

Mr. BAXTER. It seems to me that this matter is pretty well understood. It has been stated by a member of this committee appointed to receive these gentlemen that they will be taken to the fair grounds immediately upon their arrival here this afternoon, and that this evening has been fixed as the time for holding their consultation with them, so it will be impossible for us to receive them as a convention this evening.

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

Mr. REED. Second the motion.

Mr. PRESIDENT. I would like to impress one fact upon the members of this convention before this vote is taken. I am strongly in favor of our receiving this senate committee as a convention, but it seems to me if we are to invite this committee here we don't want to ask them to speak to empty benches, and it seems to me that it would be well to adjourn until such time as we can have a full convention to receive them, if you are going to do it at all, and I don't believe you can do that in one hour or this evening. The motion is on the motion to adjourn until tomorrow morning at 9 o'clock. All in favor of the motion will say aye; those opposed no. The chair is in doubt. All in favor of the motion will rise and stand until counted—13. Those opposed will rise and stand until counted—10. The motion to adjourn prevails. The convention will adjourn until 9 o'clock tomorrow morning.

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## FIFTEENTH DAY.

### MORNING SESSION.

Wednesday, Sept. 18, 1889.

Mr. PRESIDENT. Convention come to order.

The secretary will call the roll.

(Roll call.)

SECRETARY. Seventeen members present, Mr. President.

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

Mr. PRESIDENT. A call of the house is ordered. All in favor of the motion will say aye; contrary no. The ayes have it, the sergeant-at-arms will close the doors and proceed to bring in absent members.

Mr. TESCHEMACHER. At the request of Mr. Butler, I ask that he be excused from this morning's session. I should have made that request as soon as the roll was called.

Mr. HOYT. I have a similar request to make for Mr. Chaplin, who has been called out on business and asks to be excused for half an hour.

(Messrs. Grant, Baxter, Hay, Johnston, Burdick and McCandlish come in.)

Mr. TESCHEMACHER. I think there is a quorum present and move that further proceedings under the call be dispensed with.

Mr. HOYT. Second the motion.

Mr. PRESIDENT. So many as are of the opinion that further proceedings under the call be dispensed with will say aye; contrary no. The ayes have it; further proceedings under the call will be dispensed with.

The secretary will read the journal.

(Reading of the journal for the fourteenth day.)

Mr. PRESIDENT. Are there any criticisms to be made to the journal? If not it stands approved. It is so ordered, Mr. Secretary. The committee on preamble and bill of rights, the name of Col. Downey appears as the second member of that committee. It is uncertain when Col. Downey will be present, although expected every day, and if there is no objection, and as the committee desires to do its work and report as rapidly as possible, I would name Ex-Governor Hoyt of Albany to temporarily take the place of Col. Downey, until he shall arrive, if there is no objection. The chair hears no objection, and Ex-Governor Hoyt of Albany will temporarily act in that capacity in the absence of Col. Downey, and until he arrives.

Presentation of memorials, petitions and propositions are now in order; are there any to be presented this morning? Reports of standing committees; any reports?

Mr. GRANT. Committee No. 11 has a report to make.

Mr. HAY. I would like to call attention to the fact that two members signed with exceptions to certain portions of it.

Mr. GRANT. Mr. Hay and Mr. Richards approved of it all with two exceptions, as will be seen in the report.

(See journal page 65.)

Mr. ELLIOTT. I move that the report be referred to the committee on printing, without being read.

Mr. PRESIDENT. The chair would suggest to the convention that we are getting our printing so slowly it may be unwise to so refer it. However, if it is advisable the chair will put the motion.

Mr. ELLIOTT. I think it should be printed; it is very long and it will be absolutely impossible for this convention to consider this matter unless it is printed so we may all be able to understand it.

Mr. PRESIDENT. The question is on the motion to print the substitute reported by Committee No. 11, on taxation, revenue and public debt. Are you ready for the question? As many as are of the opinion that the matter be put into the hands of the printing committee will say aye; those opposed no. The ayes have it; the motion to print prevails. I would

suggest to the committee on printing that this matter be put in the hands of the printer as early as possible. Are there any further reports from committees?

Gentlemen of the convention, the business of the morning having been disposed of, we are now ready to go into committee of the whole on the general file.

