the names of the institutions not named.

Mr. CHAIRMAN. The motion is to strike out the words "or other public institutions" and insert the words "the insane asylum at Evanston, and the penitentiary at Rawlins." Are you ready for the question?

Mr. BROWN. I don't like that now and I will state why. I think there has been more corruption in legislation, more corrupt trades, more infamous deals instituted in legislative bodies on the location of these public institutions than has ever occurred in the legislature in any other way. I do not think this covers the purpose it was intended to have been framed for; this provision creates just this kind of business and provides for it, for deals and trades in legislation. Now in order that that may be prevented, in order that there shall be no log rolling, in order that towns throughout this territory shall not pay men to come before the legislature and log roll to get its share of public institutions erected at some particular place, let us provide that the legislature shall never locate them at all. They may provide by general law for their erection, they may create a law providing for the construction of the buildings, the character of the institutions, but where their location shall be shall be submitted in every instance to a vote of the people of the territory. If you can get a provision together in that way I will join you most heartily.

Mr. POTTER. I would like to add this amendment: "The legislature shall not locate any other public institutions except by general laws, and by vote of the people."

Mr. CHAIRMAN. The question is on the motion to strike out "or other institutions" and insert the insane asylum at Evanston, and the penitentiary at Rawlins." 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 question is now upon the amendment as offered by Mr. Potter. "The legislature shall not locate any other public institutions except by general laws, and by vote of the people."

Mr. BURRITT. I simply desire to request all members of this convention who are not members of the coming legislature, before they vote for this provision in the shape they have got it now, to be on hand next January to prevent the

establishment of all sorts of public institutions all over the territory of Wyoming.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the amendment offered by Mr. Potter will say aye; contrary no. The ayes have it; the motion is adopted.

The question is now on Sec. 24 as amended.

Mr. SMITH. I desire to offer the following, to follow after the sentence regarding the penitentiary at Rawlins: "But the legislature may provide by law that the said penitentiary may be converted to other public uses."

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

Mr. POTTER. I would suggest another amendment, now that we have put in the insane asylum and penitentiary; the first part of this ought to be made to apply to them all as well as the capitol and university.

Mr. BURRITT. I now rise to make a motion I started to make when this thing first commenced. I move that when this committee rise it report this whole section with the amendments back to the convention with the recommendation that it be referred to Committee No. 7 with instructions to bring in a properly formulated provision.

Mr. BROWN. That probably would be the best thing to do, to let the committee formulate a section which will cover the ground perfectly. I will second the motion of the gentleman from Johnson.

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 is carried.

Mr. BENER. I move when this committee arise it report back this file 86 to the convention with the recommendation that it do pass as amended.

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 next file is File No. 87, coal mines.

(Reading of Sec. 1.)

Mr. JOHNSTON. I move to strike out the words "proven by law." I don't think that is necessary.

Mr. HOPKINS. I want to explain that. It is customary under the mining laws to have this person who is the mine inspector to go about and see that the laws governing mines are carried out, examined by a board of mining engineers and miners to see that he is competent. The object is that the man shall be a competent man; that is the meaning of that.

Mr. RINER. I move to amend by adding the words "in the manner provided by law."

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

(Reading of Sec. 2.)

Mr. SMITH. I move to strike out the words "and equitable."

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

Mr. COFFEEN. The first line of this section reads "the legislature shall provide by law for the proper mapping of mines, etc." It appears to me that if the state had to go into all the expense of doing that, it would cost a great deal. "Shall require" it seems to me would better. Does not that make the legislature responsible for it, saying that it "shall provide?" I don't know about it, but it strikes me that way, and I just call attention to it.

(Reading of Sec. 3.)

Mr. RUSSELL. It often occurs in this territory in the development of small mines that the persons doing that development may not be able to employ high priced clerical help, and so he employs this means of having his clerical work done, he employs boys or girls to do it. But in order to cover the case of their being employed in the mine, they would have no business to do this work unless this proviso was put in there.

Mr. BROWN. Is there any necessity for such a provision at all?

Mr. RUSSELL. I think so. The legislature, I believe, has said that fourteen years is young enough for any boy to be put to work in a mine. This is only a portion of the present law, and I think should be incorporated into the constitution.

Mr. PRESTON. I move to strike out Sec. 3.

Mr. RUSSELL. I would like to ask the gentleman, before this is put to a vote, whether he has got any reason for making this motion? I don't think the gentleman ought to make it, unless he has sufficient reason for doing so.

Mr. PRESTON. My reason is that I believe that what Sec. 3 intends to cover is a matter to be left entirely to the legislature. So far as boys under fourteen years of age are concerned, I think that is a matter entirely for the legislature, and as this convention has delegated to women the right to vote, she ought to have the right to dig coal if she wants to. It is a matter entirely for the legislature, and not a matter for the constitution.

Mr. MORGAN. I think the subject is a proper one for the legislature and for the constitution too. It is proper to re-

strict the legislature, it is proper to say right here that no boy shall be permitted to go into a coal mine to work, and there is nothing wrong about our putting it into the constitution that I can see. Colorado and Nevada and other states have this same restriction, and I see no reason why we should not put it into our constitution.

