

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.

Mr. PRESIDENT. Any corrections to the journal as read? There being no objection the record will stand approved as read.

Gentlemen, for a committee to frame an address to be presented to the people with this constitution I have made the following appointments:

(See journal page 102.)

Mr. FOX. I move the president be appointed as one of the members of this committee.

Mr. BROWN. I would be glad if the convention would excuse me from acting however. I am willing to do anything to help.

Mr. HOYT. I think it eminently proper that the president of this convention should stand at the head of the committee to issue the address to the people, and I should be very glad if Mr. Riner will put the motion to that effect.

Mr. RINER. Gentlemen, you have heard the motion. Those favoring the motion will say aye; contrary no. The motion is unanimously carried.

Mr. PRESIDENT. Your unanimity shows your great kindness to your president, and though it makes his labors a little more, I will be glad to serve you in any way I can. I have received the following communication which I will read:
To the President of the Constitutional Convention:

If the duties which now claim the attention of yourself and your colleagues of the convention should necessitate your remaining in Cheyenne over Sunday, the 29th, I would cordially invite the body to attend services at the Methodist Episcopal church, on the 29th, at 7:30 p. m.

Very Respectfully,

S. ALONZO BRIGHT, Pastor.

I have also received a letter that should perhaps receive some attention, signed by R. C. Wylie, Secretary of the National Reform Association, Philadelphia. The matter referred to in the letter concerns more particularly to the preamble of the constitution than most anything else, and without reading it, and without troubling the convention with its contents, and in order to dispose of it, if there is no objection I will refer it to the committee on preamble. Is there objection? The chair hears no objection, and it is so referred. I don't suppose this convention desires to hear it read at this time.

Are there any memorials or petitions to be presented this morning? Any propositions? Any reports of committees? Is there any select committee desiring to report this morning? Final reading. There is upon the general file for final reading this morning substitute for Files 7, 26, 27, 41, 54 and 55, taxation, revenue and public indebtedness. The bill has been engrossed and is returned for final action. Are there any amendments to be made to the file?

Mr. POTTER. My attention has been called to Sec. 10 of the revenue bill, in reference to the depositing of money, and it has been suggested to me that in that section a construction might be given to it which would prevent the state, cities, counties, etc., from depositing their money in more than one bank, and it should be so amended that it can be deposited in more than one bank, of course, getting proper security from the various banks. In order to bring it before the convention I move to amend by adding after the word "bank" the words "or banks," so that it shall read "be deposited in a national bank or banks."

Mr. PRESIDENT. Is there any objection to the section being so amended? If not it will be amended by unanimous consent.

Mr. FOX. I would like to offer an amendment to Sec. 15. I propose to amend this section by inserting after the words "public libraries" "lots with the buildings thereon, used exclusively for religious worship, church parsonages and public cemeteries."

Mr. SUTHERLAND. Second the motion.

Mr. FOX. I think that it is nothing more than right when we send out this constitution to the people of Wyoming, that we should protect our religious properties, and that we should protect our burying grounds, in leaving these matters open we don't know what will happen to them in the future. Some of us have buried our dearest and best friends out in the burying ground, and I think it is no more than right that this constitution should make a provision whereby these places can always remain as a burying ground, and not subject to any provisions that may hereafter take place. It may come round in the future to so tax these cemeteries that they shall be turned into ground. I think as long as we make provision that all property shall be taxed here, it is right and just that we should make this provision in regard to church property. In looking over this convention I think that the sentiment of this convention is in favor of this proposition. If it is left the way it is, it is left in such a position that there is a chance for the opposition to our churches to gain a strong foothold. If that element should get control of our future legislatures they would have it in their power to impose a tax upon our churches, who have all they can do now to struggle and get along, to impose a tax that would close them up, or most of them, and I think it is the duty of this convention to make this exception. For my part I want to place my record in these proceedings in favor of this amendment, and I want to get it before the people of this territory and of this United States. I ask that the amendment be adopted.

Mr. HAY. Second the motion.

Mr. PRESIDENT. The question is on the adoption of the amendment. Are you ready for the question?

Mr. FOX. I call for the ayes and nays.

Mr. PRESIDENT. The ayes and nays are called for on the amendment. All in favor of the motion will say aye; those opposed no. The ayes have it. A call for the ayes and nays is ordered. The question is on the adoption of the amendment of the gentleman from Albany, Mr. Fox. All who are of the opinion that the amendment be adopted will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

Mr. GRANT. It seems to me as that is now it leaves it open to the legislature to exempt any property.

Mr. PRESIDENT. There is no change except that certain property be exempted.

Mr. BURRITT. For the reason that I believe that the constitution should exempt nothing except what is required to be exempted, and the balance left to the legislature to exempt from time to time as it may see fit. I vote no.

Mr. PRESIDENT. Are there any further amendments desired to the file?

Mr. TESCHEMACHER. I wish to change my vote on the question. I thought we were taking the ayes and noes on the bill and not on the amendment. I vote aye.

Mr. PRESIDENT. Gentlemen, your vote upon the proposed amendment is as follows: Ayes, 24; noes, 3; absent, 22. By your vote you have adopted the amendment.

The chair will announce to the convention at this time the committee on address to congress.

(See journal page 102.)

Mr. CAMPBELL. I give notice that I shall, before this convention finally adjourns, call up this question: That the convention select ten members to go to Washington to urge the admission of Wyoming into the union as a state. I make this announcement in order that the convention can look around and see who are the best persons to select to go to Washington.

Mr. PRESIDENT. I suppose the gentleman would not object to including in his motion to appoint such committee that the selection of the members should be made from both political parties.

Mr. CAMPBELL. Certainly.

Mr. PRESIDENT. The secretary will read the file at length.

(Final reading of the substitutes for Files No. 7, 26, 27, 41, 54 and 55.)

The question is on the adoption of the file as amended and as read.

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

Mr. BAXTER. Second the motion.

Mr. PRESIDENT. Shall a call of the house be ordered? All in favor of the motion will say aye; contrary no. The call will proceed.

(Call of the house.)

Mr. PALMER. I move that further proceedings under the call be dispensed with.

Mr. PRESIDENT. It is moved that further proceedings under the call be dispensed with. If there is no objection, it is so ordered.

The question is upon the adoption of the substitute to Files 7, 26, 27, 41, 54 and 55. All those who are of the opinion that the substitute be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

(Call of the roll.)

Mr. TESCHEMACHER. As I consider this a direct blow at the future development of the state, I vote no.

Mr. PRESIDENT. Gentlemen, your vote on the adoption of the file as read is as follows: Ayes, 30; noes, 1; absent, 18. By your vote you have adopted the file as a part of the constitution of the state. The file as now amended is referred to the committee on revision.

(Final reading of File 86.)

The printed file as amended was made the engrossed bill, and will now be read as amended. Are there any amendments to be suggested before the final reading of the file is had?

Mr. JOHNSTON. I would like to suggest the following amendment to Sec. 3, by adding the words "and territorial engineer." My reason for this is that in Colorado I know that the territorial engineer has been called on constantly by the board of land commissioners for his assistance. It is absolutely necessary that some official of this kind should be employed, and as there is no other official of that kind, I believe the territorial engineer should be a member of this board, and should have a voice on this board.

Mr. HAY. Second the motion.

Mr. GRANT. I would like to make an amendment to that motion by striking out the word "governor" and inserting "state engineer." I think it is well to have the state engineer appointed to this place, but I don't think the governor is necessary.

Mr. PRESIDENT. The gentleman from Albany moves to strike out the word "governor" in the first line of the section and insert "state engineer." Mr. Johnston accepts the amendment. Are you ready for the question?

Mr. FOX. I object to appointing any appointed man to manage the affairs of our public lands. I believe in appointing a man on this commission who is elected by the people. The

idea of appointing a man who is appointed by some other man I think is preposterous.

Mr. JOHNSTON. I can't see any reason in the gentleman's argument. The idea is to get those men who are most competent for this work, and I don't think there is any one more competent than the state engineer. He will probably go out a great deal more upon the land than the governor or any other person connected with the board. My reason, as I said before, for submitting this amendment, is that I personally know that the services of the Colorado engineer have been called for by this board time and time again, I have it from a member of the board himself, and he stated that if we make the state engineer a member of this board here it would be a move in the right direction.

Mr. HOPKINS. It strikes me that this territorial engineer is to a certain extent elected, or at least, approved by the people. The people elect the governor, and it is to the best interests of the people that he should appoint the best man for the place, and I think it is proper that the state engineer should have a place on this commission.

Mr. POTTER. I am sorry the amendment has gotten into the shape it has. I would like to see the state engineer on this board, but I also think it eminently proper that the governor should also have a place. He is the head of the department, and elected by the people, and has a more thorough knowledge of the affairs of the state than any other man, and is directly responsible to the people for his actions, and I object to this as it now is.

Mr. GRANT. I think the state engineer would certainly be a better man than any other man, and he ought to be on the board, and I don't think the governor ought to be on the board with the man he appoints.

Mr. PRESIDENT. Will the gentleman from Albany permit me to ask him a question? Would not the governor, if not a member of the board, have an opportunity to select appointees in the interest of a job, just as well as if he was a member of the board, and by not being a member of the board himself relieve himself of the responsibility and still stand in with the job? The question is on the amendment to strike out "governor" and insert "state engineer." All those in favor of the motion will say aye; contrary no. The chair is in doubt. All those in favor of the amendment will rise and stand until counted—13. Those opposed will rise and stand until counted—14. In the negative. The motion is lost.

Mr. JOHNSTON. I now propose the original amendment, that "state engineer" be inserted after the word "instruction" in the first line.

Mr. McCANDLISH. Second the motion.

Mr. PRESIDENT. The question is on the motion to insert "state engineer" after the word "instruction" in the first line. Are you ready for the question?

Mr. COFFEEN. I am radically opposed to this amendment, it puts four members on the board, the governor and his own appointee, and certainly adds nothing to the bill. By simply stating these points I believe the amendment will be voted down.

Mr. PRESIDENT. Any further remarks? The chair hears none. The question is on the motion to insert. All in favor of the motion will say aye; contrary no. The noes seem to have it. A division is called for. Those in favor of the motion to insert the name of the "state engineer" will stand until counted—8. Those opposed will rise and stand—16. The motion is lost.

Mr. HAY. I now move to insert after the words secretary of state "and such other officials as the legislature may designate, shall constitute the board."

Mr. JOHNSTON. Second the motion.

Mr. PRESIDENT. Are you ready for the question? All in favor of the motion will say aye; contrary no. A division is called for. All in favor of the motion will rise and stand until counted—10. Those opposed—13. In the negative. The motion is lost. Any further amendments desired to the file? The file will now be read at length.

(Final reading of File No. 86.)

