

contrary no; the ayes have it; the report of the committee is adopted.

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

Mr. PRESIDENT. All in favor of the motion will say aye; contrary no; the ayes have it; the convention will adjourn until 9 o'clock tomorrow morning.

ELEVENTH DAY.

MORNING SESSION.

Friday, Sept. 13, 1889.

Mr. PRESIDENT. The convention will come to order.

Roll call. Thirty-two members present.

Reading of the journal.

Reports of standing committees.

Presentation of propositions.

Mr. CAMPBELL. Before any further business is taken up I desire to move that the report of suffrage be made special order for Tuesday morning of next week.

Mr. PRESIDENT. Gentlemen, you have heard the motion that the report on suffrage be made special order for Tuesday morning of next week; are you ready for the question; all in favor of the motion will say aye; contrary no; the ayes have it; the motion prevails.

Mr. RINER. I move we now 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; the motion prevails. Will Mr. Riner of Laramie take the chair?

Mr. CHAIRMAN. Gentlemen of the committee, the first matter on the general file for consideration is the substitute for Files 19 and 22. When the committee arose we were considering Mr. Potter's amendment.

Mr. JEFFREY. I move the amendment be adopted.

Mr. COFFEEN. I call for the reading of the amendment.

Mr. CHAIRMAN. The amendment reads as follows: "No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division."

Mr. COFFEEN. My only objection to this proposition is that it fixes and limits the manner of holding any election to determine that question, instead of leaving it to the legislature to determine by petition for election or in such other manner as they may deem wise to fix. I have no objection to the prin-

ciple. I oppose the division of counties unless the majority therein in the detached portion were favorable. I would rather leave the legislature free.

Mr. POTTER. Just a word. We have provided for the secrecy of the ballot, and probably this convention will adopt such a provision in our article on elections. Now the circulation of a petition, if the legislature chooses to provide that method of ascertaining the feelings of the citizens concerning the desire to organize a new county is not secret. People are always influenced by whether a certain man signs or not. A man might by reason of that very fact be influenced to do that which he does not want to do. I think there should be the same secrecy provided in that respect as in any other, so the legislature can provide that the method shall be a private one, so that the will of the majority may not be overcome by a petition which is circulated perhaps by a few influential citizens, and in some instances not get the exact will of the majority.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Laramie; all in favor of the motion will say aye; contrary no; the ayes have it; the amendment is adopted. Sec. 3. Any amendments to Sec. 3.

Mr. BARROW. I desire to offer an amendment to Sec. 3. "No county seat shall be removed unless three-fifths of the qualified electors of the county voting on the proposition at the general election shall vote in favor of such removal, and a vote of three-fifths shall be required to locate the county seat." A proposition of removal shall not be submitted to the same county more than once in four years." I don't think any argument is necessary in behalf of this amendment. It is substantially the same thing as is found in one-half or two-thirds of the constitutions of the states, and I think carries its own argument with it. The provision that the county seat shall not be changed more than once in four years will prevent a great deal of difficulty, and certainly a vote of three-fifths of the electors living in the county should be required to change the county seat.

Mr. CHAIRMAN. The question is on the amendment; all in favor of the amendment will say aye; contrary no; the chair is in doubt; all in favor of the proposed amendment will rise and stand until counted—16. Those opposed will rise—19. The amendment is lost.

Mr. COFFEEN. Mr. Chairman, I wish, if I may be permitted, to call attention to one difficulty we are in by reason of the provisions so far made. So far as we have gone in fixing these things, no new county can be formed, nor any portion detached from any existing county, without the detached portion or the new county shall have an assessed valuation of two millions of dollars, and the county from which it is taken shall have an assessed valuation of three millions of dollars. Now Sheridan county has an almost impassible range of mountains running through it, so that on the east side of the Big Horn

range, in the basin, there is a small portion of our county that is entirely cut off from us by all reasonable means of access and communication, a small portion that I believe nine-tenths of our people would be very glad to let go into the organization of a new county, for their benefit and ours, and as you have fixed it we cannot let them go. It would be for their interest and ours, and the people in general demand that there ought to be some way in which that portion there in the basin can be detached, and permitted to organize a new county in some way or other, but as we stand now it cannot be done unless we shall have on the east side three millions of property, which we may not have for a long time to come.