Mr. RUSSELL. I will state that it is in the constitution of Colorado, you will find it there, but instead of being fourteen years it is twelve.

Mr. HOYT. I will ask the gentleman if he does not think that instead of fourteen it should be a higher number? Fourteen years seems to me a very youthful age for a person to go to work in a coal mine.

Mr. HOLDEN. It appears that the legislature deemed this provision necessary. I find on page 440, Sec. 1,654, the exact language of this section contained in our statute. I presume if it was not deemed necessary it would not have been placed there.

Mr. CHAPLIN. I move to amend this section by striking out the words "or about."

Mr. COFFEEN. I prefer the section as it stands. There are cases in our own county where children are made to work out in the dust and dirt sorting out the coal from the dust, for ten and twelve hours, and small children at that. I think the more you study this the more you are convinced that the section is right, and ought to be carried.

Mr. RUSSELL. In our county there are cases where the children work about the mine and help their fathers support the family, and I believe it would be wrong to deprive them of the right to work about these mines, when the wages that they will earn will be a great help.

Mr. CHAIRMAN. The question is on the motion to strike out "or about." Are you ready for the question? 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 motion of the gentleman from Fremont, to strike out the entire section. All in favor of the motion to strike out will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. RINER. I move to strike out the word "fourteen" and insert "sixteen."

Mr. CHAIRMAN. It is moved and seconded that the word "fourteen" be stricken out and the word "sixteen" inserted in lieu thereof. Are you ready for the question?

Mr. HOPKINS. I wish to say something in regard to this matter. Miners proverbably have large families, and some of them have large families of girls, and they may have one or two boys in the family. It is a struggle for existence for these people. If there is but one working member in a family of ten or eleven it is a difficult matter to get along, and I ques-

tion the advisability of preventing a family of that kind from obtaining the benefits which might accrue to them from the help of a younger son. He has in the interim of idleness which occurs in every mine, he has an opportunity not only to help his father earn some money, but also get proper schooling, and that I take it is the only thing that is aimed at in this age question, that is they should have proper schooling.

Mr. RUSSELL. I believe that fourteen years, in our statute, is the highest in this country, or in any other, and I think it is sufficiently high.

Mr. HOLDEN. I move to strike out the word "coal" in the second line.

Mr. CHAIRMAN. It is moved and seconded that the word "coal" in the second line be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BROWN. I move to strike out Secs. 2 and 4 of this bill and insert in lieu thereof the following: "The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in this state."

Mr. CHAIRMAN. The question is on the amendment offered by Judge Brown. Are you ready for the question?

Mr. COFFEEN. I don't think that is right. I think I have heard those interested in this subject of mining say how difficult it was to get a mine inspector appointed and secured by legislation, and if that is so I would like to see to it that this constitution shall see to it that there shall be.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the motion to strike out Secs. 2 and 4 will say aye; contrary no. The ayes have it; the motion prevails.

(Reading of Sec. 5.)

Mr. BROWN. As to that section I want to ask if we have not passed a section that is exactly the same as this, and this becomes unnecessary because of the section already passed covering exactly the same grounds? If I am wrong about it, I will not move to strike it out, but is it necessary to include it in this file?

Mr. TESCHEMACHER. We have passed almost the same thing somewhere.

Mr. HAY. I would ask if it was not in the file on corporations?

(Reading of Sec. 6.)

Mr. CHAIRMAN. Any objections to Sec. 6? The chair hears none.

(Reading of Sec. 7.)

Mr. FOX. I move to strike it out.

Mr. CHAIRMAN. It is moved and seconded that Sec. 7 be stricken out. Are you ready for the question?

Mr. HAY. I hope the gentlemen will consider before they move to strike that out. We certainly look forward to the development of our mines as our greatest resource, and the office of state geologist is one of the most important we can have. There might be some delay in having that office created by the legislature, and I believe this office is as important as the state engineer and others we have created, and I believe that six years has some arguments in its favor, provided we get a good man, and he does his work; while if we have a two years term he barely gets acquainted when he is removed and somebody else appointed. I think we are pretty well fixed now. Besides that the short term would cost more than the long term. It would be an object to a man to work cheaper if he was to get it for six years instead of two years. He could afford to work cheaper. It takes him two or three years to get familiar with his work, and I think six years is better than the shorter term.

Mr. FOX. I made this motion to strike out because I think we will have all the expense we can bear in this state, and my experience is that geologists have been a useless expense. I have yet to have the first geologist tell me anything beyond the expression of an opinion. I don't think he can tell us anything but what we know at the present time. And I think we can dispense with it.

Mr. HAY. A good geologist can tell us a good deal. The advertisement of a good geological report would be worth ten years salary to us. If we can get a good report of our mining resources, and what the prospects of mining are, it would be worth his salary and a good deal more.