The question is upon the adoption of the file. All who are of the opinion that File 86 be adopted will say aye as their names are called; those opposed will say no. The secretary will call the roll.

Gentlemen, the vote upon File 86 is as follows: Ayes, 29; noes, none; absent, 20. By your vote you have adopted File 86 as a part of the constitution for the state of Wyoming.

The question is now upon the final reading and passage of File 87, concerning coal mines. The file is open for amendments, the printed bill is taken as the engrossed copy and will be read the third time. Any amendments suggested to the file?

Mr. NICKERSON. I move to amend by restoring the word "coal," the word stricken out by the committee of the whole yesterday, in Sec. 3, line two.

Mr. PRESIDENT. The gentleman moves to insert "coal" in the second line of Sec. 3, between the words "any" and "mine." Are you ready for the question?

Mr. HOPKINS. I would like to ask the gentleman if it is more desirable to have women and girls employed in ore mines, gold mines, than in coal mines? Where does the distinction come in? I don't see where the point is, if it is desirable to prevent the employment of children or women I

don't see why it should not apply to ore mines as well as coal mines.

Mr. HAY. I don't see any reason why it should not apply to coal mines; I don't think the abuse exists in any mines but coal mines.

Mr. NICKERSON. I think that there is a great deal of difference. I have had twenty years experience in ore mines and I do know that women and children under fourteen years of age can be employed just as safely and just as efficiently in these mines as on the range. I don't suppose a member on the floor of this convention would for a moment pretend there is any impropriety, that a ranchman should not employ his wife, his daughters or sons under fourteen years of age to assist him in working on the farm, when they can do the work efficiently and well. I don't know anything about the operation of coal mines, but from my own experience in working gold mines, I know that they can be employed efficiently, profitably and safely. For instance, in the working of a placer mine, I know that children do and have and can work well and profitably and safely in sorting and throwing out the worthless ore, and in tending to the water in the sluices, and I don't see why the distinction should be made. There are many women in this territory who own mines and mining claims, and if this goes into effect they will be prevented from operating their mines, if they have to employ some one to do the work. Women are allowed to hold a hundred and sixty acres of land for a placer mine or a quartz mine, and the laws of the territory should be framed to let them hold it. I know women who own placer mines themselves work them, and employ boys under fourteen, and girls, their own children, to help them. Under this provision they would have to sacrifice their interests. Why should they not be allowed to make a living there as well as on the ranch? It is not dangerous, it is not unsafe, it is not improper. I cannot see the distinction. I presume it arises from the fact that the abuse exists in coal mines. If this is to be a great mining country with all kinds of mines, that will in time be heard from, when developed, I don't see why women and children should not be employed where it is safe and profitable, just as well as their fathers. If you desire to prevent boys of fourteen working in coal mines, if you don't consider it a suitable place for a boy to work, that is all right, but don't prevent their working in the other mines in this territory. Take for instance a boy living in a mining country, away from schools, what are you going to do? He is prevented from assisting his father, in holding his claims, because the law says he shall not work, and he must lay around doing nothing. I hope this will be amended so as to give the mining interests some sort of a show.

Mr. HOPKINS. I will merely say that nearly everything said by my friend applies as well to coal mines as it does to other mines. There is no distinction in the manner in which they are employed, whether in mining ore or coal, it is just the same thing.

Mr. RUSSELL. If the gentleman don't object I would like to incorporate in this amendment the words "iron mines." If the amendment is going to apply, I would ask if this would prohibit the legislature in any future time for providing against the employment of boys or children in these other mines? Some of you lawyers might answer. This clause is prohibitory. The question is would the words coal and iron mines in there prohibit them from providing against the employment in other mines in the future? I don't think that the intention is to work any hardship to any party or to any section of the country, this is to prevent their employment in coal mines, and it will certainly do no harm. I am thoroughly acquainted with the working of a placer mine, and the gentleman, Mr. Nickerson, seems to think it will work a hardship in his section of the country, and not knowing much about that part of the question I am in doubt as to how it would be if this amendment would carry.

Mr. SUTHERLAND. I am in favor of Mr. Nickerson's amendment. I think the abuse has never been carried into gold mines or silver mines or what you may call placer mines. I know that in some mines they use small boys to do light work but the abuse has been in employing children in foreign countries in coal mines. I know in some foreign countries women and children and girls are employed in mines, and I suppose this is to head off its ever being done in this country. I know it looks like a special blow at coal mines. I know of one place in this country where it is done. I have seen at Gerty's Notch, on the lower end of the Susquehanna, I have seen girls that were not twelve years of age come out of iron mines, and I have seen children working in the coal mines of Pennsylvania, and I hope we shall never see that in Wyoming, so I am in favor of keeping it in here.

Mr. CLARK. I think if any distinction is to be made it should be made in broader terms than proposed by the gentleman from Fremont. If we are going to confine it to dangerous mines, all mines which are not dangerous should be excepted, and I would call attention to the fact as I understand it, and will ask the gentleman for information, whether or not lead mines, or silver mines where the ore carries a large percentage of lead are not the most dangerous mines, more so than other mines? I understand that a man cannot exist in one of these mines and hold his health for any great length of time.

Mr. CHAIRMAN. Will the gentleman from Fremont permit me to ask a question? Would not the striking out of "or about" after the word "in" meet the difficulty that he seeks to obviate?

Mr. NICKERSON. It would not. The work in placer mines is necessarily in the mines. Now I don't know how it would effect soda mines, and asbestos and all other kinds of mines, but in a placer mine it is necessary to work in the mine, and women and children have worked successfully in a mine. I have no objection to striking out the word "coal" and inserting "except such mines as are dangerous." I would say that mining certain ores is dangerous, and I have no objection to accepting them, but I do say that the employment of children in silver mines can be carried on successfully, safely and efficiently, just as well as they may be employed on the ranch or range, and I insist that their fathers should have the right to employ them.

Mr. FOX. I seconded the motion of Mr. Nickerson to insert "coal" between the words "any" and "mine." That certainly ought to be prohibited. I never worked in a coal mine, but my idea is this: Explosives are used in the mine, and it might be dangerous to employ persons not experienced in these matters as it might cause the destruction of the mine and the miners employed therein. If the object of this is to prevent anything of that kind it is all right. But there is another point to be considered. In our country we have a new industry just about to be started, that is the making of plaster of paris. The company who have built the works employ boys to drive their teams by which their materials are transported to the mines. Now I think there is no reason why a boy should be prevented from driving mules, or something of that kind, if it is necessary to employ him, for in this way he could help support himself and the family to which he belongs, and I don't think he should be prohibited from doing so. I think if the word "coal" was put in there it would cover the difficulty.

Mr. HOPKINS. It was asked by Mr. Russell that the word "iron" be included as well as coal, "coal and iron mines." I ask further that we insert the words "or other dangerous mines."

Mr. COFFEEN. I was going to suggest that we add "or such other mines as may be designated by law." So that the legislature might provide for any other mines.

Mr. ELLIOTT. I move to amend by striking out the words "or about," and after the word "mines" insert "except placer mines." I don't think it proper that a boy under fourteen should work under ground.

Mr. CHAPLIN. I should like to second that, but add the words "or any other underground mine."

Mr. CLARK. As that amendment is now, it will defeat the very object of this provision. The boys and girls are simply employed about the mine, more than in the mine, and this proposes to sever all connection with the mine or on the premises about the mine. If it is intended by that to defeat this section why well and good.

Mr. ELLIOTT. I had no such intention and ask leave to withdraw my amendment.

Mr. PRESIDENT. The chair understood the gentleman from Fremont to accept the suggestion as to including iron as well as coal, and the words "or other dangerous mines." That being accepted by the gentlemen from Uinta and Fremont, the question will be first upon the adoption of the amendment as suggested. Insert the words "coal, iron or other dangerous mines." 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 the file? The question is upon the final reading of the file as amended. File 87 will now be finally read. The question is upon the adoption of the file as a part of the constitution. All who are of the opinion that the file be adopted as a part of the constitution will say aye; contrary no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on File 87 is as follows: Ayes, 30; absent, 18; nays, none. Gentlemen, by your vote you have adopted File 87 as a part of the constitution. The file will be referred to the committee on revision.

The question is now on the final reading of the substitute for Files 5, 6, 10, 23 and 64, on elections and qualifications to office.

(Final reading of the file.)

Shall the file as read be adopted as a part of the constitution? All who are of the opinion that the file be adopted will say aye; contrary no, as their names are called. The secretary will call the roll.

(Roll call.)

The vote upon the substitute is as follows: Ayes, 30; nays, none; absent, 18. By your vote you have adopted the substitute for Files 5, 6, 10, 23 and 64, as a part of the constitution. The file will now be referred to the committee on revision. The question is now on File No. 90, appeals from decisions of compulsory boards of arbitration shall be to the supreme court of the state.

Mr. POTTER. I move to insert the word "allowed" after the word "be."

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. Final reading of File 90.

The question is on the adoption of the file as amended as a part of the constitution. All who are of the opinion that the file be adopted will say aye as their names are called; those of the opposing opinion will say no. The clerk will call the ayes and nays.

(Roll call.)

Gentlemen, your vote upon File No. 90 is as follows: Ayes, 31; nays, none; absent, 18. By your vote you have adopted File 90 as a part of the constitution. The file is now referred to the committee on revision.

The question is now upon the passage of the substitute for Files 59, 28 and 8, on education, public schools, etc. Are there any amendments? The secretary will read the file at length. Final reading of the file. The substitute for Files 59, 28 and 8 has been finally read. The question is upon the adoption of the file as a part of the constitution. Those who are of the opinion that the file be adopted will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

Gentlemen, your vote on the substitute for Files 59, 28 and 8 is as follows: Ayes, 30; nays, none; absent, 19. By your vote, gentlemen, you have adopted the file as a part of the constitution. The file is now referred to the committee on revision.

Mr. RUSSELL. Mr. Chairman, I want the consent of the convention to present an article at this time. I want to have it inserted in the article on mines.

Mr. PRESIDENT. The gentleman from Uinta presents the following: "For any injury to person or property caused by wilful failure to comply with the provisions of this article or laws passed in pursuance thereof, a right of action shall accrue to the party injured, for the damages sustained thereby, and in all cases in this state whenever the death of a person shall be caused by wilful neglect, act or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action notwithstanding the death of the party injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced."

Mr. PALMER. I think that provision is already on the revised statutes of Wyoming, and the courts have held in this territory that you cannot take away from any corporation or person any rights they may have at law, and this provision is simply valueless, and has been so held by the courts.

