

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.

Mr. MORGAN. I desire to offer a resolution relative to the final adjournment of this convention. It is this: "Resolved, when this convention adjourn it may be reconvened at the call of the president." I offer this, Mr. President, so as to provide for any emergency which might arise which would necessitate the calling of a convention.

Mr. PRESIDENT. Is there any objection to the immediate consideration of the resolution? The chair hears none. All in favor of the adoption of the resolution will say aye; contrary no. The ayes have it; the motion prevails.

Mr. HOYT. We are nearing the conclusion of our labors, and when we consider all the articles that are to be adopted, to be embodied in the constitution, I doubt not that every member of the convention has been in his own mind reviewing the work of the past thirty days, and that many have found in their minds some anxiety on account of certain provisions embraced in articles adopted, on account of the expenses which are certain to be attached to the government of the state under the constitution. I do not know, sir, that it would be found practicable to advise any reduction of expenses already agreed upon, but I think that you will all concur with me in the thought that it is very desirable, if found possible, to make some reductions in the expenses of the state government, which now appears will fall but very little short of one hundred thousand dollars. I therefore move that a committee of five members be appointed whose duty it shall be to review the whole field of the constitution with a view to such reduction of the expenses of the state as shall seem practicable, said committee to report at the earliest hour possible, and their report to be considered and acted upon without debate. In this connection I would also suggest whether or not it would not also be practicable for the legislative committee to review the work embracing the question of legislation to see whether we may not find something there to be corrected. I suggest this so that we may perfect this instrument which we have made. I believe we have a grand constitution, one which will commend itself to the people of this state, to congress and the country. Therefore let us perfect it if possible in every particular.

Mr. SMITH. I don't know anything that the committee can do, but being heartily in sympathy with the end in view, if anything can be done, I second the motion.

Mr. PRESIDENT. The question is on the adoption of the motion of the gentleman from Albany, to appoint a select committee to consider the matters of the expense of the state government, as presented by several provisions of the constitution. Are you ready for the question?

Mr. BAXTER. I rise to ask the gentleman who offered this what provisions he would modify that have been adopted? I

hardly believe that the committee could make alterations that would be likely to carry, unless some opportunity was given to discuss the wisdom of the proposed changes. If such a committee up on their investigation would recommend such changes be made as would cut down the expenses, I do not believe it would be possible to carry them through, if debate was cut off.

Mr. GRANT. It seems to me that the committee appointed on address to the people could attend to this if necessary. They have to go over the whole constitution, and they could recommend such changes as may seem to them advisable.

Mr. HAY. I don't agree with the gentleman from Albany in regard to that. The class of subjects that the committee on address to the people have to go over is very large, they have to review the whole constitution, and they have as yet been able to do nothing. I think if this is to be done at all, it should be done by a special committee. The committee on address to the people have no time to give to it.

Mr. HARVEY. I don't understand the powers of this committee. Would they have power to strike out this or strike out that?

Mr. PRESIDENT. No power at all except to report any changes the committee think desirable to the convention. Are you ready for the question? All in favor of the appointment of a special committee will say aye; contrary no. The noes have it; the motion is lost.

Mr. HOYT. I have a proposition to offer which may take such course as seems proper. "The legislature shall make such provision by law as shall be calculated to secure the best faithful service for all minor places in the state, county and municipal government, regardless of considerations purely political."

Mr. PRESIDENT. Is there objection to the immediate consideration of the proposition? The chair hears none. The question is upon the final reading and passage of the proposition as presented.

Mr. COFFEEN. I think I shall object to this, if it is allowed to go on with a view to putting people on record, unless discussion is allowed. The gist of the whole matter is that it is simply introduced for the purpose of securing an endorsement of the civil service ideas that are agitating the country. This question has been tested once and settled, and to have it come up in this manner I believe I shall object to its coming up unless time is given to discuss it fully and freely. I do not think we have time, and I think it better that the resolution be withdrawn.

Mr. BROWN. I called for objection to the consideration of this proposition, and none being offered, by the unanimous consent of the convention the matter is now before the convention for its final action at this time.