Mr. COFFEEN. I hope this will not be stricken out, as I am very much in favor of anything that will educate and inform the people, and this is one of those things. Since I have been here I have seen nothing that tends more to show the resources of our entire territory than the exhibits of our geologist at the fair, and if any of you will take the trouble to visit the geologist's room here you will be rewarded. I say I have seen nothing which will set forth our resources and promote their advertisement and development as the exhibits and information which our geologist can give us. There are many reasons why this should not be stricken out.

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 noes seem to have it; the noes have it. The motion to strike out is lost.

Mr. BROWN. I will now renew my motion to strike out Sec. 5.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 5. Are you ready for the question? All in favor of

striking out Sec. 5 will say aye; contrary no. The ayes have it; the motion to strike out prevails.

Mr. BROWN. I move when this committee arise it report back this file on coal mines with the recommendation that it do pass as a part of the constitution.

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 is adopted.

The next thing on the general file is substitute for Files 5, 6, 10, 23 and 64, elections and qualifications to office.

(Reading of Sec. 1.)

Mr. CHAIRMAN. Reading of Sec. 2. Two and four.

Mr. JEFFREY. I rise to ask for information. Have we anywhere provided for a general election, and the time for the qualification of state and county officers? This is a very important matter and we don't want to overlook it, the committee should have attended to this. As there seems to be some doubt as to whether we have provided for this or not, I desire to offer the following as an amendment to be inserted as an additional section to this substitute:

"All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming shall be held on the first Tuesday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible."

Mr. CAMPBELL. I would move to amend that by making it the first Tuesday next following the first Monday in November.

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment is adopted. The question is now on the adoption of this section as Sec. 5 of this substitute. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted as Sec. 5 of this file. The secretary will read the next section.

(Reading of Secs. 1, 2 and 3, qualifications to office.)

Mr. POTTER. I move to strike out all after the word "fidelity" in the fifth line of Sec. 3.

Mr. HAY. Second the motion.

Mr. MORGAN. I hope that this convention will hesitate before they strike out the last part of this section. It is there provided that men shall take an oath that they will do what they ought to do, and that they have not obtained their office

through corrupt means. They are entrusted with certain rights and privileges belonging to the people, and I think the people have a right to require them to swear on their oath they will protect these rights and privileges. If he has used fraudulent means to obtain his office, I think the people ought to know it; this is no insult to any man, and I sincerely trust this convention will not strike it out.

Mr. POTTER. I have just a word to say on this subject. I don't object to the principle of the last part of the section at all, as Mr. Morgan seems to think, I don't object to that, but my idea is that the ground is all covered by what goes before. If a man can swear that he will discharge the duties of his office with fidelity, and then receive that which he has no right to receive as compensation, or as a bribe, I can only say that he has a very convenient conscience, for we know that would not be discharging the duties of his office with fidelity. Now we expect to provide laws by which it will be impossible to secure office in this way that is the best way to do it. If he has been elected and violated that law, he can be prosecuted the same as any other person, but how many men that have been elected, that have violated the election laws, would refuse to take this oath? I venture to say that very few people would have the courage to say they had violated this law, and they would take this oath. They have violated the law and are subject to its penalties, and when they take this oath they add to their crime, the crime of perjury, and we make them do that by law, and I believe it is an insult, and I believe that which prompts this kind of thing is a matter purely of sentiment, and I have no hesitation whatever in opposing such a provision, not that I believe in buying your way into office, because I believe that it one of the greatest of crimes, and we ought to make our laws so strong that they cannot buy their way, but because I don't believe this oath would do any good. They have this same thing in the state of New York, I think it is in precisely the same words, and everybody knows that there is in the city of New York a more corrupt condition of affairs on election day than any other place in the union. This does not make it any purer, or take money out of our elections, I don't believe it will accomplish the purpose intended. The principle is all right, to purify elections, but I don't think this will do that.

Mr. MORGAN. I have been ashamed and every member of this convention has been ashamed of the charge heard up and down the streets of corruption at elections. The gentleman from Laramie thinks this will not make it any purer, will it make it any worse? Can it be any worse, if the charges are true? Let us put a stop to it, and this oath will do it, because as it is now a man buys his way into office and there is no way to reach him. If I should do wrong, buy my way into office, and

violate this oath, somebody would know it, and somebody could have me thrown out of office at once. That has been the case in other states, this is for the purity of elections. Hours could be spent in giving reasons why this could pass, why this should pass. Let us purify our elections. If they buy their way, let them take the risk of indictment, let them know that they must take this iron clad oath and they will be very careful about buying their way in this state. It works well in other states, and will harm nobody that is sure.

Mr. HAY. I just want to say a few words about this. I think this is an unjust and useless insult to the people we elect, and also a very bad advertisement to the outside world. If we have not confidence enough in the men we elect to trust them without their having to take an oath of this kind, I think we ought to quit the business right now. There has been an immense amount of vile language used here with regard to the legislatures of this territory. I have been more or less familiar with our legislatures for twenty years, and I don't believe in any one instance there has been a legislator bought, that is, paid by personal benefits to himself. I will admit there has been more or less trading among the county delegations, but all through my acquaintance with the legislature, I don't know of a single one that has ever been charged with having been bought, that is with personal benefit to himself, where money has been offered and received for his vote, for any influence that he might have because of his place in the legislature.