Mr. CLARK. I am not familiar with the facts of the case the gentleman mentions, but they undoubtedly exist because he says so, but it seems to me that this provision or something

of this kind ought to be put in the constitution. I have been examining the files, having been told that the proposition had already been incorporated somewhere else. If it has been covered, well and good, if not I believe this ought to go into the constitution of this state. You may say, is not this pure legislation? What if it is. We have voted for a great many things here that are legislation, and if we are going to have legislation here at all, let us get the best there is, and it seems to me that the doctrine ought to be pretty well exploded by this time that if a person is killed, it is not as much as it he had had his leg broken.

Mr. RINER. If there is some way to get at the other proposition, I would have no objection to this. The language here is the same as is embodied in another provision of the constitution, and in my judgment this is fully covered in the other proposition named. If the gentleman had been here and listened to the file on corporations he would know it too, but to come here at the tail end and put in an amendment after it has once been passed upon by the convention and make objections and try to amend the corporation bill when we are all through with it, I shall oppose it unless there is some way to get at the other. I am willing to substitute this for the other.

Mr. CLARK. I think it is the duty of every member to put in any amendment up to the very time of adjournment if he thinks it necessary.

Mr. PRESIDENT. The chair thinks it is his duty to explain personally. While on the floor in committee of the whole I moved to strike out practically this same provision, there were some yesterday who did not want the section struck out, and at the time the action of the committee was taken it was understood that the provision in the article on corporations, and the separate provision that was passed in reference to contracts with employes, the two together fully covered this proposition. I have this morning examined the matter in company with Mr. Clark and others, and compared the different sections and found that there is matter contained which is important perhaps and that is not contained in either of the other sections. The section referred to gave authority to the legislature to pass such laws as will carry out the substance of this. The gentleman desires to have this in the constitution.

Mr. RINER. Canot this be substituted for the other?

Mr. BROWN. There are matters covered in the other propositions not covered by this, and this covers matters not covered by either of the other two. For instance, the article yesterday limits the amount that may be recovered in case of death, but does not give a right to action in case of death, and impliedly gives the legislature the right to enact a law to cover this whole matter, and it would be their duty to do so. The other article refers, when examined, to the matter of con-

tracts and does not cover this other question. I make this explanation as a matter of personal duty to myself, because I want, so far as I am personally concerned, these matters to be fully covered by the constitution. I wish to acknowledge my own fault in moving to strike it out.

Mr. RUSSELL. I will state that both Mr. Brown and Mr. Riner made the statements that this was covered already, and I was not sufficiently acquainted with the provisions to know, but after looking the matter up quietly I found it was not covered to my satisfaction, and I only ask that this be adopted so as to reasonably secure the rights of workmen in case of accidents or death.

Mr. PRESIDENT. The question is on the motion shall the rules be suspended and the proposition be finally read and put upon its passage. All in favor of the final reading and passage of this proposition will say aye; contrary no. The ayes seem to have it. A division is called for. All in favor of suspending the rules will rise and stand until counted—24. Those opposed will rise and stand until counted—6. My recollection is that the rules are suspended by a two-thirds vote, therefore the convention by its vote has suspended its rules for the passage of the proposition. The proposition will now be finally read. The question is upon its adoption as a part of the constitution. All who are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The secretary will call the roll.

Mr. HAY. I vote no, because I don't understand that this is anything but what is already there, and there is no necessity for putting it in in addition to what is already there.

Mr. PALMER. I desire to explain my vote by stating that I vote no, simply because I don't believe in putting mere legislation in the constitution.

Mr. RINER. I vote no, because notwithstanding the opinion of the president of this convention, I think the matter is fully covered in the provision adopted here yesterday.

Mr. PRESIDENT. Gentlemen, the vote upon the file is as follows: Ayes, 25; noes, 6; absent, 18. By your vote, you have adopted the file as a part of the constitution. The file will now be referred to the revision committee, in connection with the mining bill, and as a part thereto. This disposes of the files for final reading now upon the table. The file on schedule was referred last evening to two committees for amendment; it had been passed upon with the exception of one or two matters. Are the committee read to report? It seems they are not. What is your pleasure, gentlemen?

Mr. FOX. I would like to ask for information, something of importance, I think. Have we anything in the constitution defining the boundaries of the future state of Wyoming?

Mr. PRESIDENT. That is provided for.

Mr. HAY. I have a resolution which I wish to introduce, and I would like to have it acted upon at once if possible.

Mr. PRESIDENT. Is there objection to the gentleman's presenting a resolution at this time? The chair hears none, Mr. Hay will present the resolution.

Mr. HAY. "Resolved, That the committee on printing are hereby instructed to have published in pamphlet form for distribution the constitution and address to the people adopted by this convention, and to expend any unexpended balance of the funds raised to meet the incidental expenses, in payment for as many copies as can be printed for that amount."

Mr. HOLDEN. I have a proposition that I would like to submit, and for that purpose will ask the consent of the house.

Mr. PRESIDENT. Mr. Holden asks unanimous consent to present a proposition. Is there objection? The chair hears none, Mr. Holden will present his proposition. The secretary will first read the proposition, or rather resolution, offered by Mr. Hay, of Laramie.

(Reading of Mr. Hay's resolution.)

Mr. FOX. I move the adoption of Mr. Hay's resolution. It has been suggested that the money on hand would buy enough possibly for each member to have twenty copies or something of that kind.

Mr. HAY. It is difficult to tell how many we can get, probably something like four thousand.

Mr. PRESIDENT. You might provide that they shall be equally distributed among the members. It strikes me that would be the best way.

Mr. BAXTER. I am informed by Mr. Chaplin that it will probably supply ten thousand copies. We could not possibly distribute that number among this convention; we might possibly provide that each member shall have twenty-five, and the rest disposed of as may be directed. Filed in the office of the secretary of the territory, or some such officer. Their distribution might be controlled by the printing committee, under instructions from this convention. I would move to amend by saying that twenty-five copies be supplied to each member of the convention, if he desires as many as that, and that the balance be delivered to the secretary of the territory for general distribution.

Mr. REED. I was about to offer an amendment that the balance be equally divided among each county, and sent to the different seats of county government.

Mr. SMITH. I object to supplying members who did not come here.

Mr. PRESIDENT. I understand that Mr. Hay accepts the amendment offered by Mr. Baxter. What is your wish, gentlemen, as to the disposition of the resolution?

Mr. POTTER. I move it be adopted.

Mr. PRESIDENT. Is there objection? The chair hears none. The question is upon the adoption of the resolution. All in favor of the resolution will say aye; contrary no. The ayes have it; the motion prevails, and the resolution is adopted. The committee appointed on address to the people is as follows: Messrs. Burritt, Hay, Grant, Knight, Smith, Organ, Coffee, Preston, Hopkins and Harvey. The chair requests that the committee meet in the committee room immediately after taking a recess at noon.

Mr. PALMER. The committee on schedule desire to state that they will report some matters after recess.

Mr. CAMPBELL. I would like the members of the Laramie delegation to meet in the committee room for a few minutes.

Mr. PALMER. I desire the schedule committee to meet at half past one in the room to the left.

Mr. POTTER. I move we now adjourn until 3 o'clock this afternoon. This will give the committee referred to a chance to report.

Mr. PRESIDENT. There is still one matter in the hands of the printing committee, at any rate it had not been returned this morning. On the general file there is the report of the committee on salaries undispensed with, and will come up for consideration this afternoon.

Mr. HOYT. I would like to make the hour 2:30 instead of 3 o'clock.

Mr. PRESIDENT. The proposition of Mr. Holden's, which was presented by unanimous consent, and before the motion is put to adjourn, it is proper that it be read. The clerk will read.

CLERK. File No. 92, by Mr. Holden, in regard to homestead exemptions. "A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists, but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon."

Mr. PRESIDENT. The proposition will go onto the general file for consideration of the committee of the whole in its regular order.

The question is now on the motion to adjourn until 3 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. We will now adjourn until 3 o'clock this afternoon.

AFTERNOON SESSION.

Friday afternoon, Sept. 27.

Mr. PRESIDENT. Convention come to order.

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

Mr. RINER. Second the motion.

Mr. PRESIDENT. It is moved and seconded that we now go into committee of the whole for consideration of the general file. All in favor of the motion will say aye; contrary no. The ayes have it. We are now in committee of the whole. Will Mr. Sutherland, of Albany, take the chair?

Mr. CHAIRMAN. Gentlemen, you have before you for your consideration the majority report of Committee No. 15, salaries of public officers.

(Reading of Sec. 1.)

Mr. CHAIRMAN. You have heard Sec. 1. Is there any objection? Sec. 2 will be read.

Mr. CLARK. It seems to me that it would be best to consider this majority report and the minority report together, and I make a motion to that effect.

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. Sec. 2 of the minority report will now be read. Are there any amendments?

Mr. CLARK. I move that Sec. 2 of the majority report be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the adoption of Sec. 2 of the majority report will say aye; contrary no. The ayes have it.

Mr. POTTER. I call for the reading of Sec. 4 of the minority report.

Mr. TESCHEMACHER. Second the motion.

(Reading of Sec. 4 of the minority report.)

Mr. POTTER. I move the adoption of Sec. 4 of the majority report.

Mr. TESCHEMACHER. Second the motion.

Mr. RINER. I am not at all sure that this proposition for county salaries is the best thing to be done, and I rise now that it may be discussed, and so that I may get some information in regard to the matter. As I understand it, it is the purpose of this file to say that the sheriff shall receive a certain salary. Now, I would like to ask if that is for public business, for the state in criminal prosecutions, or is it intended to apply to his entire services, including his services in civil cases

as well? We tried this once in this county, allowing the sheriff a salary, the fees to be turned into the county treasury, and the total amount of fees collected was about eight hundred dollars. That is the effect of the law so far as the fees are concerned; if they go to the state they pay no attention to them. Then there is another argument which we must bear in mind, in the case of the sheriff, and that is this. If he gets no fees, he is apt to be dilatory about civil processes, and perhaps litigation might suffer thereby. Is it not better to allow him in civil cases such fees as may be allowed by law? Will he not perform his duties more promptly? I think this matter should be carefully considered by the committee. I merely make these suggestions that the matter may be discussed.

Mr. POTTER. I don't think I quite like either of these reports. I think myself that in cases of the justice of the peace, and the sheriff, and some other officers perhaps, those that have to deal with civil cases, they ought perhaps be permitted to have fees. It don't effect the state at all, and there is no reason why the public should pay for this litigation that is purely between individual parties. Therefore I don't like the minority report without an amendment of that kind. The reason I object to the majority report is that it provides salaries for officers which we have not created, which we left to the legislature to create, as we have almost all these county offices, and one county officer which we have provided for, a clerk of the court, has not been provided for at all in this report.