Mr. MORGAN. Before the motion is put I would like to move that we hold sessions every night this week, commencing at 7:30, except Saturday.

Mr. HOYT. Second the motion.

Mr. PRESIDENT. I wish to state before putting the motion that in accordance with the order of the convention, I extended an invitation to the committee of the United States senate to address the convention. Senator Jones left last night and will not be able to be present, but Senator Stewart remains, and consents to address the convention and suggests such time as may be most convenient to the convention, suggesting, however, that owing to the fair and other matters, that perhaps it would be more agreeable to address the convention in the evening, and names such time this evening as would be most agreeable to the convention. What is your pleasure as to the matter?

Mr. HAY. In connection with that motion, I would like to inquire what arrangements could be made for light?

Mr. PRESIDENT. They had a meeting here last night, and I presume they must have had lights.

Mr. HAY. I presume the arrangement was only made for last night.

Mr. PRESIDENT. I suppose the ways and means committee will have to provide the light. Will the mover of the motion to hold sessions as named fix the same hour, 7:30, for this evening? The chair would also suggest that there is no time set for our morning sessions, and perhaps owing to misunderstanding as to the hour, a great many of our members are absent at roll call. If the gentleman would also include in his motion some time of meeting in the morning, it would be sufficient notice to everyone, and we would not be troubled with so many absentees at roll call.

Mr. MORGAN. I move to insert 9 o'clock in the morning.

Mr. PRESIDENT. The motion, as the chair understands it, is that we hold sessions every evening this week, except Saturday, at 7:30 o'clock, and that our morning sessions begin at 9 o'clock. So many as are of the opinion that the motion as made prevail, will say aye; those opposed no. The ayes have it; the motion prevails.

What is your further pleasure, gentlemen?

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

Mr. HAY. About this light matter. Mr. Johnston has already had something to do with the lights, and I move that he be requested by the convention to make arrangements for lights during this week.

Mr. PRESIDENT. There being no objection the chair will consider the motion as prevailing by unanimous consent, and Mr. Johnston is appointed a special committee of one to look after lighting the house for the week. It is moved that we now go into committee of the whole for consideration of the general file. So many as are of the opinion that we now go into committee of the whole will say aye; contrary no. The ayes have it; the motion to go into committee of the whole prevails. The chair will call Mr. Sutherland of Albany to the chair.

Mr. SUTHERLAND. I would rather be excused, and let some one more able take the chair.

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

Mr. CHAIRMAN. The first thing on the file is File No. 68, suffrage, pending the motion of Mr. Campbell, amended by Mr. Baxter. Mr. Campbell submitted an amendment to strike out Sec. 9, Mr. Baxter moved an amendment to the amendment to strike out the last sentence, and insert "this section shall not apply to citizens of Wyoming at the time of the adoption of this constitution." Gentlemen, you have heard the amendment, what is your pleasure?

Mr. ELLIOTT. I would like to ask whether the substance of that is not contained in the succeeding section. I so understand it.

Mr. GRANT. I take it that Sec. 10 covers the ground.

Mr. CHAIRMAN. Gentlemen, the motion before the house is on the amendment to the amendment as made by Mr. Baxter. Are you ready for the question?

Mr. POTTER. I don't know, Mr. Chairman, about the amendment to the amendment. Without giving it much thought it occurs to me that we are providing that all citizens shall have the right to vote. That amendment should not apply to all citizens. All citizens of Wyoming are not voters of Wyoming by a long distance.

Mr. BAXTER. I will explain to the gentleman what my idea is. It seems to me that in adopting this constitution there should be no discrimination made against a citizen of the state who is at the time of the adoption of the constitution a voter under our existing law. That is, everyone shall continue to have the right to vote who shall heretofore have had it in the territory, and instead of fixing some date in the future after which a man unable to read or write shall not vote, my own impression is that it would be better to say "at the time of the adoption of this constitution," after that a man who becomes

a citizen shall not vote who has not the necessary qualification; let such discrimination be at the time of the adoption of the constitution, instead of some date in the future.