Mr. HOYT. In answer to the remarks made by our friend from Sheridan that this proposition was introduced here because I believed the section which was presented by the committee on elections and qualifications to office, was rejected on account of the form in which it was presented, and not because there was any objection to the principle involved in the section, I had assumed in a body of gentlemen, such as compose this convention, who come here for the purpose of framing a constitution, men who come not as the representatives of any party, not as the representatives of any special or local interests, but who are gathered here to frame a constitution which is to guide the legislature, and is to limit its powers in the future, for a long period of years, would look so carefully and impartially into the matter of securing purity of elections and honesty of administration, that there would be no debate whatever upon the subject. I assumed that the principle that laid down that the people have the right to the best service that can be had, and that in the offices which are not political in any sense of the word whatever, the minor appointees in the minor offices which exist in the state, and in the county and municipal governments, shall be appointed because of their qualifications, that justice shall be done to their abilities. He says it is an endorsement of the civil service reform. I say that it is intended for no such thing. I have no connection with the civil service reform movement, I have never been a member of any of its organizations, I simply sympathize with the great end in view, that of securing the best service for the people in every branch of the government, and now that we are framing our constitution, I believe that a wise general proposition, which would leave to the legislature full discretion in the matter as to what shall be done, as to the manner in which they shall protect the interests of the people, in this regard, would be acceptable to all.

Mr. CLARK. I heartily agree with all that has been said by Governor Hoyt, and endorse all he has said, but I do not desire to endorse with my vote the resolution which he has offered. Notwithstanding the argument by Governor Hoyt it is a resolution which gives an endorsement of the civil service reform policy of this government, a policy with which I have never been in sympathy, because I believe it is a delusion and a snare, a lot of political clap trap which does not accomplish the end sought at all.

Mr. BURRITT. I desire to say amen to what has just been said by the gentleman from Uinta.

Mr. HOYT. He is in sympathy with the object, but not in favor of doing anything to prevent. The object is to secure good service for the state and local government, irrespective of political considerations, so far as the objects are concerned. There are some offices which are political. The policy of the

party must be represented by men who are elected to the office to administer the government and carry out the policy of the party. They must be in harmony with it. But what has the door keeper, the correspondent, what has the book-keeper, the stenographer in any department or branch of the government to do with party politics? What has the clerk who is employed in the interior department to draft maps, or the man who goes out by his direction to make a survey, what has he to do with party politics? He says it is a delusion and a snare. I cite him to the fact that for half a century the people of England have been struggling with this great problem, how to improve the civil service of their country. That grand old man, William E. Gladstone, stands before the world as a man who has given this question a great deal of study, and he has declared that the work which has been accomplished there is of incalculable value to the civil service of the world, a country with a civil service which has been lifted out of the mire of party politics and placed upon a broad and substantial basis, the best service, the best administrative service I believe on the face of the world, and it is because, sir, of the struggle against the power and corruption of parties politic, and the purpose to restore to this government something like purity of administration, that the movement was begun in this country, and one which had the endorsement of all the presidents from Grant down to the present time, the principle involved in this proposition that the minor offices, which are in no sense political, shall be conducted in the interests of the people without any regard to party considerations whatever.

Mr. SUTHERLAND. I just simply want to say that I think civil service is one of the greatest frauds that ever was known. Every president has always said that the best man should have the place, but I notice the best man is always the man who has the bōodle. I have often heard it said that every one of our presidents has advocated the policy that the soldier should have the preference, the man who served during the war should have the preference, but I notice that the man who did the most work on election day is the man who got the appointment, and for that reason I consider it a fraud. I have seen it right here in this hall, no matter how good a man was, no matter how faithfully he had served his country, in her darkest hour, he could not get to be even door keeper of this building. I refer to our last legislature, just because the man didn't belong to their political party he could not have the place. For that reason I believe it a fraud, and it ought to be left out.