If this will stop all that it is said it will, stop all corruption at elections, that is another question. I don't say there have not been votes bought and sold at elections, but I think there is another way to reach this. I think by decreasing the immense pay our county officers receive, and ceasing to make an office so desirable, and they will also not have so much money to spend, I think that would reach it better. I say that the man who would buy a dozen votes won't hesitate to take an oath of this kind, and will cover up his tracks after he has taken this oath as before. I never was a member of the legislature, and never expect to be, but at the same time I think that the amount of abuse that the legislature has received at the hands of this convention is perfectly outrageous, and uncalled for, and to insist on members of the legislature, making them take an oath of this kind, is an unnecessary and useless insult. I think we can reach the object desired in some other way.

Mr. SUTHERLAND. If this will accomplish what it is placed here for, I would vote for it, but I don't know that it will. I am ashamed of the amount of corruption funds which have been used throughout Wyoming, and for us to try to smooth it over, and uphold our past legislatures, we cannot do it, as honest men. If this don't accomplish what we want I

am ready to vote it down. And let us vote on something that will. These large corruption funds with which they buy votes on election day, if Mr. Hay is not acquainted with them, if he will come up to Sherman, I will show him and open his eyes.

Mr. TESCHEMACHER. I was only going to remark that this was taken from the Pennsylvania constitution, and to ask whether or not the corruption there, although I don't know anything about it, but so far as what is said is concerned, to ask Mr. Morgan has it prevented this sort of thing, because the legislature of Pennsylvania is said to be purchased every two years.

Mr. SMITH. As to how corrupt the legislature is I don't know as it cuts any figure here, I don't know anything about the Wyoming legislature, I have not thought about it very much. I don't know anything about it, but that there is corruption so far as politics is concerned, and that to an almost unlimited extent, and we all do know about that. If this will go one step towards improving that, leave it in, whether it will or not it is hard to say now. True, some men who would buy their way into office would take this oath, but a majority will not perjure themselves, if they know they must take this oath they will decline to run for office, and give some other reason for it, but there are enough honest men who will, and we will find that the office will seek the man and not the man the office, as it is now we hear honest men say they cannot run for office because they cannot afford to spend one-half what it costs now to get an office. But one of the greatest evils in this connection is that the office has paid too much for cheap men, five and six thousand dollars to pay for ordinary clerical work, and that is what it costs in many of the counties in this territory. And I want to say in closing what I said before, that the majority of men will not perjure themselves.

Mr. HOYT. The point referred to last is the point which largely influenced the committee to include this provision. They want simply to put a man to the test who has been elected and used corrupt means to secure his election, he might be willing to swear falsely, but a man who knew he would only get an office through corrupt means would be very loath to undertake the business, if he knew that this oath was at the end of the race. Another point, Mr. Hay speaks of it as an insult. Why is it any more of an insult to take an oath that he has not used fraudulent means to secure his office than to require a man to take oath that he will be faithful?

Mr. CHAIRMAN. The question is on the motion to strike out all after the word "fidelity." Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. All those in favor of the motion will rise and stand until counted—5. Those opposed will rise and stand—6. The motion to strike out is lost.

Mr. HOYT. I would like to ask whether we cannot make this provision apply to members of congress and United States senators?

Mr. TESCHEMACHER. No, governor, they are sworn in Washington. We have nothing to do with that.

(Reading of Sec. 4.)

Mr. PRESTON. I move to strike it out.

Mr. HOYT. We have just adopted a section which looks to the purity of elections; this simply looks to the purity, economy and facility of their administration; it is but one step further, it would but continue to exert a good influence in the selection of men for minor positions in the administration of the work of the government.

Mr. JEFFREY. I desire to say on behalf of the members of the committee that we desired to give this convention the benefit of everything that was before us. We recommended this to the convention for them to do with it what they should deem fit and proper. Now, as to the propriety of this proposition, I think there can be no serious difference of opinion. It is an object very much to be desired. However, judging from the experience of others in endeavoring to enforce the sentiment of this provision, the results have not been entirely satisfactory. That I presume is the fault of the law, and the fault of the manner in which the laws have been administered. We deemed it our duty, however, to give this to the convention and let them express their opinions upon it.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 4. Are you ready for the question? All in favor of the motion will say aye; contrary no. A division is called for. Those in favor of the motion to strike out will rise and stand until counted—11. Those opposed will rise—10. The motion to strike out prevails.

Mr. HOYT. I believe this would have given us very good standing before the authorities at Washington, it would indicate a disposition toward reform in Wyoming.

Mr. BROWN. I move when this committee arise it report back the substitute for Files 5, 6, 10 and 23 to the convention with the recommendation that it do pass.

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. JOHNSTON. I move this committee now rise and 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 committee will now rise. As the report of the committee is very long and

it is now very late, I would suggest the reading of the report be dispensed with at this time.