Mr. PRESTON. Since the very first day of this convention I have been very anxious to return to my home, and it has been far from my intention to take up any of the valuable time of this convention in discussing any of the questions before it for its consideration. Yet there is involved in Sec. 9 a principle which I have been taught from early infancy, and which I feel that in justice to myself I cannot permit to go by without an expression of my opinion in regard thereto. It is true this question involved in Sec. 9 was argued yesterday, it was discussed by some from a political standpoint, while others attempted to fight over several battles in the late rebellion; again, we found the defeated candidates, who were tempted to find fault on account of their defeat. I do not understand that in this question any political question is involved; I do not understand that politics is in any way connected with this section, unless my friend Mr. Baxter is one of those kind of Republicans that believe that Democrats cannot read. We all recognize that in politics it is an honest difference of opinion, and so far as the vote is concerned at Rock Springs and along the railroad, it is a well known secret that the party who controls the floating vote is the Republican party. Politics cut no figure with a man's sins, but there is one political sin, and that is connected with one class of people, and they will have to answer for it on judgment day, and that is the sin of the friend of the foreign capitalist who favors a high protective tariff. Now gentlemen when the declaration of independence was framed by our forefathers, there was a principle embodied in that declaration that said that all men were created equal; that they were created by their Creator with certain inherent rights and, gentlemen, one of those rights is that a man has a right to vote, and to vote as he pleases, whether rich or poor, ignorant or educated. It was not the intention of the framers of the constitution of the United States that a man should be possessed of any other qualifications than that of a citizen of the United States. The abuse here that has been called to the attention of this convention by those people, who it is said at Rock Springs and other places, who have abused the ballot, has not been because they were ignorant, but it has been for the reason that men have been permitted to vote who were not citizens of the United States, and when you put into the constitution of the proposed state a provision that says before a man shall vote he must be a citizen of the United States, then you put all in that constitution in my opinion that should be required of a man in order that he may have equal voice in the affairs of the government of his country. When you undertake to say that a man must be educated in order to vote, when you

undertake to say that a civil service commission must be appointed to examine into the qualifications of a man before he can vote, you are placing upon him one of those restrictions which it was not intended ever should be placed upon him by the founders of this country, and I must say to you gentlemen that when you embody in the constitution of Wyoming a clause that says a man must be educated to vote, then you are signing the death warrant of the constitution of Wyoming, and it will never be accepted by the people of Wyoming. For what reason now, in the name of justice, for what reason will you give a man who resides in Wyoming today the privilege of casting his ballot, when the man who comes here after we are admitted as a state, after the year 1895, shall not have that privilege. I understand the main object of pressing the territory into statehood at this time is for the purpose of stretching out our arms and asking people in other states to come and live among us. It has been said by gentlemen who are thoroughly acquainted with all the surroundings of the territory, who knows its resources, who knows what it has, who are well acquainted with the requirements necessary to develop this country, these gentlemen say to you today through the press and on the streets that Wyoming cannot prosper until we are admitted as a state, for the reason that people with capital who live in the east, will not invest their money in this country. Then I say to you gentlemen if you are going to place a restriction upon those who are not living among us, and to say the man who lives here now can vote because he is ignorant, and the man who comes here who cannot read and write is deprived of the privileges that it was intended he should have by the founders of his country; then I say to you gentlemen you are striking the death blow at the future prosperity of Wyoming.

Mr. CAMPBELL. I have the following amendment to offer: "No person shall be entitled to vote who cannot translate Hamlet's Soliloquy into Pennsylvania Dutch."

Mr. COFFEEN. I rise to a point of order. This goes one step too far, to amend an amendment to an amendment.

Mr. CAMPBELL. This is offered as a substitute.

Mr. CONAWAY. I believe the substitute is not seconded, and I arise to address myself to the question before the house. As I understand the way the business now stands, the question was originally upon striking out Sec. 9, providing for an educational qualification to exercise the right of suffrage. Then there was an amendment offered to the amendment, which has just been read, and that amendment is now before the house. I presume that in committee of the whole it will not be considered improper to take into consideration the range of this amendment, as it is necessary in making up our minds how to vote upon the question, upon the amendment to the amendment to consider to some extent the general question of the propriety