Mr. HAY. The gentleman has evidently not read the fifth line of Sec. 1. That the legislatures can fix the salaries not fixed here. If it is desired the salary of the clerk can be put in here. But in regard to the argument of Mr. Riner, it seems to me hardly worth while to pay the sheriff the amount he is paid in this county at this time. Let us take the office of treasurer for instance. The question is whether we want to take a man and elect him treasurer, a man that could not earn over three thousand dollars in any other position and pay him eight or nine thousand dollars a year, as we do today. That is the question this bill is intended to meet. We should not have any half way about it. If we allow fees and salary, the fees are the main thing looked after. The part of the duties the salary is paid for is looked after by somebody else, and the collection of the fees is the main business of the office. It must be either salary or no salary, cut off the fees, or else discontinue to pay the large salaries we are now paying. That is the way it strikes me at least.

Mr. RINER. I would like to ask Mr. Hay a question. Is it not better and are not our taxes collected better for paying the treasurer a percentage upon the taxes collected than by paying a salary which he gets whether he collects the taxes

or not? In the case of the sheriff, I would ask the gentlemen of this committee this question. Is the sheriff when he is paid a salary going to use the same diligence in matters of attachment, where he has got to go fifty or seventy miles to get hold of the property, got to bear the expense of taking care of that property until it is disposed of by order of the court? Is it as good a protection to us that he shall have the same salary whether he does it well, or only half does it? Is it the same protection to the citizens? We will find it will work very badly in my judgment. I believe, as far as this question is concerned, as far as we ought to go would be to provide that the legislature of the state of Wyoming may provide either salaries or fees or both. This is a salary for the business of the state, and fees in civil cases. I think an officer will render better service than they will with this salary business, for in collecting the fees and turning them into the state or county treasury, they will amount to almost nothing, and the officer will not be nearly as efficient, if he gets the same salary whether he does his work or does not do it. And I think we should consider this matter very careful before we settle it.

Mr. HAY. Mr. Riner asks me if the treasurer will not be more diligent in collecting the taxes if he is paid a percentage on what he collects? Will the agent of the Union Pacific railroad company be any more diligent in collecting freight for which he has a certain voucher to collect, on a percentage than on a salary? If he don't perform his duty he is discharged. The same rule should apply to tax collectors. I cannot see any reason why officers working for the public should not work on business principles. You take a man in any walk of life, a judge on the bench, we don't expect him to render any better service whether he has a salary or fees. The only exception is in a few county officers. In the city of Cheyenne the clerk is paid a salary, as I understand it, and the fees go to the city. Now I think as between the work of the two, the work of the city clerk is just as well done as the work of the county clerk. If an officer will not do the work properly on a salary, he is not a proper officer, if it is only the fees that he can make that makes him do his work properly he is not a proper man for the place. I think the legislature ought to provide that if he does not perform his duties properly, that he should be discharged the same as a railroad employe or any other person.

Mr. CLARK. I am not entirely in favor of the minority report nor of the majority report. Of the two I am in favor of the minority report. I believe in the payment of officers, there are officers who should be paid a salary, and some who should be paid fees, and I believe with Mr. Riner that the sheriff is one that should be paid by fees. I am opposed to the majority report because I am opposed to the limits that are placed upon

some of the officers. I don't believe any officer should have exorbitant fees, but I believe that every man working for the state, county, a corporation or individual, should be paid what his services are worth. I don't believe the assessors as listed in the majority report is paid a sufficient amount. I am in favor of the minority report because it leaves all these things to the legislature. What services in Laramie county may be worth now may be a very different thing in five years from today. I believe that the assessor is one of the most important, if not the most important, officer in all our county government.

Mr. HAY. How many months in the year does the assessor work? He gets his work done inside of four months.

Mr. CLARK. The county assessor of Uinta county cannot do all the work of the county now, and if we are going to commence growing with the adoption of this constitution, and grow as we think we shall grow, there will be very few counties in the state within the next two to four years where the work can be done without requiring additional work. The argument made by Mr. Hay in regard to a railroad company is not a proper one, for this reason. A railroad corporation is one of those things that trusts no man. If the company has a freight bill against me I have got to pay it before I get the goods. I have got to pay it at once, and the duties of the agent end then and there. He don't have to go round hunting me up to get it after I get the goods. The duties of the treasurer or collector are very different. They have to rustle around and see that these taxes are paid, and as I have said before on this floor, I believe we are going to have future legislatures who are honest and will be just as capable of judging what these men ought to have as we are here today, and I say in good faith that these things ought to be left to the legislature, and I believe they will be out of place in this constitution. If it goes in there it would be advice to congress that we have been in the habit of paying too much, that we have had men who have been receiving more than their work was worth. I don't believe in the principle in the first place, and the application in the second. I believe of the two evils that the minority report is the least.

Mr. CAMPBELL. If I have gauged the temper of this convention and the people this convention represents, I think that they are all in favor of salaries to be paid to all county officers. That seems to be the general impression everywhere. That they should be all salaried, and if you don't put that in the constitution you will never get it by legislation, it makes no difference how honest the legislature is. Take Colorado for an illustration. I don't think that Denver was any larger, had any more population or taxable property than Laramie county has, in 1876, when Colorado was admitted into the union. I think it was just about the same, and look at the state of affairs there

now. I think you can get a good man to perform all the duties of any office in the state of Wyoming for three thousand dollars, and when the time comes that you can't, by that time we will need a new constitution. You can get a bank cashier for three thousand dollars a year, you can get a man to take charge of any important business for three thousand dollars a year, and I think it requires more ability to perform some of the duties in some of the positions I have mentioned that it requires in any of the county offices. I recognize the force of the objection raised that it would make the officers a little more negligent in the performance of their duties, and private interests in civil cases might suffer thereby, and to illustrate that I will merely refer to a state that some of these members come from—Pennsylvania. In the constitution of 1873, they provided in the constitution that cities and counties with over one hundred and fifty thousand inhabitants, that county officers should be salaried, and not paid with fees. In accordance with that provision in the constitution, the legislature fixed the salaries in the city of Philadelphia, and fixed the salary of the sheriff's office at fifteen thousand dollars, and the prosecuting attorney at fifteen thousand dollars, and the recorder at about that much, and the office was supposed to be worth from fifty to sixty thousand dollars in the fees they received from civil processes, etc. I have never known the fees collected by that office to pay the salary of the sheriff and his deputies since the establishment of the constitution of Pennsylvania, since that law went into force. Before that the sheriff was obliged to pay himself and his deputies out of the fees that he received in this office, and strange to say the city of Philadelphia had to make an appropriation to pay the salaries of the sheriff and his deputies, because the fees he had collected from the processes in his office were not sufficient. The reason of that was simply that the sheriff had been negligent in looking after the fees, where he would have been very diligent if he had been allowed to put these fees into his own pocket. To meet that objection, and I see the force of it, I think that the sheriff's should be allowed a certain per cent of the fees in addition to his salary, as an inducement to collect the fees, and there should be another provision, (I don't exactly like either of these bills), that if the fees of the office did not meet the salary stated in this bill, that they should not receive any more than the fees, and that would be an additional inducement to collect the fees. This would meet the objections made by Messrs. Riner and Clark, and will make them more diligent, by providing that unless the fees equal the amount of the salary, they shall only receive the amount they have collected.

Mr. HAY. Mr. Clark says that the comparison I draw between an employe of the Union Pacific railway company and the treasurer is not correct, and that the Union Pacific agent

does not have to rustle up the freights, but that the treasurer does. I would like to ask him if it is the treasurer that goes out and rustles up the taxes. I think it is the tax payer that has to do that. I don't know of its ever having been done in this or any other county I ever heard of. Look at our delinquent taxes, and I venture to say that the treasurer never set his foot outside of his office to collect them. I never heard of its having been done. I say if he is a good man he would work as well for a salary as for fees. I think the cases are almost exactly equal. Each is here to look after large interests, but in the one case there is an executive officer that keeps him up every day to a strict account, and in the other case it is the public, and the officer that serves the public don't check up the officers that are under them. The county commissioners for instance, if they would check up the officers under them, as do railroad companies, there would be no trouble about this matter at all. We have provided for a state examiner. Now a portion of his duties will be to see that these fees are properly collected, as provided by law, and if upon examination it is found that they have not been properly collected, it is his duty to report that fact to the county commissioners, and they should hold the officer so failing in his duty, responsible for it. By a little attention a great many of these defects would be remedied. But the main object of all this is to provide some way by which the exhorbitant expenses of the county can be cut down. I think the gentlemen who feared the expense of an independent supreme court will find a good deal of comfort in this bill, and the committee who prepare the address to the people can refer to this measure, that it will save a great deal more money to the taxpayer than the independent supreme court costs. It would save as much money in this county alone as an independent supreme court would cost the entire state, I might say a great deal more, but I want to be entirely within reason. Why imagine what we pay three officers in this county. I have been doing a little figuring on this question, and find that we pay three officers in this county about twenty-five thousand dollars. Under this bill we would pay only about ten thousand dollars, and fifteen thousand dollars would go into the treasury. Even suppose they failed, as has been suggested here, to collect one-half of the fees, there would be even under these circumstances seventy-five hundred dollars saved. Without the seventy-five hundred dollars we don't collect we will say, seven or eight thousand dollars, and also stop the paying of salaries that they cannot command anywhere else.