Mr. PRESIDENT. Is there objection to the reading of the report being dispensed with at this time? The chair hears none; by unanimous consent the reading will be dispensed with.

Mr. BAXTER. I move we 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 taking a recess until half past seven this evening will say aye; contrary no. The ayes have it; the motion to take a recess prevails.

### EVENING SESSION.

Thursday evening, Sept. 26th.

Mr. PRESIDENT. Convention come to order.

We were considering the general file at the time of adjournment. A motion to go into committee of the whole is now in order.

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

Mr. HOYT. Just a moment. On behalf of Committee No. 7 I wish to submit a report.

Mr. PRESIDENT. By unanimous consent the committee will be allowed to report at this time.

Mr. BURRITT. I move it be placed on the general file.

Mr. PRESIDENT. It is moved that the report of the committee be placed on the general file to come up for consideration at the proper time in its regular order. As many as are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. CAMPBELL. I have been instructed by the Laramie county delegation to extend an invitation to the members of this convention to partake of a banquet at the Cheyenne club on Saturday evening, and would like every member of the convention to be present at that banquet.

(Applause.)

Mr. PRESIDENT. I am satisfied from the demonstration made, Mr. Chairman, that the members of the convention will be delighted to accept your hospitality. I can speak for myself, and shall accept the invitation as far as I am personally concerned.

Mr. CAMPBELL. I forgot to add that the president was selected to preside at the banquet.

Mr. FOX. I move that the invitation be accepted.

Mr. PRESIDENT. It is moved that the invitation extended by the Laramie county delegation be accepted. All in favor

of the motion will say aye; contrary no. The ayes have it; the motion prevails unanimously.

Mr. FOX. I move we now go into committee of the whole.

Mr. PRESIDENT. 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 to go into committee of the whole prevails. Will Mr. Elliott take the chair?

Mr. CHAIRMAN. Gentlemen of the committee. I have taken the report of Committee No. 7 on Sec. 24 out of its regular order that we may dispose of that file. If there is no objection I would ask your consideration of that report first. The secretary will read the section.

"The legislature shall have no power to change or locate the seat of government, the state university, insane asylum, or state penitentiary, but may, after the expiration of ten (10) years after the adoption of this constitution, provide by law for submitting the question of the permanent location thereof, respectively, to the qualified electors of the state, at some general election, and a majority of all votes cast upon said question at said election shall be necessary to determine the location thereof, but for said period of ten years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

"The seat of government shall be located at the city of Cheyenne, in the county of Laramie; the state university shall be located at the city of Laramie, in the county of Albany; the insane asylum shall be located at the town of Evanston, in the county of Uinta; the penitentiary shall be located at the city of Rawlins, in the county of Carbon; but the legislature may provide by law that said penitentiary may be converted to other public uses. The legislature shall not locate any other public institutions except under general laws, and by vote of the people."

Mr. RINER. I move this section be added to the file as an additional section of the file, and the file referred back to the convention with the recommendation that it be adopted as amended.

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. CHAIRMAN. The next thing on the general file is File 89, schedule.

(Reading of Secs. 1, 2, 3 and 4.)

Mr. CLARK. I have only this objection to Sec. 4, there is a portion of it that I am unable to understand. Perhaps the committee can explain. "And all bonds, obligations and other

undertakings executed by this territory or to any other officer in his official capacity." That is not quite clear to me.

Mr. RINER. I have an amendment to offer, which I think will improve that. I move to amend by inserting the words "to or" after the word "executed," so it will read "and all bonds, obligations or other undertakings executed to or by."

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 amendment prevails.

Mr. JEFFREY. As has already been stated, this was prepared rather hurriedly, the chairman was absent several days and the committee did not get to work on it until pretty late. I have a section which properly belongs in the schedule, and I desire to have it inserted in its proper place in the schedule. It is something that ought to have been included in the schedule but was overlooked. "That all property, real and personal, and all moneys, credits, claims, and choses in action, belonging to the territory at the time of the adoption of this constitution shall be vested in and become the property of the state of Wyoming."

Mr. RINER. I move that that section be numbered two, and that all the following sections be renumbered.

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 amendment prevails. Any further amendments?

Mr. CLARK. I move to strike out the word "other" where it occurs in line five of Sec. 4.

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. Any further amendments?

Mr. BURRITT. The word "by" should not be in there.

Mr. CHAIRMAN. If there is no objection it will be stricken out.

Any further amendments?

(Reading of Sec. 5.)

Mr. HAY. The word "now" in the first line ought to be stricken out.

Mr. FOX. I don't see what this has to do with United States officials.

Mr. JEFFREY. That is intended to apply to all the officials holding office until they are succeeded by state officers. The governor, secretary and judges of the district and supreme courts.

Mr. CHAIRMAN. It is moved that the word "now" in the first line be stricken out. Are you ready for the question?

All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

Mr. BROWN. I desire to make an inquiry of the chairman of the committee. I desire to ask if Sec. 5 is intended to keep the officers in their respective positions until the state officers are elected or appointed?

Mr. JEFFREY. I think that is the intention of the section, wherever applicable.