of an educational qualification being adopted into the constitution as a whole; now I am one who stand with Mr. Clark upon this proposition, opposed in toto to the doctrine requiring an educational qualification for the exercise of the elective franchise at any time in the history of our territory or state. The discussion of this question on yesterday took a very wide range, and was discussed, as has been said, partly from the standpoint of the old soldier, the standpoint of the politician, partly from the standpoint of the defeated candidate, and partly from the standpoint of the foreign born citizen or resident. I do not know that it is necessary in discussing this question that we take any of these special standpoints, but I prefer to discuss it from the standpoint of a citizen or resident of the proposed state, without regard to occupation, or special place of birth. It has been my experience among the communities in which I have lived to find among the people with whom I became acquainted, persons who had the misfortune to receive no education whatever, both of foreign and native birth. It was no unusual thing among our fathers and mothers, with the limited means of education at their disposal in the days when they lived, for people to grow to manhood and womanhood, to live and labor and die without learning to read or write, and there are such people in our territory today, while they are uneducated, some of them unable to write their names, unable to read a word of English, but they are not ignorant people. They know as much about the current affairs of the times about business, and who are as efficient and useful men and women as we have in our different communities. I know of such people, I am acquainted with such people, I have them in my mind now, I could name them, and I think it would be a great mistake to deprive them of the right of suffrage because circumstances unfortunately deprived them of an education. Many of this class of unfortunate people realize deeply their misfortune in not receiving an education, and I believe it would be a great mistake to deprive them of a right which I believe many of these people, and perhaps a majority of them, exercise as intelligently as any class of people living in the community. That is my opinion upon this question, and it is not always that the wisdom, power and influence given by education are wisely practiced. I think that the qualification for practical knowledge, of good character, honest, moral character, and right intention, would be more important, and much more effective than the educational one. Now while this discussion has taken such an extended range as it has, I will ask pardon for occupying a little more time in illustrating what I mean by an example. The soldiers were referred to yesterday. I remember in the division of the army with which I was connected most of the time, the case of a lieutenant in one of the companies of one of the regiments of our division, who was excep-

tionally bright, exceptionally well educated, who had studied history and general literature, and who had studied all the military authorities and tactics, he was acquainted with military operations thoroughly, and knew more and could tell more about the tactics, about the principle which should govern everything, about the plans of campaign, and who could discuss all these matters more intelligently than any man of my acquaintance, and he was a nuisance in the army. He occupied all his time in giving advice to everyone, to the officers of the brigade and of the division. He carried this to such an extent that charges were preferred against him for inefficiency, and an officer of the regular army was detailed to investigate whether the reasons for the charge were good and sufficient; the examination was conducted before a board composed of officers of both the regular and volunteer service, but his knowledge of army tactics was so perfect that after a most rigid examination the prosecution failed, and he was allowed to return and destroy the peace and comfort of the entire brigade. I wish to connect that case which came under my own observation, with one which I read of. I read of the case of a sergeant in one of the companies of the army of the east, who in the command of squads of men showed himself possessed of remarkable ability for handling men and accomplishing a great deal, as much perhaps as any man in that portion of the army could with the same number of men, and it happened that this faculty which he had was developed by the fact that the higher officers would detail him with squads of men to go on reconitering expeditions, and on one occasion it happened that in action in a battle a majority of the officers of the regiment to which he belonged were killed, and it devolved upon him to take command of the company, and for a moment the greatest confusion prevailed. The men were discouraged and were about to retreat, but he brought into play that great natural ability which he possessed to handle men, and within a short time he suddenly brought about a complete change of affairs, and he handled those men so well, showed himself so efficient, he was recommended for promotion—that he should have a commission. The recommendation was endorsed by the commander of the regiment and by the commander of the division, and so on up, and sent to Washington. It happened that at that time in the history of our country there was a board of examination appointed for the purpose of examining persons recommended for promotion, and this board, composed of highly educated young men from West Point, took the case of the sergeant and examined him. They asked him what an abbatiss was; he did not know, he did not think they were used in his part of the army; they asked him under what circumstances he would form a hollow square of his men; he didn't know; never heard of such a thing; such a thing had never been done where