Mr. TESCHEMACHER. Is the gentleman talking to any question?

Mr. RINER. There is no question before the house. The gentleman is talking only by suffrance of the committee. Section 4.

Mr. BURRITT. As a part of that section, in connection, I desire to ask that the clerk read Sec. 5.

Mr. FOX. I suggest that the secretary also read Secs. 6 and 7, and also the minority report on which I wish to make a motion. I move the adoption of the minority report in lieu of Secs. 4, 5, 6 and 7, subject to amendment or substitution. I don't approve in the first place of the majority report for several reasons, the main one is the election of our board of county commissioners. By the adoption of the majority report, it seems to me would lead to endless confusion. There would be one county in the state having a system of government by the chairman of the several township boards and the others would have a board of county commissioners. Now it seems to me what the state desires is a general law in regard to county organization, so that all the affairs of the county can pass through the same channels, and under the same law. If we should substitute the minority report the matter would be left entirely with the legislature to make such laws as they may deem necessary. If the legislature saw fit to adopt the plan proposed by the majority report, there is nothing to prevent it, provided they make it general for all the counties, and it would leave the subject in such a shape as we could understand it.

Mr. BURRITT. In behalf of the majority of the committee I desire to obviate just on what very point that the majority report is drawn, and that the minority report is not approved by us. The minority report makes compulsory for the legislature when it does provide for township organization that every county in the territory shall organize into townships, and that is just the thing that we want to prevent. We cannot afford that. The territory is so large and the counties are so diverse in their conditions and also in their settlement that what would be advisable for one county, for one portion of the territory, would not be for the other. In our own county we have seriously considered the subject of a district or township organization,

but we are well aware that the same rule applied to Crook county for instance would not work at all. It might not work with us, I do not know, but we want to have the opportunity to try it, if we wish to. So far as a government by the chairman of the township boards is concerned interfering as suggested by the gentleman from Albany with the matter of the state board of equalization, there would be no difficulty whatever in that, as the first thing the chairman of the township boards would do when they got together would be to elect a chairman from their number who will be their representative before the state board of equalization. Now my own opinion is that this majority report, or these three sections here in the majority report, will not be called into operation for several years. It may be that it will never be called into operation, but there may be some portions of this territory where it might be desirable to divide that county for the purpose of township organization.

Mr. HARVEY. It seems to me that the majority report is altogether too unsettled. It says if the people don't want this, they can have the other. It seems to me that it is fixed that nothing should be incorporated in the constitution that has not been definitely determined upon as something fundamental. This leaves it too indefinite. I shall therefore favor the minority report. Leave it to the legislature.

Mr. CAMPBELL. I was not at the committee meeting when this report was made up and these matters were considered, and I signed the minority report after it was made up. I have not had time to examine into the matter at any length, and I signed this minority report simply because I believe with the gentleman from Converse that it is better to leave it to the legislature as to how these townships shall be organized. I am willing to trust it to the legislature, believing they will do what is right and proper when the time comes.

Mr. BROWN. I have a substitute to offer for Secs. 4, 5 and 6 of the majority report, and of the matter reported by the minority committee, "The legislature shall provide by general law for a system of township organization and government, which may be adopted by any county, whenever a majority of the citizens thereof voting at a general election shall so determine."

Mr. CAMPBELL. I don't quite understand that amendment. If the county should vote for the township organization, then each township must be forced to adopt it, whether they can afford it or not. Would not that be the effect of this amendment. Suppose for instance a county where two or three districts were pretty well populated, and could afford township organization. Suppose the county should vote in favor of township organization, would not this amendment compel all the other districts to adopt township organization whether they could afford it or not?