Mr. COFFFEN. I am opposed to this minority report for some reasons. In the first place, the gentlemen from Uinta county that seemed to favor it, if he will examine it, he will find it cuts him off from the very points he wants to secure,

just as much as the other, and it don't answer any of the demands he seems to think it does. I am in favor of the majority report, because it takes up this question and classifies our officials. That is what the people of our country demand. They do not want this convention to touch the question of county salaries. They will not think more of this convention or the constitution if the question is touched concerning the amount of salaries. I believe they will approve of your action if you say that you have allowed a reasonable compensation for the service rendered, according to the amount they could demand in their different avocations. They would also be influenced in favor of your work, as you will be able to show by the adoption of this majority report that you have saved your state seventy-five thousand dollars a year. I have done some figuring on this. I will speak to the point now. As we go through this majority report, we will find that there are three classes of counties, those with an assessed valuation of two million, those not exceeding five million, and those having more than five million. I believe this is a good classification. If you will look at this majority report, you will see that if it is necessary it can be amended to meet the demands of the various counties in which we reside, as we see proper. This can be more easily amended than the other, and we can sooner get the good results sought for in following the majority report than the other. As I have said before I have done some figuring on this question. In the counties not exceeding two million assessed valuation, forty-five hundred dollars is provided for in this majority report as the expenses of these five county officials. I have also examined into the statutes and discovered what these same officers cost us under the present law, and I have discovered in these smaller counties, instead of being forty-five hundred dollars, it amounts to over ten thousand dollars. Sometimes our treasurer will get one-half as much as all these five officers ought to receive in these smaller counties, or nearly so. So we will save more than one-half in the smaller counties by adopting this majority report. I just wish to call your attention to this minority report for a moment. Is it provided that no officer in any county shall receive a larger amount than three thousand dollars, so the salary of these five officers will be fifteen thousand dollars under the minority report, which you favor. For I think it is very probable they will get very near to the limit which you have provided, and that is what I wish to avoid, these excessive salaries. But to return to the present law. Our sheriff gets three thousand dollars, and in fees from one to two thousand dollars more, approximately then he receives four thousand dollars. Our county clerk gets fifteen hundred dollars, and fees from fifteen to two thousand more, and I am putting it low on fees, when I say fifteen hundred dollars every one will admit, so that makes

three thousand to the county clerk. Our county treasurer gets fifteen hundred dollars by law, and fifteen hundred more in fees, and about five hundred dollars as probate judge, this last is an estimate, only approximately it may be less, and it may be more, and our assessor gets five hundred dollars and the percentage, which will make I presume about eight or nine hundred dollars in all, and the superintendent of schools gets five hundred dollars. Thus you see under our present law it costs us more than ten thousand dollars, and this majority report cuts it down to forty-five hundred dollars. So, as I have said, in our small counties the saving is one-half, and take it in your larger counties the saving is even more than one-half. It is really more than one-half in all, but I have tried to be very reasonable in this estimate, but as near as I can figure it, it is on an average of seventy-five hundred dollars per county, or seventy-five thousand dollars in the whole state. Now just one word in reference to fees. There is some force in the argument made by Mr. Riner that the administration of the sheriff's office will be better in civil cases if he be allowed his fees. I think there is force in that, but after all it is but a question of official duty, but if the legislatures are what you believe they are, and what I believe they are, they will provide against this. But by adopting this majority report you put all temptation out of the way of future legislatures, to overlook this matter, for you have fixed it for them, so I think, gentlemen, we will secure what we want, what the people want, by adopting this majority report.

Mr. CAMPBELL. I offer the following as an amendment to Sec. 4, to be inserted between the sixth and seventh lines of Sec. 4: "Provided further, that the county officers shall not receive salaries in excess of the fees earned and collected by them, and provided further, that in addition to said salary, they shall be permitted to retain out of the fees earned such commission as the legislature may provide for collecting the same."

Mr. PRESTON. I don't know that I am exactly in favor of either the majority or minority report presented, but I am opposed to the amendment offered by Mr. Campbell. My reason for being opposed to that amendment I will state briefly, and it is this. If there is a single county officer required in any county in this territory it is a sheriff, and that office is required to be filled by a good man, and I pride myself in speaking on behalf of the county I represent, that we have one of the best sheriffs any county ever possessed, and under this provision no such man could ever be called upon or would consent to fill the office of sheriff. In the first place, sir, the office of sheriff in a county like Johnson, Fremont, Sheridan or Crook, the fees of the office would not pay his living expenses, and to

place a clause in the constitution that says the county officers shall not receive a salary, only such salary as the fees would pay, would be placing those counties in a position where they could not have a sheriff.

Mr. CAMPBELL. If the legislature should provide that they should have the fees?

Mr. PRESTON. No, sir, even if the legislature should provide fees for civil cases and criminal processes, it would not pay the sheriff. I dare say that the sheriff even in the discharge of his duty in a county like Fremont, in the service of civil processes, where he is frequently compelled to ride from seventy-five or a hundred miles to serve that process, that even with the fees allowed, he makes very little more than his expenses in going and coming from the place in serving the process, and I am in favor of county officers being paid a salary. I believe that it is the sense of the convention, as well as the people of the territory, that there should be a change in the system of paying their county officers, and while I believe the sheriff should be paid a salary, I believe he should be entitled to receive in addition to his salary the fees that are allowed by law for the service of processes. Let the salary be cut down from \$1,250 in counties where the assessed valuation is two and three millions, and pay him a thousand dollars and allow him all fees for serving civil processes. There is no question but what if you compelled the sheriff to accept a certain fixed amount, and not allow him any fees for serving civil processes, for, my friends, if he has occasion to ride a hundred miles to serve it in winter, do you suppose he is going to put himself out to ride that far, if he is allowed the same amount if he stays at home, and so far as leaving the legislature to fix part of it, I think you had better leave it to fix them, and I am very much surprised at some gentlemen on the floor of this convention who are unwilling to leave anything to the legislature. I have heard it so long and so often that it has become stale, and I heard it so much before I went broke on Deronda I was afraid to meet a member of the legislature. If it is necessary to fix the salary of the sheriff, if it is necessary to fix the salaries in this constitution of these various county officers, let us fix it, but in the name of Heaven give the legislature a rest.

Mr. MORGAN. So far as to whether or not a public officer will discharge his duty faithfully, I think we must take it for granted he will. People elect men to office, and they elect men who in their judgment will do that very thing. Now I think the people expect that we will adjust that matter, I know they do, that we must see to it that the people's money is not squandered. I have not been favorable to too low salaries, but when the fact presents itself to us, we have provided for a governor to receive twenty-five hundred dollars as his compensation,

and that governor will be called upon for thousands of expenditures that we cannot anticipate, for matters in the line of his duty, and twenty-five hundred dollars is all that is provided for the supreme court as compensation for them. Now it is our duty to see to it, for in the first place every officer elected or appointed is elected to perform the people's work, and the people have the right to fix the compensation and have the right to fix it at a reasonable sum, and that is what we ought to do, and not to permit any man in this territory to receive three or four times the salary of the governor, for work not so frequent, that does not require so large a field of knowledge, so much ability or so much work, and the same way with the supreme court. I favor myself this majority report, and think what Mr. Hay has said, he is a business man and understands that kind of thing, is very nearly right. It may be necessary to put in some amendments about civil case fees, and let that be done, but let us stick to the main question, and fix these salaries at a reasonable figure.

Mr. McCANDLISH. I look at this thing as a pure matter of business. To get this work well done for the amount least possible. There is nothing in this majority report which says they must receive the amount that is called for here. The legislature can fix that amount. Of course if the members from Laramie county wish their sheriff to have more pay than they do the governor, why it is all right for them to do so.

Mr. HOYT. I have never held a county office, and have no familiarity whatever with the peculiar ways that seem to attach to these offices, but would like to have some gentleman inform me what it is in the nature of a few county offices so different from offices in general, that should make it impossible for them to perform their duty in those offices? We have had the question raised but not answered. Now I wish to say in general terms that in having statehood we will have additional expenses to assume, and it is important that we look carefully to all these matters, which though small in each individual matter, are very great in the aggregate. In my judgment to pay to any county officer five, six or nine thousand dollars is an outrage upon taxpayers and money simply thrown away.

Mr. HAY. It has been urged here that a large amount of the fees that should belong to the county and state will not be collected through the negligence of the officer, and as this is not the proper time to offer an amendment, I want to suggest when it is proper time that there be added to Sec. 2, at the close of the section, ending "and shall pay the same into the proper treasury when collected," there be added, "and the officer whose duty it is to collect such fees shall be held responsible on his bond for neglecting to collect the same." They can be held responsible the same as any one else.

Mr. FOX. I think we are all off the track. There is a sensible view of this matter which ought to be taken. Commencing with the precinct officers, I think they should not be paid by fees, because if paid a salary it comes out of the county treasury. If by fees the people pay for it. Therefore we will be out of pocket. When it comes to county officers certain of them should be paid by fees. I think the sheriff should have a stated salary, and I think he should have fees for the reason stated by Mr. Preston, if he is paid a salary and gets nothing else, when he has a process to serve on a cold day he don't go because he don't get paid for it. You cannot do his business without you furnish the sheriff a number of deputies to do the work, because he is not going to do it himself. You have got to make that provision. In counties of the third class you will have to furnish the sheriff with deputies, at least one hundred dollars a month, you will need at least three of them under this system. If you pay your sheriff three thousand a year he is not going to go himself, but is going to send his deputy every time there is anything to do out in the country. While under this other system he will have but one deputy, and they will do all the work and get the fees, but you take away the fees, and he will require three deputies at a hundred dollars a month, to be paid out of the county treasury, and under the other system it comes out of the litigants. The same way with the recorder. You pay your recorder fifteen hundred dollars a year and he gets the fees for recording, he will put in fourteen hours a day in his office if he has got the work to do. I know this by experience, and the fees he will save because he does the work he earns. But if you pay him fifteen hundred dollars a year and the fees go to the county treasurer, what does he do? He does not record a single page on the record. You have to furnish him deputies who will do the work, and it will take all the fees to pay those deputies and more too. You have either got to have deputies or fees. If the county clerk makes more money out of his office than you think he is entitled to, cut down the fees. Make the fees small enough so as to equalize the business as it should be. I tell you, gentlemen, that is the only way this thing can be fixed and be right.

Mr. BAXTER. It seems to me unnecessary to discuss this question of the reduction in expenses, we have all made up our minds as to that. There is no more important matter before this convention than to fix in some way a method that will relieve us of the expense we are burdened down with in paying these county officials, and to test the sense of this convention, I desire to offer an amendment, and it is in deference to the argument by Mr. Riner that if all fees were to be paid into the treasury, there would be no fees collected to speak of. That means that the officers are not going to do their duty, but still

the best thing to do is the cheapest thing. Add to Sec. 3 of the majority report the following: "Provided that the legislature may provide by law that the county officials herein enumerated may retain twenty per cent of all the fees collected for serving civil processes." That is to retain only twenty per cent of the fees in counties of the first class, fifteen per cent in counties of the second class, and ten per cent in counties of the third class. That will operate to make them somewhat efficient. You can take this county, where the sheriff probably gets six or seven thousand dollars a year in fees. Under this amendment he gets seven hundred a year, and that is worth looking after, and I think such a provision as that would probably meet the objection. I offer this as an amendment to Sec. 3.

Mr. CAMPBELL. I withdraw my amendment with the consent of my second and want to second this at the same time.

Mr. FOX. I think the county treasurer should have a fixed salary, and I say that the assessor should be paid a fixed salary and expenses, and I think the county superintendent should be paid a fixed salary and traveling expenses, and I think the county attorney should be paid a fixed salary, according to the population, but I think the county clerk, the sheriff and recorder, they are entitled to a salary and fees, let the fees be what they will. If he has the fees the more he will do for himself, and if he don't get the fees, take it in our county for instance, the county clerk gets fifteen hundred a year and the fees, but you take the fees away from him, and you will have to hire three deputies at a hundred dollars a month, and the county will have to pay for it. As it is now all that comes out of the county is the fifteen hundred dollars, but take the fees away, and this extra thirty-six hundred a year will come out of the county.