Mr. MORGAN. In my judgment the people are deeply, honestly and sincerely in favor of what is known as civil service reform. They have shown it in many ways. They are showing their interest in it every year. They are showing it in the fact

that they elect men to represent them in the legislatures, in congress, and when they send men to represent them in the senate. They continue the terms of those whom they deem honest, faithful and able servants, and it is well that the people should care for a principle of that kind. This government was not created for the purpose of giving office to any one. It was created that the welfare and best interests of the people should be subserved. The people have found out and are finding out more and more each day that it serves their interests when they find an honest, capable and efficient servant, to keep him. This is more particularly so in representative bodies, and so it will follow down all through the whole class of officers to a considerable extent. The people are taking a greater interest in this each year, and I would not like to see this convention decide that it is a delusion and a fraud, because it is not.

Mr. PRESTON. I am opposed to this resolution for the reason that I think it is one of the main planks in the platform upon which the mugwumps stand. I was educated in the Jeffersonian school, and believe in its principles, and one of those is that to the victor belongs the spoils. I think that this civil service reform platform or proposition is a delusion and a snare. Now the idea of asking a man who is elected to fill an important office, supposing the state treasurer's office of the state of Wyoming, a man is elected to hold that position, and under this civil service reform he is compelled to keep clerks that he don't want. He has no right to discharge them if they are able to perform the duties of the office, and still at the same time they may not agree with him at all, and I say when a man is elected he has the right to employ such clerks as he sees fit to employ. He has the right to make his own choice. You take for instance a case that came up in the war department, where a quartermaster had been appointed, discharged all the clerks that had been kept before, who had been appointed by the government, and the question came up in the war department as to his authority to discharge them, and he raised the question that inasmuch as he was responsible for the property and the business, he had the right to employ whomever he saw fit, and for that reason I am opposed to this civil service reform business. Under the educational clause that you have inserted in your constitution, there will be no occasion for civil service reform. They will all be qualified.

Mr. HOPKINS. I merely wish to express my admiration for the Jeffersonian simplicity of my friend from Fremont.

Mr. SMITH. I don't believe there are half a dozen members on this floor but who are in sympathy with a measure of this kind so far as practical. If I was president of the United States the fact that a man had done good service on election

day and during the campaign would be no objection to his appointment to office, and I believe President Harrison believed the same thing. Yet on the other hand if I could not find a Republican who I considered fitted to fill an office and I could find a Democrat who was better qualified and could fill the office better than any Republican I knew, I would not refuse to appoint that man simply because he was a Democrat, and I think that this is as far as the proposition offered here goes. That the legislature shall take such steps as will secure the best service for the state.

Mr. COFFEEN. If this resolution does not carry is it not left to their discretion to do that anyway?

Mr. KNIGHT. I wish to join in with my little story and state my experience. I was a victim of civil service reform. I held a position for four years and then lost it because I was a Republican, and I want to say to you that this civil service reform is a delusion and a snare in one respect. A man fills a little petty office until he loses all confidence in himself, that he ought to have to enable him to start out in any other pursuit. I actually thought when I lost the office of clerk of the court that I was going to starve to death, I tell you the condition I was in when I lost my office was something terrible. I was unfitted for business, when as a matter of fact I ought to have lost it years before. I would have been a much better man today, a much better citizen, if I had not spent so much time sitting in a chair in a little petty office. Civil service is not applicable to this territory as it is in the east, where you have to have the influence of a United States senator even to get a position as clerk in a grocery store. Every man in this territory is permitted to show what he can do. Now I say to those who want to fill a government position, let them understand they must do their work well and when their term expires be ready to give the other fellow a chance. So I say to you that civil service reform is not as great a necessity as it is made to appear.

Mr. JOHNSTON. I believe in allowing a man to chose his own employes. Can you secure an efficient man to take charge of any public works unless he would have the privilege of appointing his laborers. And it is the same way in a public office. Can you get an efficient man to take charge of the work if you don't allow him the same privilege. Take the engineer's office, suppose he has a man there making maps, who is not in accord with the office, and working under the control of the state, do you suppose he would be as careful as if he was subject to the control of that man? I think not.

Mr. ELLIOTT. I should like to ask Governor Hoyt if this principle of which he has spoken should apply to subordinates, why it should not apply to principals even in a greater degree?

Mr. HOYT. The principles should apply to principals where

the position is not in the nature of a political one. The office of governor, secretary of state and so on, must be filled by men who will enforce the principles of the party who carried the election. And that is right, but when you come to offices that are not political, they ought to be filled in the interest of the service, so that the people may have the best service obtainable.