Mr. BROWN. My impression is that it leaves the whole

matter in the hands of the legislature, where in my judgment the matter properly belongs. We cannot undertake here to cover all the questions that may arise in the future state of Wyoming, but we can incorporate some general principles which will guide the legislature in their action. Now if the question suggested by the gentleman from Laramie should arise under that provision, as I understand it, it would leave the whole matter for the legislature to govern and control as they please. If it does leave it in that shape it is what we want. If it does not, there may be objection to it. It was the intention to put the matter where the legislature should control it fully and entirely.

Mr. FOX. I don't see that this report can be improved upon. It is in as simple language as we can get it, and leaves the proposition in the hands of the legislature to make and adopt township laws as soon as deemed necessary. We don't want to have it for the adoption by one county, or township. These laws should be made general. I am in favor of this committee report.

Mr. COFFEEN. I am in favor of the amendment now pending. The only difference between it and the proposition of the minority report is referred to by the last speaker. That the minority report provides for a general law for township organization, while the substitute leaves it to the action of the counties themselves before it shall be instituted and carried into effect. It makes it optional with the counties to adopt it if the legislature shall provide for it. I think that is a good provision, and am therefore in favor of it. In reply to the gentleman from Laramie who spoke against this substitute, on the ground that it might work a hardship upon some of the townships who might not want it and could not afford it, I take it that the townships will be so laid out, in such a manner as may be provided by law so that it can work no hardship or injustice, because the sub-divisions can be so made that the interests of all parts of the county will be considered.

Mr. CHAIRMAN. The question is on the substitute offered by the gentleman from Albany; all in favor of the amendment will say aye; contrary, no. The ayes have it; the amendment is adopted. Section five. All in favor of the adoption of section five will say aye; contrary, no; the ayes have it; the motion prevails.

Mr. TESCHEMACHER. I move this committee now rise and report back this file with the recommendation that it be adopted.

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. TESCHEMACHER. I move this committee now rise and report.

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

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

Mr. TESCHEMACHER. I move the report be adopted.

Mr. PRESIDENT. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The report will now be referred to the engrossing committee.

Mr. HAY. If there is no objection, I would like to introduce a file at this time.

Mr. PRESIDENT. Is there objection to the gentleman introducing a proposition at this time? The chair hears no objection. The gentleman will introduce his file.

(Reading of file 74.)

What will you do with the proposition, gentlemen?

Mr. RINER. I move that it be referred to the committee on boundaries and apportionment.

Mr. HAY. I suggest that it carry with it the motion to print.

Mr. PRESIDENT. The question is on the motion that file 74 be referred to the committee on apportionment and ordered printed. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails.

Mr. BURRITT. I now move that the other proposition in reference to apportionment which this convention has refused to print be ordered printed.

Mr. PRESIDENT. Can the gentleman state what files they were?

Mr. BURRITT. I do not remember the numbers.

Mr. RINER. I move we now adjourn, and the gentleman can ascertain the numbers of the files during recess from the committee having them in charge, and that we take a recess until two o'clock.

Mr. PRESIDENT. The question is on the motion to take a recess until two o'clock. 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 convention will take a recess until two o'clock.

AFTERNOON SESSION.

Friday Afternoon, Sept. 13th.

Mr. PRESIDENT. Convention come to order. Gentlemen of the convention, files No. 19 and 22, the substitute therefor, have been acted upon and amended by committee of the

whole. These amendments have been adopted by the house, and it seems that the matter is now in such form that it had better, unless the members otherwise desire it, be referred to the committee on engrossment.

Mr. CAMPBELL. I move that it be sent to the engrossment committee.