Mr. BROWN. It occurs to me, Mr. Chairman, that we ought to provide that the governor of the territory, the secretary and other territorial officers, justices of the court, and all county and precinct officers shall hold their offices until their successors are elected and qualified under the constitution of the state.

Mr. BAXTER. I think that could be reached by amending the last line so as to read as follows: "Until the qualification of officers elected as their successors under this constitution."

Mr. BROWN. The provision in some of the other constitutions is that all these territorial officers shall continue to hold their several offices as officers of the state until their successors shall be elected and qualified. I understand Mr. Jeffrey that this was intended to apply simply to the territorial officers. I think it should include all county and precinct officers.

Mr. BURRITT. Sec. 18 covers all that.

(Reading of Sec. 6.)

Mr. POTTER. I move to strike out the word "adoption" and insert "ratification."

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

Mr. TESCHEMACHER. I think before we settle this thing definitely we ought to give it a little time and thought. Do we wish to have an election next November on this constitution? If we put this in our constitution we will have to carry it out. I merely wish to bring the matter up for discussion. You will notice by the papers for the last day or two that the constitutional convention of New Mexico, which was called in a manner exactly similar to ours, and has proceeded in nearly the same manner, in their schedule provide that their constitution shall be submitted to congress with their petition. If then congress passed an enabling act that a special election shall be held within ninety days, and the constitution shall be submitted for adoption. If on the other hand congress did not pass an enabling act at this session, that the constitution should be submitted to the people on the first Tuesday after the first Monday of November, 1890, their general election. Now it seems to me that this would be a very wise plan for us to adopt, for if we proceed to have these special elections throughout the territory that means quite a large expense, and we do

not know whether this senate bill, which has been favorably reported by the senate, will be passed by both branches of congress, or signed by the president. If it should be passed, then we can within ninety days call a special election, and go into being a state almost as soon as we would under any other conditions. If not passed at this session, we can get the vote on this constitution at a time when we can call out the largest expression of opinion of the people of this territory that we could possibly get. No matter how important the subject at a special election you cannot call out the general vote, as at the general election, when you will get a true expression of opinion of the people upon the work of this convention, and I would move to amend it in that manner.

Mr. HAY. It strikes me that congress would not be very apt to pass an enabling act or take any steps until they found out whether or no the people were going to ratify a constitution that fifty-five men make. It seems to me that we would be asking congress to take a good many chances that we are not willing to take ourselves. It seems to me that we will be forced to carry out the plan already started on, and we will mix matters up very much if we attempt to deviate from that plan now. Besides we don't know how this New Mexico plan will work.

Mr. CLARK. For the purpose of hearing the matter discussed, I second Mr. Teschemacher's motion. It occurs to me if we call on congress we ought to be prepared to send in our card at least, and this constitution is the best card we can send in, and a large majority in favor of this constitution. I believe with Mr. Hay, of Laramie, that our only hope before congress this winter, or any other winter, is to show congress by our vote that the people of this territory actually want to become a state.

Mr. BROWN. I just want to add that if we should go to congress and they should pass an enabling act ordering an election the people might refuse to adopt this constitution. They would not have the same incentive to accept it whether they liked it or not as they would before congress acted. We are anxious to get in and the people would accept it as satisfactory and adopt it.

Mr. TESCEMACHER. I am not at all stuck on my own motion. I merely brought up this subject to hear the differences of opinion upon it. I knew that New Mexico had adopted just such a plan, and it does not seem to me it will have very much influence on congress in admitting us as a state whether they approve of the constitution these fifty-five men have drawn up or not; I mean to say that won't be the main influence that will be considered; they will admit us simply on the ground of our being able to take care of ourselves, and it seems

to me that the matter requires a little more consideration than we are giving it.

Mr. HAY. I just want to suggest another thing. According to the first plan the people will only have about thirty days to consider this constitution. Under the other plan they might have six months, and they might not adopt it, after having all that time to study it.

Mr. BROWN. I suppose that each and every member of this convention at least desires that our work should amount to something when it is done. We have spent now almost four weeks in the service of the beloved public, without remuneration or reward, except the reward that comes from the conscience of every one for a duty well done, and I believe we shall have performed our duties well and faithfully when this convention adjourns. Now we want this work to amount to something, and in order to have it favorably considered we must submit the constitution for adoption as early as possible, and when the people of the territory of Wyoming have said by their votes that they are satisfied with the constitution, and that they want to become one of the states of the union, congress will admit us. Senator Stewart, when here the other day, said that if we would prepare our constitution, submit it to the people, have it ratified, and then come down to Washington and say Wyoming wants to be a state, and we will be a state. Now let us go down there in just that way. Let us not go down there to pass an enabling act, we don't care anything about this enabling act, but we want to go down there demanding admission, and when we demand it congress will admit us, and that is the kind of an enabling act we want, I take it.

Mr. POTTER. Upon reflection I believe the word "adoption" is the better word, and I will withdraw my amendment.

Mr. CHAIRMAN. Mr. Potter asks leave to withdraw his amendment. Is there objection? The chair hears none; the amendment is withdrawn.