Mr. BROWN. I have a suggestion to make. We want to get into the union as a state, and it is possible that this resolution might occasion some remark in congress. The question is on the resolution of the gentleman from Albany. The ayes and noes will be called. All in favor of the resolution will say aye as their names are called; those of the opposing opinion will say no.

Mr. RINER. I vote no because I am opposed to the principle. If I believed in the principle I should vote aye. If I was in office I don't think I would give them a chance to remove me, I would resign.

Mr. TESCHEMACHER. I have kept so very quiet during the debate that I think it is absolutely necessary for me to explain my vote. I belong to the party mentioned by Mr. Preston. I am a mugwump and am proud of it, and one of the horses that we ride is civil service reform. Now I know that the horse was not in the race when this proposition was brought forward in the committee of which I was a member, I told the committee that the horse was not fit to run just now, and he certainly was not fit to run in Wyoming. Consequently I signed the minority report of this committee, hoping that the section would be stricken out, and that I should be saved from a good deal of personal abuse which I would receive if a discussion came up on this subject, but having come up, believing in the principle as I do, I vote aye.

Mr. PRESIDENT. Gentlemen, your vote on the proposition is as follows: Ayes, 11; noes, 21; absent, 17. Gentlemen, by your vote you have refused to incorporate the proposition into the constitution.

Mr. BURRITT. I desire to offer a proposition which has been hastily prepared. "No person shall be permitted to vote, serve as a juror or hold any civil office, who has at any time been convicted of an infamous crime, and not been restored to the rights of citizenship, or is a bigamist or polygamist, or is a believer in or enters into what is known as plural or celestial marriage, or in violation of any law of this state, or of the United States effecting any such crime."

I would like to have that referred to the committee on elections. This is the proposition of the Edmunds-Tucker law, and I think it necessary that we incorporate it in our constitution.

Mr. RINER. I move the rules be suspended and the proposition immediately considered.

Mr. PRESIDENT. The question is on the suspension of the rules for the immediate consideration of the proposition. Are you ready for the question? All in favor of the motion to suspend the rules will say aye; contrary no. The ayes have it; the motion to suspend the rules prevails.

Mr. PRESIDENT. The question is on the final reading and passage of the file. All in favor of the proposition presented by the gentleman from Johnson, Mr. Burritt, will say aye; contrary no. The ayes have it; the motion prevails. The question is upon the final reading of the file. The ayes and noes are called for.

Mr. RUSSELL. Before voting on this question, I desire to say one thing in regard to this matter. Probably some gentlemen here have a pocketful of speeches prepared upon this question. I have not, and I wish merely to say that I thought this question already incorporated in the bill of rights, and in one section of the bill on education and public morals. I think the language of this section will have a bad effect upon a good many good citizens of Wyoming. It makes little difference as to their belief, if they are good, law abiding citizens, and why should you point a finger at them specially. I think that the gentlemen of this convention have shown too much wisdom in their deliberations to take the chances of pointing a special finger at a great many good citizens of Wyoming. We expect to ask these citizens to ratify this constitution, and I think they may naturally and would have the right to do so, when a finger is specially pointed at them in this way. This question has never come up in Wyoming and become a matter which Wyoming needs to fear. Wyoming today, while it may be populated with a good many of this class of people who believe this way, they have proved themselves to be law abiding citizens and peaceful citizens. I do not think it is right or just this committee did not consider this question before, it has been kept back and offered now at this last day without any notice, and I think for this reason it should be left out. Make it so it won't point directly at one class of individuals or people. I think the laws so far adopted in this constitution covers the ground, and I think it can be well left to the legislature to deal with. It shows a lack of confidence in ourselves and in our law making body to put this in here, it shows a weakness, that we are afraid that we are not going to be able to cope with these people in Wyoming. I do not think they have ever caused any trouble in our territory. I think that the wisdom of the gentlemen in this body can see this matter, and do what is right. I hope this will not be inserted in the constitution.