Mr. SMITH. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the substitute for files No. 19 and 22 be referred to the engrossment committee. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; it is so referred Mr. Secretary. At the moment of taking a recess, the gentleman from Johnson, Mr. McCandlish, made a motion to print certain files that had been before reported to the house. He desired to refer to the files and specifically number them. I do not see the gentleman here at this time and if there is no objection the matter will stand until he comes in, so we can act more intelligently upon the matter.

(McCandlish comes in.)

Mr. PRESIDENT. Will the gentleman from Johnson, Mr. McCandlish, enumerate the files that were desired to be contained in the motion to print?

Mr. McCANDLISH. I have not yet had an opportunity to look it up.

Mr. PRESIDENT. Does the gentleman then withdraw his motion for the present?

Mr. McCANDLISH. Yes.

Mr. PRESIDENT. There are several matters on the general file for the consideration of the committee of the whole. What is your pleasure, gentlemen?

Mr. JEFFREY. Before that matter is taken up, there is a matter which I think should receive the attention of the convention. Committee No. 19 reported back this morning file 58, I believe, as properly engrossed. That is something, I assume, which will in the future be carefully looked after, as I think these files should be considered by this convention after they have been engrossed, as I think it proper that every member of this convention should be fully informed as to the contents of every file. I would move, therefore, that the file as reported back be read for the information of the convention, in order that we may see whether it is correctly engrossed.

Mr. PRESIDENT. The convention disposed of that file this morning, by referring it to committee No. 10, and it is now in the hands of that committee, and was so disposed of by the convention. Probably the gentleman was not present at the time.

Mr. JEFFREY. I was present, but I understand that that would be agreeable to the chairman of the committee, that he would rather prefer to have it done.

Mr. PRESIDENT. The chairman of the committee is not here, and he probably has the bill in his possession.

Mr. JEFFREY. The only object I had was this. It is now fresh in the minds of the members of the convention, and while the clerk might think it was correct, but there might be some member of the convention who might discover that something was left out that should be there, or something in there that should be left out. This is something which is not likely to occur again, and I made the motion because I think it is in accordance with the wishes of the chairman of the committee.

Mr. PRESIDENT. Does the gentleman from Laramie, Mr. Teschemacher, as chairman of the Revision Committee desire to have the file reported back to the convention this morning read.

Mr. TESCHEMÄCHER. This is the exact situation as I understand it. The convention has given complete authority to the Revision Committee to do whatever they please with anything that comes into their hands from the convention, after it has been amended by the Committee of the Whole and passed upon by the convention. It seems to me that the convention are allowing the committee altogether too much authority. I felt so alarmed about it that I immediately took File 51 down to the secretary and asked him to store it away in the safe of the capitol, because as chairman of the committee I have got to keep all the engrossed files from one on until the whole constitution is ready to be adopted, and the convention has got to take my word for it that all these propositions are properly engrossed without knowing anything about it; you have got to take the word of the committee for it, and it seems to me that you have put into the hands of this committee unlimited authority to do with this constitution just as they please.

Mr. JEFFREY. The only reason I spoke of this was that the bill as it went into the hands of the committee was in very bad shape, it had been interlined and interlined, and it was for that reason that I suggested it be read. But if the convention do not desire to have it read, I am not particular about it.

Mr. TESCHEMÄCHER. I can assure the convention that that particular file is properly engrossed and is now in the safe of the capitol.

Mr. JEFFREY. With the consent of my second I withdraw my motion.

Mr. HARVEY. I move we now go into the 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, the motion prevails. Will Mr. Conaway take the chair?

Mr. CHAIRMAN. Gentlemen of the committee, the first

thing for consideration on the general file, is file 46, submitted by Mr. Morgan, on the distribution of powers.

Mr. MORGAN. I desire to move when this committee rise they report that file back with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentleman, you have heard the motion, are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The next proposition on the general file is the report of committee 18, substitute for file 13, on amendments.

Mr. HARVEY. I will simply state that this is the form found in almost all the western states, and I move the adoption of section 1.