he had been; they asked him several other questions and he could not answer a single one. Finally one of the board asked him: "Suppose you were in action on the field of battle, and the cavalry force of the army should make a charge on your command of infantry, if you should happen to be in command, what would you do?" "What would I do," said he, "Why I would give them hell, that is what I would do." Well, the man did not answer a single question correctly and his recommendation for promotion was sent to Abe Lincoln disapproved. Mr. Lincoln was a man of strong sense of justice, and he knew what the sergeant had done, what he was capable of doing on the field, and he read that report through, question after question, and not a single one answered correctly, and after reading it through he wrote at the bottom: "Give this man a commission." Now that illustrates my view of the impropriety of requiring an educational qualification for the exercise of the right of suffrage. It cannot be required in business, the man without education has the same necessity to engage in some kind of business and make a success of it, if he can, that the intelligent man has, and our failures are not confined to the ignorant men, and I claim that uneducated people are not necessarily ignorant people, that they are as efficient, as well informed as educated people, not only as well informed but that their information and their knowledge or their opinion is of a practical nature, and that they are capable of exercising this privilege of the right of suffrage, and every other privilege with at least reasonable efficiency and intelligence, and are just about as likely to be right in the main as the intelligent people are on all questions which come before us for our decision, and I think it would not only be wrong in principle, but that it would be bad policy to put such a provision into our constitution. Of course, considerations of policy are only secondary. If we get at what is right that is the main consideration, but we should not forget that we are considering what is right, that there are some considerations of policy which should guide us to some extent, and which are well worth remembering. I am satisfied that there is a large and respectable vote in the different counties of this territory, which by this provision requiring an educational qualification, will be prevented from giving their support to this constitution, good men and women who would be glad to see Wyoming a state, and who will be citizens of the state whenever it becomes a state. So with these views I am not very particular how these amendments pass, whether they pass or not, but I hope whether amended or not, that the section will be defeated as a whole. I consider it wrong in principle and a mistake at the present time.

Mr. HARVEY. I simply want to declare that my firm conviction of the principle involved in this section is the only

principle upon which this convention can afford to go. I don't think that Wyoming at this stage of the world's development can afford to stand on the basis that ignorance is as intelligent as education. I was not in the war, and know nothing about the circumstances of the war personally, but since the war I have followed the trend of this up, and studied the thought, and that the best thought of this country, and it is uniformly agreed that the most serious problem which confronts us is the simple question of the ignorance of the vast hordes that are coming in among us year by year. And I submit it has been agreed one of the best possible means of avoiding this evil is by the adoption of some such a measure as proposed in this section. The argument is a very surprising one, it is simply that ignorant men are wise, just as capable, just as intelligent as educated men. The whole theory of this country from the beginning up to the present time has been just the opposite. I won't argue such a question as that. Now let us be consistent. We have in adopting this clause allowing women to vote, given them the right of suffrage, not because we thought it right, but because we have become convinced by the experiment, that they are capable of exercising it wisely; that the interests of the state will be promoted by our so doing. We propose, I assume, to adopt what is called the compulsory education clause. Let us be consistent then, let us educate, let us put a premium on education, let us require our voters to fulfil the law by educating themselves.

Mr. TESCHEMACHER. I think that as the author of this provision it is about time I had a chance to get on this floor and defend it. I am perfectly surprised at the arguments made here. It is not such a perfectly unheard of thing in the constitutions of the states of the United States that we should have such a provision. The state of Maine has such a provision, which was passed as an amendment to the constitution of 1780, the amendment was passed in 1820, whereby men should be able to read the constitution, that he should be able to read it in English, and that he should be able to sign his name. The second state was the state of Connecticut, another good old New England state, and in 1855 Connecticut passed an amendment to its constitution that every voter should be obliged to be able to read an article of the constitution of that state. In 1880, I think it was '80, the south fell into line, and Florida came to the front with an amendment to her constitution, an amendment to the effect that after 1880 the legislature must pass laws requiring voters to be able to read, and then, strange to say, this remarkable theory of disfranchising the voter traveled west, and in 1876 Colorado provided that after 1890 the legislature might prescribe an educational qualification. There are four other states, two New England states, one far southern state, and one far western state, who have all thought that