Mr. BURRITT. I simply desire to say on behalf of the committee on elections, and I speak for the committee, the chairman being absent, and I believe I attended all the sessions of this committee except one, this question was never presented to that committee by one single individual, nor did anyone as I now remember call their attention to it, and when the gentleman from Uinta, who probably speaks as he believes, says this has been held back by the committee and sprung upon them the last day of the convention he, unintentionally, no doubt, does the committee great injustice. I will say for the benefit of the gentleman who has just spoken against the adoption of this proposition, that this is a very mild proposition. It is simply the provision of the United States law upon the subject, so far as I am able to understand it. Although the provision of the Idaho constitution on this subject has been lauded to the heavens by congress and by those on the outside, I have no sympathy with the provision contained in the Idaho constitution, and I would say here for myself, that if it were necessary to get into the union of states that we should incorporate into our constitution a provision that reads like the provision of the Idaho constitution, praised so much by congress and those in the east, I should prefer to stay out. Now, Mr. President, I think that we have drawn a very mild proposition, I think we have gone just as far as the law allows, just as far as the Edmunds law goes, and we have gone no further; and I wish to say again that this proposition is submitted now not in bad faith on the part of the committee, nor on the part of any member thereof.

Mr. CLARK. I opposed the discussion of this proposition because I wanted to find out and investigate just what the proposition meant, I am not able to form a judgment of what it means from a hasty reading and consideration here. I am opposed to the passage at this time of this resolution, not because I have any personal sympathy with the religious convictions of those sought to be reached by this amendment, but it seems to me that it is not right to select any one class of crime from the rest of crimes, and say that persons who have been guilty of that special crime shall be disqualified from holding certain offices of trust or from voting. A great deal has been said in the territory about the influence of this element. I believe that they have the same influence as the same number of citizens who are not Mormons, no more and no less. The more offensive features of Mormonism have never been practiced within this territory. The United States attorney of this territory found some violations of the law, made two arrests, but the matter was not prosecuted in either case. I say we don't need this, if we are not sick we don't need any medicine, and I don't believe in selecting one class of crime, or in singling out a special religious sect in the territory. I am opposed

to considering this matter so hastily, and I make these remarks not because I hope it may influence the convention at all, but because I believe it is unjust in the particulars I have pointed out. If the resolution will include the other crimes, such as horse stealing, murder and other crimes, so they will all go in together, I will not object.

Mr. BURRITT. I desire to say to the gentleman from Uinta that when I presented this proposition I moved its reference to the committee on elections, but had no second for it. If this is being too hastily considered, or if any member is not satisfied, I am ready to make a motion now to have it referred.

Mr. RINER. I rise to a point of order. A vote was taken on a suspension of the rules, and this reference cannot be made without a reconsideration of that vote.

Mr. MORGAN. I believe reference can always be made under any circumstances.

Mr. COFFEEN. I desire to say that when the gentleman from Johnson stated that this matter had not been brought up in the committee, he stated it correctly. So far as I know it was never in any manner discussed by the committee.

Mr. SMITH. This committee never considered the question. I think the chairman and myself once talked about it, but not in committee. It was after the bill or rights was presented, and the chairman and I looked it over and thought it covered the ground.

Mr. RINER. As to reconsidering this matter, the convention has ordered the final reading of this proposition, and I say without reconsideration of that vote, reference cannot be made.

Mr. PRESIDENT. The chair is of the opinion that the point is well taken. The motion was made that the rules be suspended for the immediate consideration of the file, that motion prevailed, and the chair then announced that the question was on the final reading and passage of the file.

Mr. MORGAN. For the purpose of referring this question to the committee I move that the vote by which the final reading and passage was ordered be reconsidered.

Mr. PRESIDENT. The chair is of the opinion that the rules may be suspended so that the convention may order this file into the hands of the committee.

Mr. MORGAN. I move the rules be suspended.

Mr. PRESIDENT. The question is on the motion that the rules be suspended in order to refer the file now before you for consideration. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. I insist that we must reconsider the vote ordering the final reading of the file.

Mr. PRESIDENT. The chair understood the motion was withdrawn in order to present the second one. The question is

now on the motion to reconsider the vote ordering the final consideration of the file. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The order for the immediate consideration of the file is recinded.

Mr. COFFEEN. I now move that this resolution be referred to the committee on elections.