Mr. COFFEEN. I would like to ask a question. Will he be allowed any more deputies than the law provides for?

Mr. FOX. He will be allowed deputies enough to do the work. The work has got to be done and you can't make him do it, and you have got to furnish him a deputy. You can't get a deputy for less than one hundred dollars a month. I used to work fourteen to sixteen hours. Why did I do it? Because I was earning the money I was working for. I did not have to pay a man at the end of the month who didn't work more than eight hours. This is the cheapest plan, fix the salary and let him have the fees, because the fees come out of the public. If you do it the other way it comes out of the county treasury.

Mr. ELLIOTT. I was somewhat taken by the majority report of this committee at first. It looked as though it was an economical proposition, but on looking over the file, to the

next to the last section four, it seems to me that it is the most damnable proposition submitted to this convention at all. It leaves the gate wide open, and leaves it within the power of the county commissioners to bankrupt any county in this territory. Now the proposition as I understand it, the reason alleged, and I say it at the risk of being called down by the gentleman from Fremont, the reason why this is out in here is because the legislature will not be fit to judge of what the proper salaries for these county officials should be, but that the county commissioners will. In regard to this I will say that I take it when a majority of the public demand that the county fees shall be reduced that the legislature will reduce them. Ever since I have been in Wyoming I have seen from time to time propositions brought in to reduce the salaries of county officers, and what has been the result. They have been defeated by overwhelming majorities, by the representatives of the people themselves. However the majority may seem to feel, the majority have never yet demanded that the fees and salaries shall be reduced, and I say until they do demand that, the legislature will provide some way to keep up the fees and salaries.

Mr. COFFEEN. Just one word on this. I think Sec. 4 is very unwise. But what I want to get at is that the question is not on Sec. 4, but on the adoption of the majority report, a very different thing. I believe the majority report is the best report on which to base a constitutional provision, but I shall be in favor of cutting out Sec. 4.

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

Mr. ELLIOTT. I rise to a point of order, and I do it with no feeling against Mr. Baxter's amendment, but the point of order that I wish to make is that an amendment is not proper to a motion to strike out. The motion as I understand it is to adopt Sec. 3 or 4 of the minority report in place of a certain section in the majority report.

Mr. BAXTER. I withdraw my amendment for the present.

Mr. POTTER. With the consent of my second I will withdraw my motion for the adoption of the majority report. I made it for the sole purpose of having this question discussed.

Mr. BAXTER. I move to amend Sec. 3 as indicated by my amendment.

Mr. BURRITT. I desire to be heard for a minute or two. Mr. Chairman, I am opposed to both this minority report and this majority report for the reason that they are both simply catch pennies for the purpose of securing votes for the ratification of this constitution. I do not know who figured out the schedule of prices for Johnson county, if that is to be included in the first list, and I suppose it is, but whoever did they have certainly made a mistake upon two of the offices. I have had

charge of the assessment roll of Johnson county myself, with the assistance of Mr. Elliott, for the past four or five years, I am not sure which. It does not cost the assessor of Johnson county less than five hundred dollars per year to lay the assessment roll upon the desk of the county clerk. That roll, gentlemen, is fair, and there is no guess work about it. Mr. Elliott knows it and so do I. So the assessor's salary as fixed here is too small. Three hundred dollars a year for the superintendent of schools don't pay him for stepping outside of the district in which he is elected. Our district is pretty large and is pretty expensive. But I say there is no occasion for this convention to interfere with this question at all. In Johnson county and Sheridan county in the last election, the issue upon which the canvass was made for members of the house was this question of limiting the fees of county officers and fixing salaries, and that question will be brought up in the legislature next winter. It may not succeed, but that is the place for it to be fixed. And if it is not fixed right the next legislature can fix it over again. There is no reason why this convention should undertake to usurp the rights and duties of those who are to come down here after us, and leave them nothing to do. I am opposed to both reports, the majority most of all, and the minority because it does not leave enough to the legislature.

Mr. SMITH. I have listened with some interest to the discussion here, because this is an important question to the people as well as to the office holder. The ground laid down by a report of the majority of this committee so far as it goes, it seems to me is the right principle. I never yet have been able to convince myself of the correctness of the theory of why because a man is in a public office he should receive four or five times the pay he would get in any other position. In our part of the country I don't recall a sheriff that we have ever had that could command six hundred dollars a year in making his living anywhere else than on the public, yet he has been receiving three thousand dollars and fees amounting to as much more. The men we have had have been good sheriffs, but have received three or four times as much as they would have if they had been working for anybody else than the public. Now as to these reports. I think I prefer the amendment of the gentleman from Laramie, Mr. Baxter, but I think he has made the percentage a little too low. It is true that in some of these little outside counties the fees are very low, and I don't think the amount the sheriff would receive would be sufficient. As to the recorder's fees, I don't know whether it would be policy to turn the fees in or cut the fees down and let the clerk have the fees. It occurs to me that while neither of these reports are complete to meet the case, yet the majority report comes nearer to it. I have had considerable to do

with work in our county. In our county it takes twenty thousand dollars to pay the salaries of these officers who could not earn half of it in any other place. A man wants to be elected and he has got to pay for it, and he must have the fees for the campaign fund to get the office. This theory of officers not performing their duties unless they get fees is all wrong, and should be corrected.

Mr. PRESTON. I am opposed to the percentage added to the office of sheriff. My reason for it is that thirty per cent would not pay for horse feed in these little outside counties. In my opinion I think that a sheriff who is elected to protect the rights and interests of the people living in these little outside counties should have enough to pay his expenses in serving a process. It is necessary for every sheriff in these little outside counties to keep at least two horses, and he is necessarily compelled to keep those horses at his own expense. I care not whether the requirements of his office take only one, or two, or three months in the year, he is the sheriff, and it is his duty to be in his office or thereabouts twelve months in the year, and he is certainly entitled to receive from the people who ask him to protect their rights and their property a sufficient sum of money to pay for his meat and fuel. Now in these counties where you now propose to pay a salary of a hundred and twenty-five dollars a month, a hundred and twenty-five dollars a month wont keep a family even in a little outside county like Carbon, and yet you ask him to pay out of this sum of fifteen hundred dollars his expenses in certain civil processes, and certainly the legislature is not going to provide that the sheriff shall receive out of the county treasury his necessary traveling expenses in serving civil processes for somebody else. He don't get enough to pay his expenses for serving a criminal process, much less serving civil processes, and I think in any event the rights of the people that are to be protected by the sheriff worth all of a hundred and twenty-five dollars and give him the fees that he will earn by civil processes. You offer this thirty per cent as an inducement to do that which the legislature will pass laws to compel him to perform. Supposing a man has a writ of attachment and he wants it served immediately a hundred miles from the county seat. You take that writ to the sheriff and say I want it served, and the law requires him to perform his duty. Suppose he says to you I have another duty to perform, he has another paper in his pocket not as important as this writ of attachment. If you undertake to enforce a law against him requiring him to serve this writ, you investigate it, and investigation shows that he is engaged in the performance of some other duty, and I say to you that this thirty per cent wont rectify that mistake. If a man has to pay his ex-

penses, if he has got to pay for the hire of horses, for if he don't keep them it is necessary for him to hire them, if he has got to pay for their feed going and coming, he can save nothing out of the fifteen cents a mile allowed him, and I say to you gentlemen if there is an officer within the territory of Wyoming that is a good servant, and one that ought to be paid, it is the sheriff. If in these little outside counties where the people are complaining of the crime that is committed and the property stolen, you want to be protected and still you want to ask a man to jeopardize his life and take the position for one hundred and twenty-five dollars a month and pay his own expenses in serving processes, when it will cost him that much to live. There is no question but in some counties the officers have been receiving too much, but I don't believe in trying to starve a sheriff to death, especially in these little outside counties, in order to rectify a wrong done in other counties paying their officers too much.

Mr. HAY. I only want to say in reply to the gentleman that there is nothing in the majority report which precludes the payment of expenses in addition to the salary. We fix the salary of the governor of the state, but we don't say that that shall include his office rent or anything else. Or that we prevent his expenses being paid. Salary means salary, that is what he is paid for his work.

Mr. GRANT. I would like to offer an amendment to the amendment offered by Mr. Baxter, by making the schedule fifty, thirty and fifteen per cent.

Mr. BAXTER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that Mr. Baxter's amendment be amended so as to read fifty, thirty and fifteen per cent. Are you ready for the question? All in favor of the amendment offered by Mr. Grant will say aye; contrary no. A division is called for. All in favor of Mr. Grant's amendment will rise and stand until counted—14. Those opposed will rise—15. The motion is lost. The question is now on Mr. Baxter's amendment. All in favor of the amendment offered by Mr. Baxter will say aye; contrary no. The noes have it; the amendment is lost.

Mr. HOLDEN. I desire to offer as a substitute to Sec. 3 of the majority report the following: "The legislature shall by a law, uniform in its provisions, provide for and regulate the fees of all county officers, and for this purpose may classify the counties."

I don't like that amendment. I think we should provide salaries instead of fees for the county officers. I think nine-tenths of the people demand that they shall be salaried in place of this fee system, which has been so abused. I think this word salary must be put in some place, as to the amount that is a very indefinite matter.

Mr. JOHNSTON. I want to make an amendment. Strike out all of the minority report and all of the majority report after the second section, and add to the second section, "and the officer whose duty it shall be to collect such fees shall be held responsible on his bond for neglecting to collect the same."

Mr. CAMPBELL. I move this committee now rise and report these files back to the committee on salaries of public officers, to take action and report again this afternoon.

Mr. HAY. You might just as well lay it on the table at once, for the majority of this committee will refuse to take it back. We got up this report in good faith, and there is no good in sending it back to us. The question might just as well be settled by this convention.

Mr. HOLDEN. I want to withdraw my amendment, and second Mr. Johnston's amendment to strike out all of the majority report after the second section.

Mr. BAXTER. I want to say a word before that is settled. I am in favor of the few words added to Sec. 2, but I am much opposed to striking out the balance of it. If the legislature can fix these salaries so they will be right, we can fix them. Some gentlemen here oppose this because they say it is legislation, and hence not a proper thing to put here. But we have legislation of all kinds in this constitution, so that has nothing to do with it. If we are going to do our duty to the people we must fix this matter so as to cut down the expenses in these counties as they exist today. I have not any desire to cripple the efficiency of the officers in these counties which have a small population, as some of the gentlemen here seem to think would be done, and I want to do whatever is reasonable and just in this matter, but the people are looking to us to do this, and I think we ought to do it right here. And I am therefore opposed to that part of Mr. Johnston's amendment which strikes out Sec. 3.