Mr. TESCHEMACHER. As there is nobody in favor of my amendment evidently, everybody having spoken against it, with the consent of my second I will withdraw it.

Mr. CHAIRMAN. If there is no objection Mr. Teschemacher's amendment is withdrawn.

Mr. HAY. I move to strike out the words "and upon separate articles or propositions."

Mr. CHAIRMAN. The question is on the motion to strike out. 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. BURRITT. I move to strike out the words "or against any article submitted separately."

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. RINER. I move to strike out the word "of" in the fifth line and insert "for."

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. Any further amendments?

(Reading of Secs. 7 and 8.)

Mr. JEFFREY. There is one thing in Sec. 8 to which I desire to call the attention of the convention at this time, because there was considerable discussion on the subject among the members of the committee at the time this was drawn, and that is as to the length of the time for calling the first election, as to this forty days and ninety days.

Mr. BAXTER. I move to strike out in the eighth line of this section the word "ninety" and insert "one hundred and twenty."

Mr. MORGAN. Second the motion.

Mr. CHAIRMAN. Gentlemen, the motion is to strike out "ninety" and insert "one hundred and twenty" in lieu thereof. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost. Any further amendments to Sec. 8?

(Reading of Secs. 9 and 10.)

Mr. BURRITT. I move to insert the words "of the territory" after the word "secretary."

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.

(Reading of Sec. 11.)

Mr. JOHNSTON. Is it necessary that the legislature should take this oath until it convenes? I would move to amend by inserting after the word "election" the words "except members of the legislature."

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

Mr. BURRITT. I don't believe that is necessary. As a general rule members of the legislature take their oaths when they are legally convened as a legislative body, and the members of the first legislature of the state would not be officers of the state until they do convene.

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

(Reading of Sec. 12.)

Mr. BAXTER. I move to insert in the sixth line after the word "legislature" the words "in joint session."

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.

(Reading of Secs. 13, 14 and 15.)

Mr. BAXTER. Should not there be a substitution of the word "state" on both of these seals? I believe they all bear the word "territory" now.

Mr. BROWN. As I understand it this was simply to provide that these be used until we can procure new ones.

(Reading of Secs. 17 and 18.)

Mr. JEFFREY. The committee desires to present at this time three additional sections covering ground not provided for in the schedule itself.

(Reading of Sec. 19.)

Mr. CHAIRMAN. Is there any objection to Sec. 19? The chair hears none. Sec. 20 will be read.

(Reading of Sec. 20.)

Mr. CAMPBELL. It does not seem to me that is right. If we are admitted in 1890 the next session of the legislature would be 1892, and under this that would have to be omitted, and we would have to go until 1894 until we could have another.

Mr. CLARK. Suppose we go in in July, under this section our next election in November would not be held for two years.

Mr. POTTER. I think to follow out the idea of the committee we should say "that the election that should otherwise be held on the first Tuesday next following the first Monday in November, 1890, should be omitted." I think that will follow out the idea of the committee.

Mr. HAY. I think that would fix it, or you might put in a provision if the time to elapse between the date of admission and the next regular election shall be more than one year that the election shall be held, but not if less."

Mr. TESCEMACHER. Put it in writing, Mr. Hay, so we can understand it.

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 chair is in doubt. All those in favor of the motion will rise and stand until counted—16. Those opposed—2. The motion prevails. Any further amendments?

(Reading of Sec. 22.)

Mr. POTTER. I move to strike that out. I don't believe it is needed.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved that the proposed Sec. 22 be stricken out. The question is on the motion to strike out. Are you ready for the question?

Mr. POTTER. I believe I am against my own motion, and I think I can at last see the meaning of that section. If we come in next year we will have a special session called by the governor next summer. Under our constitution we would have a session of the legislature in January. I think this is to prevent having two sessions of the legislature within three or four months. With the consent of my second I withdraw my motion.

Mr. CHAIRMAN. The section is now offered in this shape. "The regular session of the legislature that would otherwise convene on the second Tuesday in January, 1891, shall be omitted." The question is on the adoption of Sec. 22. Are you ready for the question?

Mr. TESCHEMACHER. I am sorry to discuss this question again, but it does seem to me that you have now provided in case congress does not let us in this winter, under this act, that all the work of this convention was done for nothing. If you do not make any definite date this work would be good until we do go in, without calling another convention. Suppose this is ratified. Just as soon as that is decided and we get in, everything this convention has done is accepted.

Mr. IRVINE. Why should it not be left open, in view of the impossibility of framing a section to fit the case?

Mr. FOX. It seems to me that this could be avoided by saying "Provided the admission of this territory shall be in an even numbered year the legislature then should convene in the next odd numbered year shall be omitted."

Mr. CLARK. I move this section be referred to the committee on education.

Mr. CHAIRMAN. The gentleman is out of order. The question is upon the adoption of the section. All those in favor of the motion will say aye; contrary no. The chair is in doubt.

All those in favor of the motion will rise and stand until counted—16. Those opposed—9. The ayes have it; the section is adopted.