Mr. PRESIDENT. All in favor of the motion to refer this proposition to the committee on elections will say aye; contrary no. The ayes have it; the motion prevails. The resolution is so ordered.

The next thing on the general file is File 89. What is the wish of the committee as to the immediate consideration of File 89?

Mr. RINER. I move it be finally read and put upon its passage.

Mr. PRESIDENT. The question is upon the final reading of File 89. All in favor of the motion will say aye; contrary no. The ayes have it. The secretary will read the file. The question is upon the final passage and adoption of File 89 as a part of the constitution. So many as 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 opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote upon File 89 is as follows: Ayes, 27; noes, none; absent, 22. By your vote you have adopted File 89 as a part of the constitution. This will now be referred to the committee on revision. There is no further business upon the table.

Mr. RINER. I move we adjourn until 2 o'clock.

Mr. PRESIDENT. The question is upon taking a recess. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

AFTERNOON SESSION.

Saturday afternoon, Sept. 28.

Mr. PRESIDENT. Convention come to order.

Several members of the convention will have to leave here to go home and will not be present on Monday. As the constitution cannot be read and adopted before they leave, I would like to know if some way cannot be arranged so as to give them an opportunity to sign now.

Mr. CLARK. As chairman of the committee I will state that they are doing their best to get through with the work, but there are five or six articles yet to be enrolled.

Mr. HOYT. I should think perhaps the gentlemen who have to go home might be willing to sign in blank, and have that attached to the instrument.

Mr. PRESIDENT. As Mr. Holden is the only one who will leave this afternoon I would like to ask him if he is willing to sign in blank before he leaves. Will one of the members of the committee furnish the gentleman a blank so that he may sign before he leaves? The other members who have to leave can sign later.

Mr. HOLDEN. In taking leave of the convention, I do so with reluctance, and especially in view of the kind treatment I have received in this convention, and the hospitalities of the Laramie county delegation. Still I feel that justice to myself and my business requires that I should go, and I would say that my latch string will ever be out to every member of this convention.

Mr. PRESIDENT. I desire to express to the gentlemen the thanks of the chair for his diligence and efficient service, and for the attention he has given to the business of the convention during the entire session.

Is there any business to come before the meeting?

Mr. BURRITT. Committee No. 5 desires to report, and as I was the member of this convention who introduced File No. 93 in the convention this morning, I think perhaps it is due to myself and to the convention that I explain briefly to the members of this convention the reason of this report. As I stated when I introduced the proposition this morning, I believed it was a necessary matter to be incorporated in the constitution in order to give us proper standing before congress for our admission. I had no sympathy and so stated at the time with the idea that Mormonism with us was a dangerous feature but it was only a matter of expediency. The position has always been taken at Washington that we had no Mormon population in Wyoming, to amount to anything, and such is the fact. The percentage of Mormons is less than one per cent of the population of Wyoming. In addition to that your committee have taken great pains to ascertain whether in the opinion of those posted at Washington, if this proposition was necessary. I believed this morning that it was, and I so stated when I offered the proposition, I thought it was expedient, and I am satisfied now, after having spent the entire time since this was referred to the committee in consulting all those in the city who would be competent to express an opinion on this subject, that I was wrong, and although the language of this report does not agree with the position I took this morning, I am satisfied that it is right, and on behalf of the committee I move that the report be adopted.

Mr. PRESIDENT. The question is on the adoption of the report. All in favor of the motion that the report be adopted

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

Mr. POTTER. It seems to me that as there is no other business before the convention, that so much of the constitution as has been enrolled might be taken up, and we could get along as fast as possible.

Mr. PRESIDENT. Will the gentleman from Laramie, Mr. Teschemacher, state whether the constitution is so far enrolled that we can read any portion of it in the order that it should be arranged.