Mr. CHAIRMAN. The question is on the adoption of section 1; all in favor of the motion will say aye; contrary, no. The ayes have it, section 1 is adopted. Section 2.

Mr. FOX. I move the adoption of section 2.

Mr. CHAIRMAN. Gentleman, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it, the motion prevails. Section 3.

Mr. SMITH. I move the adoption of section 3.

Mr. CHAIRMAN. The question is on the adoption of section 3; are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. Section 4.

Mr. FOX. I move section 4 be adopted.

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

Mr. POTTER. I move when the committee arise, they report back the substitute for file 13, with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing is the substitute for file 14, by committee No. 6. What is your pleasure with reference to this proposition, gentlemen?

Mr. BARROW. I move that the committee rise, they report back this section with the recommendation that it be adopted as a part of the constitution, and I would simply say as chairman of that committee that this section is taken word for word from the act of congress creating the territory of Wyoming.

Mr. CHAIRMAN. You have heard the motion; are you ready for the question? The question is on the adoption of the proposition fixing the boundaries of Wyoming as reported by committee No. 6. All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails.

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

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

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

Mr. CAMPBELL. I move its adoption.

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

Mr. POTTER. I move that these files be made the engrossed copies and placed upon their final passage.

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. The secretary will read file 46.

File 46 has been finally read and is now upon its passage. So many as are in favor of the passage of the file will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, the vote of file 46 stands as follows: Yeas, 33; nays, none; absent, 16. By your vote you have adopted file 46 as a part of the constitution. If not otherwise ordered, the file will now be referred to the committee on revision. It is so referred. The question is now upon the adoption of file 13, as a part of the constitution. Are you ready for the question? 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 opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on file 13 is as follows: Yeas, 34; nays, none; absent, 15. By your vote, gentlemen, you have adopted file 13 as a part of the constitution. The question is now upon the final reading and passage of file 14. Are you ready for the question? All in favor of the adoption of the file 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 file 14 stands as follows: Yeas, 33; nays, none; absent, 16. By your vote you have adopted file 14 as a part of the constitution of Wyoming. What is your pleasure, gentlemen.

Mr. TESCHEMACHER. As there is nothing ready to come before the house, and as the committees have a great deal

of work to do, I move we adjourn until ten o'clock to-morrow morning.

Mr. PRESIDENT. Gentlemen, the motion is that we now adjourn until ten o'clock to-morrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The convention will take a recess until ten o'clock to-morrow morning.

TWELFTH DAY.

MORNING SESSION.

Saturday, Sept. 14, 1889.

Convention assembled at 10 o'clock, President Brown in the chair.

PRESIDENT. The convention will come to order.

(Prayer.)

PRESIDENT. The secretary will call the roll.

(Roll call.)

SECRETARY. Twenty-eight members present, Mr. President.

Mr. MORRIS. Mr. President, Mr. Menough and Mr. Palmer have been called home and ask to be excused until their return.

Mr. PRESIDENT. If there is no objection, the gentlemen named will be excused. The record will so show, Mr. Secretary. The secretary will read the journal of the eleventh day.

(Reading of the journal for the eleventh day.)

Mr. PRESIDENT. Are there any corrections to the journal as read? There being no suggestion, the journal stands approved, Mr. Secretary.

The presentation of petitions, memorials, resolutions, and propositions are now in order. Are there any propositions to be presented this morning? Reports of standing committees. Are there any reports of standing committees this morning?

Mr. PRESTON. On behalf of committee No. 2, I have been instructed to submit a majority and minority report. As the report is very long and cumbersome, I ask that it be only read by title and printed.

Mr. MORGAN. I think the report ought to be read, but not the matter to be incorporated.

Mr. PRESIDENT. The secretary will read the report.

(See journal, page 58.)

Mr. MORGAN. I ask that the report of the minority be read.

Mr. PRESIDENT. The secretary will read the minority report.

The minority of your committee on legislative department,