Mr. COFFEEN. I am opposed to this motion to strike out. If you strike out this Sec. 3 you will see the same extravagance in county offices, you go back and this is left just where it was before, and you have squandered the seventy-five thousand dollars on which you could have argued and fought for the ratification of this constitution. Is it nothing to this convention to protect the people to the extent of seventy-five thousand dollars? Is it nothing that you have demanded as individuals that the salaries shall be fixed, and fixed reasonably according to the service to be performed? Is it nothing that you should pass it by and not touch the question and do the duty that is expected of you? The little addition that the gentleman from Laramie has made to Sec. 2 I am in favor of, but when he moves to strike out this section which provides for

the salaries for the three classes of counties, I am opposed to it. I am myself in favor of a reduction in salaries to a reasonable amount, and this section provides for a reasonable amount, or very nearly so. Let us abolish this system which costs us more than statehood will cost us.

Mr. CHAIRMAN. Gentlemen, the question is on the adoption of Mr. Johnston's amendment. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. RINER. I move to strike out Secs. 3, 4 and 5 of the majority report.

Mr. HOLDEN. Second the motion.

Mr. HAY. I am in favor of the amendment under the present circumstances. I believe we will sit here for ten days before we can decide on Sec. 3. I see there is a very strong disposition to leave that part out of the constitution for various reasons. The first two sections state the principle and are entirely proper for a constitutional provision, and I am willing to take that if I cannot get any more. Consequently in order to settle this matter, I shall favor the amendment to strike out and let it go at that and trust to the legislature.

Mr. HOLDEN. As I understand the motion of the gentleman from Laramie, it is the same motion which was made by Mr. Johnston. Now I believe that all county officers should be salaried. I think that is right, but I do not believe that it is the duty of this convention to fix those salaries. By Secs. 1 and 2 of this majority report we make it the duty of the legislature to fix the salaries of all county officers. Now I tell you why I would be opposed to fixing these salaries at this time, and placing them in this constitution, for this reason. When that provision goes into the constitution, it will be a fixture. It cannot be changed for a term of years to say the least. Now for that reason alone we should leave this matter so it can be changed, and for that reason I intend to vote for this motion to strike out all the balance, and leave that matter to the legislature. By these two sections you make it their duty to salary these officers, and I propose to leave it to them to fix the amount. And to leave it within their power to change it whenever the circumstances of the case seem to require it.

Mr. BAXTER. I don't know just how this business stands before the house, but I have an amendment which I desire to offer in deference to Mr. Preston's ideas about this matter. He seems to think that the efficiency of the sheriff is going to be crippled, so after fixing the salaries as provided by Sec. 3, I desire to add: "That the legislature may provide by law that the sheriff in any county of the state having a total valuation of two million or less, may retain all fees collected ac-

ording to law." I have just been told that one-half in civil cases would amount to nothing at all, and that he should be allowed to retain all. Then I would go on and classify the counties, in counties of less than three million and more than two he would have fifty per cent, and more than three millions and less than four, thirty per cent, and counties exceeding four millions fifteen per cent.

Mr. COFFEEN. I shall hold to the last in having salaries instead of fees.

Mr. CHAIRMAN. Gentlemen, the question is on the motion offered by Mr. Riner to strike out all of Secs. 3, 4 and 5. 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. FOX. The only way I can see that this can be fixed will be to take one of these at a time. Fix the fees of the sheriff, the treasurer, the county clerk, all separately. We will never get at it in any other way.

Mr. MORGAN. I move this committee arise and report this back to a committee of one from each county to fix it.

Mr. CHAIRMAN. Gentlemen, you have heard Mr. Morgan's amendment. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. COFFEEN. I desire to offer an amendment to Sec. 4. Strike out Sec. 4 and insert the following: "The legislature shall provide by law for such deputies as the public necessities may demand, and fix a reasonable compensation therefor."

Mr. CHAIRMAN. Gentlemen you have heard Mr. Coffeen's amendment read. 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. BAXTER. I move this committee rise, report progress and ask leave to sit again.

Mr. RINER. 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 committee will now rise.

(Report of committee of the whole.)

Mr. PRESIDENT. What is your pleasure, gentlemen?

Mr. RINER. I move the report be adopted.

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

Mr. RINER. I move we take a recess until half past seven this evening.

Mr. PRESIDENT. It is moved and seconded that we now take a recess until seven thirty this evening. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

EVENING SESSION.

Friday evening, Sept. 27.

Mr. PRESIDENT. Convention will come to order.

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

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. We are now in committee of the whole. Will Mr. Burritt take the chair?

Mr. CHAIRMAN. We have before us for consideration the substitute for Files 61, 65, 80 and 83. We were discussing Sec. 3 when the committee arose. Are there any further amendments to Sec. 3?

Mr. BROWN. I move to amend Sec. 2 by adding to the section, "Provided that in addition to the salary of sheriffs they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment to Sec. 2 as offered by Judge Brown will say aye; contrary no. The ayes have it; the motion prevails. Sec. 2 is so amended.

Mr. GRANT. In the seventh line where it provides that the county assessor shall be paid five hundred dollars per year, I move to strike out "five hundred" and insert "one thousand."

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that in the seventh line of Sec. 3 the words "five hundred dollars" be stricken out and "one thousand dollars" inserted. Are you ready for the question?

Mr. COFFEEN. I do not wish to retard the business of the convention, but on behalf of one of the three counties which are included in this class, I would prefer to wait a little, to have an idea of what is to be done in the other counties that are represented in these other two classes, on which I shall have to vote.

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

Mr. GRANT. In line seventeen, I move to strike out "seven hundred and fifty" and insert "twelve hundred."

Mr. CHAIRMAN. It is moved and seconded that in the seventeenth line the words "seven hundred and fifty" be stricken out and "twelve hundred" inserted. Are you ready for the

question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Are there any further amendments?

Mr. HAY. In Sec. 3 in the fifth line, after the words "county clerk" I want to insert the words "the county and prosecuting attorney shall not be paid more than twelve hundred dollars a year."

Mr. CHAIRMAN. It is moved and seconded that after the fifth line there shall be inserted the following, "the county and prosecuting attorney shall not be paid more than twelve hundred dollars per year." 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. HAY. Between the eighteenth and nineteenth lines insert "the county and prosecuting attorney shall not be paid more than fifteen hundred dollars per year."

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

Mr. HAY. Between the twenty-eighth and twenty-ninth lines insert "the county and prosecuting attorney shall not be paid more than twenty-five hundred dollars per year."

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

Mr. HAY. It has been suggested by some on this floor that some provision be made for the clerk of the district court, but I prefer that some one else make the motion.

Mr. GRANT. I move that Sec. 4 be stricken out. I don't think it is in quite the right shape.

Mr. BAXTER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that Sec. 4 be stricken out. Are you ready for the question?

Mr. COFFEEN. I move to amend that by adding and inserting in lieu thereof the following: "The legislature shall provide by general law for such deputies as the public necessities may demand, and fix a reasonable compensation therefor."

Mr. GRANT. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion by Mr. Coffeen will say aye; contrary no. The ayes have it; the motion prevails. The section is so amended. Any other amendments?

Mr. FOX. I don't think it is good policy to rush through at railroad speed. I think if the clerk of the court is required that we should fix his salary.

Mr. CHAIRMAN. Are there any further amendments?

Mr. GRANT. I move to strike out the words "three hundred" in the eighth line and insert "five hundred."

Mr. CHAIRMAN. It is moved that "three hundred" in the eighth line be stricken out and "five hundred" inserted. 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. GRANT. In the nineteenth line I move to strike out "five hundred" and insert "seven hundred and fifty."

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. FOX. For the last class I think the salaries are too high. I move to amend by striking out in the twenty-second line "three thousand" and making it "twenty-five hundred."

Mr. ORGAN. Second.

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

Mr. FOX. In line twenty-three strike out "twenty-five hundred and insert "two thousand" per year.

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. FOX. In line twenty-five strike out "twenty-five hundred" and insert "two thousand."

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. FOX. I move to insert between lines twenty-six and twenty-seven "The county and prosecuting attorney shall be allowed two thousand dollars per year."

Mr. COFFEEN. Second.

Mr. CAMPBELL. I have been a partner of two of the prosecuting attorneys of Laramie county, and I will say right here he is poorly paid at two thousand five hundred dollars. I would not take the office in this county, and do the work that the prosecuting attorney has had to do during the last three years for twenty-five hundred dollars a year, and get the abuse he does. Twenty-five hundred dollars is too low for the prosecuting attorney of this county.

Mr. HAY. I think it ought to be left as it is. It is a very important position, and we ought to make it enough so as to be able to get a good man to be willing to take the place.

Mr. RINER. I would not do the work for less than twenty-five hundred dollars.

Mr. COFFEEN. I have just a word to say on this. It seems to me that we ought to leave this to the wishes of the gentlemen of Laramie county. Let them decide the question for themselves.

Mr. CHAIRMAN. Gentlemen, you have heard the motion to make this salary of the county attorney two thousand dollars. 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 salary stands at twenty-five hundred dollars per year. Any further amendments?

Mr. HAY. I am not satisfied with that amendment which Judge Brown put in, about sheriffs retaining all the fees, and I now move to amend to give him fifty per cent of all the fees in civil cases.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that the sheriff in civil cases shall receive fifty per cent of the fees. Are you ready for the question?

Mr. HARVEY. I will say in explanation that these civil fees will not amount to anything in our county, it is nothing like what it is in these larger counties. Where the principal money is made by the sheriff in Laramie county and Albany county, as I understand it, is in boarding the prisoners, as I understand they board them for about twenty cents and get sixty cents.

Mr. HAY. It seems to me that the argument used here so often this afternoon that the fees come out of the litigators pockets don't cut any figure, if they come out of the litigators pockets and go into the county treasury it is all right, and I don't see any reason why you cut down all these other officials and still leave the sheriff's salary about the same, and let them have all the fees.

Mr. GRANT. I move to cut that down to two thousand, strike out "three" in line twenty-two and insert "two" instead.

Mr. CHAIRMAN. The motion is pending to reduce the amount of his fees to fifty per cent instead of giving them all of it.

Mr. COFFEEN. I shall vote for this because it will help reduce the expenses of the county down one-half.

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

Mr. GRANT. I now move to strike out "three thousand" and insert "two thousand" in the twenty-second line.

Mr. CHAIRMAN. Gentlemen, you have heard the motion of the gentleman from Albany. Are you ready for the question? All in favor of striking out the word "three" and inserting "two" in lieu thereof will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments?

Mr. RINER. I move when this committee arise they report back this file with the recommendation that it be adopted as amended.

Mr. CHAIRMAN. Gentlemen, I will put the question in just a moment, but want to call your attention to the fact that you have left out one county officer who makes more money than any other county officer in proportion to the amount of work he does at least, in our county. I allude to the county surveyor.