Mr. TESCHEMACHER. It is not. A great many of the articles are enrolled, but the revision committee has had no time during the last twenty-four hours to decide in their own minds as to the order in which they wish these articles in the constitution. The convention can undoubtedly take up each article as a complete article without its particular number, and decide what they want done with it, but the committee has been so busy that they have been unable to systematize the constitution and arrange it in order. All that has been done is that the engrossed articles have been revised and have been then enrolled on the article blank, the committee intending as soon as all were enrolled to take them and arrange them in order as they should be. Two of the articles which will be among the first, the one on legislative and executive department, are not yet enrolled. On account of the changes that have been made right up to the end in these propositions they have been left open until the last with the idea that there might be some wish to change the legislative file. The whole thing will be ready to present to the convention at 8 or 9 o'clock Monday morning, whichever hour the convention may adjourn to.

Mr. PRESIDENT. I would like to have the sense of the convention on this question. There has been a good deal of discussion among different members of the convention as to the present condition of the legislature, or the legislative department, as established by the constitution, in this, that our senators are all elected at the same time, and for the same term as members of the lower house. It is quite unusual to elect the members of both houses in that way and for the same terms, and it has been suggested that we make a change in that so as to elect for four years, a portion of the senate first elected serving but two years, the remaining serving four years, half of them holding over. If there is any desire on the part of the convention to make such a change we have plenty of time to do it, if the committee will take it in hand and rush through a provision of the constitution referring to the election of senators.

Mr. MORGAN. I would like to ask Mr. Elliott whether it is possible to make this change and keep the rest consistent?

Mr. ELLIOTT. It can be changed with very little trouble. It will only be necessary to strike out one of the present sections. I think it can all be included in one section.

Mr. HARVEY. I think as the article now stands it is a very dangerous system. Not a parallel one in the United States. I think it is a very strange departure and needs attention. I move this matter be referred to the committee on legislation with instructions to amend as suggested by the president.

Mr. HOYT. Our mode of constituting the senate is one of the provisions in the constitution, as we have adopted it, that has been to me an affliction, and I shall be most happy if it can be amended in that regard.

Mr. PRESIDENT. It is moved and seconded that the matter of considering the change in the constitution as it now stands, of that part of the legislative bill referring to the senate, be referred to the committee on legislation, with directions to report at the earliest possible moment. All in favor of the motion will say aye; contrary no. The ayes have it; the matter is referred to the legislative committee.

Mr. RINER. I move we take a recess of twenty minutes until the legislative committee can make its report.

Mr. PRESIDENT. You have heard the motion that we now take a recess of twenty minutes until the legislative committee can report. 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 of twenty minutes.

(Recess.)

Mr. PRESIDENT. The convention will come to order. Is the legislative committee ready to report?

Mr. ELLIOTT. We have not written out a report, but we offer a section which we have prepared instead of the first four lines of Sec. 2 of the old bill: "Sec. 2. Senators shall be elected for the term of four years, and representatives for the term of two years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years." We found this in the Texas constitution, and have left it to the legislature to divide these senators into classes as nearly equal as may be, not undertaking to do it ourselves.

Mr. TESCHEMACHER. It seems to me that the trouble is going to come in the case of counties having an uneven number of senators. Take Laramie county with three senators. Now, how are you going to divide that? That two members shall remain in the senate four years and one go out. That is the only way you can arrange it. In the other case, after the first election, providing the counties remain as they are,

Laramie would have to elect two senators, and continue one. If the convention will give us another senator we will come into that plan.

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

Mr. COFFEEN. Move it be adopted.

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

Mr. RINER. I move the rules be suspended and this section be placed upon its final passage.

Mr. PRESIDENT. The question is on the final reading and passage of the proposition reported by the legislative committee, and a suspension of the rules for that purpose. All in favor of the motion will say aye; contrary no. The ayes have it; the motion to suspend the rules prevails. The question is on the adoption of the section. All who are of the opinion that the section be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the proposition is as follows: Ayes, 26; noes, none; absent, 23. By your vote you have adopted the proposition as a part of the constitution of Wyoming.

Mr. CAMPBELL. In accordance with the notice I have given, I move we now proceed with the appointment of a committee of eight for the purpose of going to Washington to advocate before congress the admission of Wyoming as a state.

Mr. HAY. I suggest that the committee be made ten.

Mr. CAMPBELL. My idea is that no person should be selected unless they will say before hand that they will go unless something should happen to absolutely prevent it.