[This disposes of File 89, if there are no further amendments.]

Mr. POTTER. I move the adoption of an additional section. "The legislature at its first session shall provide for the election of all county and precinct officers, to be held as soon as practicable."

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

Mr. POTTER. I desire to explain the reason for that section. In this schedule we have provided for an election for

state and district officers, and district judges, and the reason we made no provision for the election of county officers was the very evident one that in this constitution we have omitted to provide for any county officers. A section was adopted providing that the legislature shall provide for the various county officers. That is left to the legislature according to our present action, and we have provided for no election of county officers. This schedule provides that the officers of the territory shall hold their offices for their full term and until their successors are elected; this schedule provides that the election next November at which county officers will be elected, shall be omitted, so I offer this section providing that the legislature at its first session, at which it will provide the different county officers, shall also provide for calling an election for those officers. It seems to me necessary that we have something of this kind in the schedule.

Mr. RINER. It seems to me this whole difficulty could be reached without a special election. We have provided here that at the first state election there shall be elected in each county officers for the county, and provide also that they shall not qualify until the expiration of the county officers' terms holding their offices under the territorial law. The only difference would be that the first county officers would have a two year term, whereas the state officers would have two years and a half, and thus we would save the expense of an election. We provide that the state officers shall qualify within thirty days, and we can provide that the county officers shall qualify on the first Monday of January following, as provided by law; at the expiration of the term under the territorial law, but they could be elected at the time of the state election.

Mr. POTTER. I am glad to see the convention is coming to a state of repentance. It may be within the remembrance of some that the very committee of which Mr. Riner was a member, presented a report here upon the counties, and they failed to provide for any county officers whatever. The last section provided that the creation of county officers should be left to the legislature entirely. At that time I offered an amendment providing for certain county officers and leaving the rest to the legislature, but the convention voted it down. I think you are coming to the state of seeing the necessity of providing for certain county officers.

Mr. BROWN. I don't think we want this at all. We have provided that the laws shall remain in force after we become a state. Among the laws of the territory there is a law which provides for county officers, and that law will continue in force until the state legislature shall change it.

Mr. COFFEEN. I think I favor Mr. Potter's amendment, for it provides that the legislature shall not only provide for an election, but shall call that election as early as practicable.

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

Mr. TESCHEMACHER. I move when this committee rise it report this article on schedule back to the committee to bring in something that we can understand.

Mr. BROWN. I rise to a point of order. The motion made by the gentleman to report back to the committee to bring in something we can understand was not only impertinent but was not in order. I now move when this committee arise it report back File 89 with the amendments offered thereto to the convention with the recommendation that it be adopted as a part of the constitution.

Mr. RINER. I move that this committee arise and ask leave to sit again, and that we have the matter of this file referred to the committee for the purpose of preparing a new section to meet this question of county officers. I think it can be done better there than here in committee of the whole.

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; File 89 will be referred back to the committee on schedule, with the proposed Sec. 23.

The next file is No. 90, concerning boards of arbitration.  
(Reading of the file.)

Mr. RINER. I move when this committee arise it report back this file to the convention with the recommendation that it do pass.

Mr. CHAIRMAN. As many as favor the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. BURRITT. I move this committee now rise and 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 committee will now rise.

Mr. PRESIDENT. The secretary will read the report of the committee, and as it is quite long, I hope the gentlemen will give careful attention, so we may get through as soon as possible.

(Reading of the report.)

Mr. PRESIDENT. Gentlemen of the convention, what will you do with the report of your committee?

Mr. JOHNSTON. I move it be adopted.

Mr. PRESIDENT. All in favor of adopting the report of the committee will say aye; contrary no. The ayes have it; the report is adopted.

File No. 86, File 87, and substitute for Files 5, 6 and 64, and File No. 90 will be referred to the committee on engrossment.

Mr. TESCHEMACHER. If possible I would like to ask that these files be considered engrossed, so they can be finally

read in the morning. We have got a great deal of work to do, and if possible I should like to have these considered engrossed.

Mr. PRESIDENT. It is moved by Mr. Teschemacher that these files be considered engrossed. All who are in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. COFFEEN. There is one matter I think we have been overlooking; the question was raised here the other day on the appointment of a committee on address to the people.

Mr. BURRITT. I move that the president of this convention be authorized to appoint a committee of ten members on address to the people, and also a committee to prepare an address to congress.

Mr. PRESIDENT. 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. COFFEEN. I think that such a committee ought to be appointed tonight before we adjourn.

Mr. BURRITT. I don't see any occasion to wait for the appointment of that committee tonight, it should be carefully selected, and I think it need not be done tonight, as the committee would not do any work before tomorrow.

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

Mr. JOHNSTON. Second the motion.

Mr. PRESIDENT. 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 convention will now adjourn until 9 o'clock tomorrow morning.

---

## TWENTY-THIRD DAY.

### MORNING SESSION.

Friday, Sept. 27, 1889.

Convention reassembled at 10 a. m.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Roll call.

Reading of the journal.