Mr. RINER. I will withdraw my motion for the purpose of having the county surveyor put in.

Mr. CLARK. I move to insert after the last line in Sec. 3 the following: "The county surveyor in all counties shall receive eight dollars per day for each day actually employed."

Mr. BROWN. I rise to make an inquiry. Are not county surveyors paid by contract for all that they do?

Mr. CHAIRMAN. I would simply say in answer to that that the compensation of county surveyors is fixed by law at so much per day with expenses and deputies thrown in, until the amount counts up enormously, at least it does in Johnson county. Gentlemen, you have heard the amendment of Mr. Clark. 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. HOLDEN. I would like to inquire whether we have made any provision with reference to the salary of the district clerk.

Mr. CHAIRMAN. It is provided for in the legislative file. Gentlemen you have now disposed of the substitute for 61, 65, 80 and 83. What is your pleasure?

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

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Gentlemen, the next thing on the general file is proposition No. 92, which I believe was not printed. The clerk will please read it.

(Reading of proposition No. 92.)

"The homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienat-

ed without joint consent of the husband and wife, when that relation exists, but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon."

Mr. BROWN. I move when this committee arise that file be reported back with the recommendation that it be then adopted.

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that when this committee arise they report back File 92 with the recommendation that it be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion is carried.

The next matter for your consideration is the report of the joint committee on sections to be substituted for certain sections in the schedule. The clerk will read the substitute for Sec. 20.

"Members of the legislature and all state officers, district and supreme judges, elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term."

You have heard the substitute. Are you ready for the question? All in favor of the substitute as reported by the joint committee will say aye; contrary no. The ayes have it; the motion prevails.

The secretary will read Sec. 21 as reported by the joint committee.

"If the first session of the legislature under this constitution should be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted."

The question is on the substitute. All in favor of this substitute will say aye; contrary no. The ayes have it; the substitute is adopted.

For Sec. 22 the committee recommend this substitute: "The first regular election that would otherwise occur following the first session of the legislature shall be omitted, and all county and precinct officers elected at the first election held under this constitution shall hold their offices for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification."

Mr. POTTER. This is the section that created the most difficulty in the committee and also with the committee of the whole. I think we tried it about a dozen times, and the more we tried in a worse muddle we found ourselves, so we concluded to leave it just this way. If we held an election, if we

held the first election for all county officers as provided by our territorial law, the difficulty was this, and it seemed to me a particularly good objection. The legislature at its first session might enact laws providing for an entirely different set of officers, or for changing one office to another, or for combining some of the offices, then we would have officers elected for two years with a statute not providing for any such officers, and we have already provided that the county officers under the territorial law should remain in office until their term expired.

Mr. BROWN. As to this matter of offices, there could be no trouble for this reason. The legislature would provide for officers to take effect after the end of the term of those elected. If they wanted to make any change in the offices, they could provide that the officers elected at the first election should continue in office until their terms expired, the legislature providing that any officers that they desire to take effect after those terms expired.

Mr. POTTER. I will state that so far as the committee is concerned any way it can be fixed up so there will be no conflict will be satisfactory to the committee. We have had a good deal of difficulty about this matter, and as Judge Brown suggests now, I can see it can be made so the legislature can provide that the law should take effect some time in the future, but in order to do this I think we will have to go back to a previous section and provide for the election, and fix it so that it shall include county officers.

Mr. CHAIRMAN. The question is on the adoption of Sec. 23. Are you ready for the question? All in favor of the adoption of the substitute will say aye; contrary no. The ayes have it; the substitute is adopted.

The secretary will read the substitute for Sec. 24.

"This convention does hereby declare on behalf of the people of the territory of Wyoming, that this constitution has been prepared and submitted to the people of the territory of Wyoming, for their rejection or adoption, with no purpose of setting up or organizing a state government until such time as the congress of the United States shall enact a law for the admission of the territory of Wyoming as a state under its provisions."

Mr. RINER. In order to bring the matter up, I want to offer an amendment, "This constitution shall not be submitted until an act of congress authorizing us to call an election shall be passed."

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

Mr. RINER. I rise to a question of privilege, and want to talk about this for a moment. It has been suggested to me, and it seems to me with a good deal of force, that if we sub-

mit this constitution this fall, in view of the action taken by some of the counties when the governor called an election for this convention, the county attorneys of three of the counties advised that they had no authority to incur the expense of an election, is not the result going to be not to exceed a two or three thousand vote on the constitution, when as a matter of fact we had over eighteen thousand votes at our last general election. This has been suggested to me by several gentlemen in this town, and men upon whose judgment I am disposed to rely as to such matters. I think the matter ought to be very carefully considered by this convention before we decide upon it. I voted in favor of its immediate submission last night myself, but I think the suggestion is a good one, and it may work harm if we follow the course adopted last night.

Mr. MORGAN. It would seem as if we rather questioned the legality of our own proceedings.

Mr. GRANT. I move that it be laid on the table.

Mr. CHAIRMAN. Gentlemen, the question is on the adoption of the substitute as submitted by the joint committee. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the substitute stands adopted.

Mr. BROWN. Following out the suggestions made by Mr. Potter a few moments ago, I wish to offer an amendment to Sec. 8. In line six, after the word "district," insert the word "county," and after the word "constitution" in the seventh line add "and such other county and precinct officers as are provided by territorial 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 section is so amended.

Mr. BROWN. I move when this committee arise they report back this File 89 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, and it is so recommended.

Mr. RINER. I move this committee now rise and report.

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

Mr. PRESIDENT. You have heard the report of your committee of the whole; what is your pleasure?

Mr. RINER. I move the report be adopted.

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

Mr. GRANT. I move we now take up the substitute for Files 61, 65, 80 and 83, and put it upon its final passage.

Mr. PRESIDENT. It is moved and seconded that the substitute for Files 61, 65, 80 and 83 be taken up and put upon its final passage. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. It will now be put upon its final passage. Are there any further amendments?

Mr. GRANT. I move to amend Sec. 3, in line twelve. I move to amend by striking out "two thousand" and inserting "fifteen hundred."

Mr. CLARK. It seems to me we are using the knife pretty freely here tonight without thinking what we are doing at all. This provision that the sheriffs in the territory in the counties where the territory covered is large and the criminal business fully as important as in this county, and where more serious crimes if anything are committed, that he shall be cut down to fifteen hundred dollars, I think we ought to think twice before we do it. I am satisfied he receives no more than he ought to receive. The sheriff in this county has a large percentage which he receives now in fees and more from the board of prisoners, and it seems to me that this should be left as it is. I don't believe in this thing at all of the convention fixing salaries, but if you are going to do it, I want to ask you to think once or twice before you use the knife as you have been doing.

Mr. IRVINE. I hope the motion to amend will not prevail. There is no question but that the sheriff of our county does more desperate work, more dangerous work, than the sheriff of Laramie county. The sheriff of this county seldom goes out of his office, whereas the sheriff of Converse county is constantly called upon to arrest dangerous men. He is entitled to two thousand dollars. He ought to be well paid for the danger he runs.

Mr. ELLIOTT. I will just say one word, and I speak from experience, in regard to this matter, for one of the counties in the north. I have been for part of three years the prosecuting attorney of Johnson county, and the greatest difficulty I have had with the officers all that time has been with the sheriff on account of his expense bills, and I say to this convention right here, that in attempting to cure one evil, they are not curing the greater evil at all. The great expense is in the sheriff putting in these bills for every little thing he does. If we can provide for the criminal work he does for the county it is proper he should receive the civil fees, if we provide he

shall receive a salary, that the legislature shall fix a salary which he shall receive in lieu of whatever he shall receive from the county for his services, I believe we will come more near to reaching the evil.

Mr. CHAIRMAN. The question is on the motion to strike out "two thousand" and insert "fifteen hundred." 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. If there are no further amendments, the question is on the final reading of the file as amended. The secretary will read the file as amended.

(Final reading of the file.)

The secretary will call the roll. All who are of the opinion that the file as read be adopted will say aye as their names are called; those of the contrary opinion will say no.

Mr. BURRITT. I don't imagine this will accomplish anything that the convention anticipates it will, but in deference to the principle I vote aye.

Mr. CLARK. In view of the fact that I am opposed to the principle of a constitutional convention fixing the salaries of county officers I vote no.

Mr. SMITH. I vote aye under protest.

Mr. TESCHEMACHER. I vote no on the ground that I object very strongly to the constitutional convention fixing any officer's salary.

Mr. PRESIDENT. Your vote on the substitute for Files 61, 65, 80 and 83 is as follows: Ayes, 21; noes, 8; absent, 20. By your vote you have adopted the file as a part of the constitution.

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

Mr. PRESIDENT. There is one more file that we might dispose of this evening, a short one, File 92.

Mr. BURRITT. I move it be put upon its final reading and passage.

Mr. PRESIDENT. It is moved and seconded that File 92 be placed upon its final reading and passage. All in favor of the motion will say aye; those opposed no. The ayes have it; the motion prevails.

Final reading of File No. 92. All who are of the opinion that File 92 be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on File No. 92 is as follows: Ayes, 30; noes, none; absent, 19. By your vote you have adopted the file as a part of the constitution of Wyoming. File No. 92 and the substitute for Files 61, 65, 80 and 83 will be referred to the committee on revision.

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

Mr. PRESIDENT. Gentlemen, it is moved that we adjourn until 9 o'clock tomorrow morning. 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 9 o'clock tomorrow morning.

TWENTY-FOURTH DAY.

MORNING SESSION.

Saturday, Sept. 28, 1889.

Mr. PRESIDENT. The convention will come to order.

The secretary will call the roll.

The secretary will read the journal for yesterday.

Is there objection to the journal as read? The chair hears none. The record will stand approved.

Mr. CAMPBELL. As we are nearing the close of the session of this convention and as we have got along pleasantly and harmoniously with the exception of a little unpleasantness caused by myself losing my temper, I desire here to apologize to this convention and to the gentleman from Sheridan for the language used by me on the morning of the 17th of this month. As the language was used publicly I want the apology to be public, and I most sincerely apologize to this convention and to Mr. Coffeen for my conduct on that occasion, and I ask that my language be expunged from the record, as I understand that can be done with the consent of the convention.

Mr. PRESIDENT. Is there objection to the language so far as it appears on the record being expunged therefrom? The chair hears none. It is so ordered.

Mr. COFFEEN. I think under the circumstances a word from me at this time is necessary. If I should remain silent it might be thought I did not appreciate the feelings and magnanimity expressed here. I want to say and truthfully that I do not in my own heart as against the gentleman speaking, or against any other person in this convention, cherish anything but the kindest feelings, and so far as the apology is concerned, no apology on his behalf was needed, or was necessary, so far as I am concerned.