Mr. PRESIDENT. The question is on the motion to select a committee of ten to go to Washington to aid in the effort to secure the admission of Wyoming into the union. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to select a committee prevails. How will you select?

Mr. HARVEY. I desire to nominate Mr. DeForrest Richards, if agreeable to the convention.

Mr. CLARK. Is the idea that the representation shall be by counties? I am not in favor of making it by counties at all.

Mr. RINER. I desire to nominate as a member of that committee the president of this convention. I will put the question. All those favoring the selection will say aye; contrary no. The ayes have it; the selection is unanimous. There are nine members to be selected from the body of the house.

Mr. PRESIDENT. I am very much obliged to the gentlemen for the honor they have done me, but I do not think I can promise definitely to go to Washington to attend to this matter. But I will do so if I can.

Mr. PRESTON. I desire to propose the name of Ex-Governor Baxter of Laramie county.

Mr. BAXTER. I expect to go east the latter part of January and I think might arrange to spend a week or ten days in Washington during that month. If obliged to go any sooner than that it will be impossible for me to do so.

Mr. CLARK. I desire to nominate Mr. A. C. Campbell.

Mr. POTTER. Mr. Henry G. Hay.

Mr. HAY. I would like very much to go with this committee, and I appreciate the honor done in naming me, but I cannot promise at this time whether I will go or not. My business is such that it is absolutely impossible for me to leave it. I would only accept the nomination with the understanding that I might appoint some alternate to go in my place if I cannot.

Mr. ELLIOTT. I desire to name Mr. E. S. N. Morgan.

Mr. HARVEY. I desire to name Mr. Elliott.

Mr. HOPKINS. Mr. Grant.

Mr. FOX. Mr. Riner.

Mr. RINER. While I appreciate the honor, I am prepared to say that it would be absolutely impossible for me to leave here at any time between December and the first of March. I therefore decline, as it would be impossible for me to do any good.

Mr. HOYT. I don't know how many names have been presented, but I desire to offer the name of Mr. Smith.

Mr. MORGAN. I suggest the list be read, and as each gentleman's name is called he can state as to the probability of his being able to go or not.

Mr. BAXTER. I desire to name Governor Hoyt.

Mr. MORGAN. I desire to suggest Mr. Conaway.

Mr. COFFEEN. I nominate Mr. Clark of Uinta.

Mr. RINER. I desire to name Mr. Teschemacher.

Mr. TESCHEMACHER. It depends entirely as to when this matter is going to come before congress. I can't get away from here before the tenth of January.

Mr. ORGAN. Mr. Potter.

Mr. POTTER. I cannot go.

Mr. COFFEEN. If we keep on as we are now I don't think any living man can tell the result. I do not think this is a wise plan to pursue. It seems to me that the wisest thing to do would be to appoint a committee to act in conjunction with our chairman, who is already selected as one member, to appoint a committee, and report to the convention on Monday morning.

Mr. PRESIDENT. The question is on the appointment of a committee of four to appoint a committee to go to Washington. 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 chair will name Mr. Riner, Judge Conaway, Mr. Elliott and Mr. Organ.

Mr. HAY. I have a resolution to offer. "That the president and secretary of this convention are instructed to issue to the secretary of the territory of Wyoming a certificate showing the attendance of members of this convention." I think there should be some official statement filed with the secretary of the territory, in case either congress or the legislature should compensate the members of this convention for the arduous labors they have performed.

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

Mr. RINER. As there is nothing further this convention can do this afternoon, I move we now adjourn until 9 o'clock Monday morning.

Mr. PRESIDENT. It is moved that we now adjourn until 9 o'clock Monday 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 now adjourn until 9 o'clock Monday morning,

TWENTY-FIFTH DAY.

MORNING SESSION.

Monday, September 30, 1889.

Mr. PRESIDENT. The convention will come to order.

Prayer.

Roll call.

Reading of the journal.

Reports of committees.

Mr. TESCHEMACHER. Your committee No. 19 have completed its revision of the constitution and are now ready to submit it to the convention for final reading.

Mr. PRESIDENT. Gentlemen, what is your wish as to the manner of reading the constitution?

Mr. CLARK. I think it should be read by articles and approved by articles, and then approved as a whole.