an educational qualification was something that might be prescribed as one of the requirements of a voter. My friend, Judge Conaway, who last spoke on the question of the necessity of striking out this provision from the constitution, told us a very good military story, but I did not gather from the story that the sergeant did not know how to read the constitution. He did not know how to form a hollow square, or what to do with a cavalry charge, but so far as his not being able to read, the constitution went we did not find that out. Now in the next place I wish to ask the members of this convention what we are proudest of in the records of this territory. It is that the territory of Wyoming, away out in the Rocky mountain region, has the least amount of ignorance of any state or territory in these United States. We have only two per cent of the people in this territory who cannot read and write, and two per cent of the people of this territory is not going to defeat this constitution, so the gentlemen need not be afraid on that score at all. I have always been proud of this, that we only had two per cent, and I want the census of 1890 to show that it has fallen to one per cent, but instead of that, gentlemen get up here and say we had two per cent in 1880, but we are anxious to show a big census in 1890. In some of the states they have thirty-five per cent of the population who can neither write nor read, let us make a bid for that thirty-five per cent and add it to our two per cent, and become a state a little sooner perhaps than we would if this clause here were to remain. My friend, Mr. Campbell, on the other hand, has made a very able argument that convinced me for a few moments until I began to think it over. He says that while you require a man to pay his taxes you deprive him of his vote. I say that every state in the union, Rhode Island last of all, has said that that is one of the things that has nothing to do with a vote. He don't think it would be proper, because a man is poor and unable to pay his taxes, he should be deprived of his vote; but that is the great argument that my colleague makes; he says that you make a man pay his taxes but you forbid him to vote. I say that taxation and the privilege of suffrage have nothing to do with each other at all, and I will say with my friend what my belief is in regard to this question. I cannot remember the exact words but I will give them to you as well as I can; that it is a good Democratic theory that the broader the foundation the stronger the base the better the edifice and the strongest foundation in any commonwealth is that laid on education and intelligence, and that is what makes a people able to take care of themselves, and pass suitable laws. Now while we appreciate the fact that while universal suffrage is a good thing, it is well to have some kind of a safty valve, and that is just what this educational qualification is, a safety valve in the exercise of the elective franchise; we only require that a man shall

be able to read the ballot he casts. It is like running an engine although I confess I don't know much about that myself, suppose a man was running an engine and had no safety valve, but would throw open the throttle and let the thing run full head, and what do you suppose would happen then, I think he would be likely to take his engine where my my friend Judge Conaway's sergeant was going to take his cavalry.

Mr. MORGAN. I have not given any consideration to the number of people that this section might debar from voting at present, but the time will come, when some persons, residents of this territory, will be preventing from voting by this, I don't care whether in ten years or now. I don't care anything about that. Under this section there would be some men debarred at some time. This provides that they shall be required to read the constitution of the United States, if this prevails, it should be followed up by the establishment of some civil service board to examine persons to find out whether they understand the constitution of the United States, and our institutions, and the different parts of our government. Otherwise it would not accomplish what the gentlemen are trying to accomplish. Another reason suggests itself to me why it should not be adopted. Suppose that I was a candidate for office, suppose that toward the close of the election, and I should be apt to know by that time how the election was going, supposing I should discover late in the afternoon that a majority of the votes yet to be cast would be polled against me, that a majority of the votes yet to be polled would be for the other man, if I was unscrupulous enough, as fast as every man came up to cast his ballot I would call upon him to read that constitution, and I could possibly thereby prevent fifty honest voters who can read from casting their ballots.

Mr. BAXTER. I have been very much interested here in the discussion on this question. It is a matter I had given very little thought to, and I hardly agree with my friend here on the right that we have heard it discussed sufficiently. I don't know that I am prepared to take a stand on this matter until I have a little more information on it. The first thing that occurred to me in submitting that proposition was that instead of fixing some time in the future by which time a man, like a parrot, might be able to say such words before somebody as would enable him to cast his vote, that we had better draw the line on the adoption of this constitution. I have never been in any of these mining towns, my business does not call me there, and while I have little or personal knowledge of the condition of affairs about these mining camps, but I am told that in most of these mining camps there is a large population who are not men of sufficient intelligence to know how they should vote, and the

question as to how they should vote usually exercises little influence with them, and if that is a fact it seems to me that they should not be allowed to counterbalance the vote of a thousand, or two thousand, or three thousand, whatever it may be, who do vote intelligently and on conviction, and it was with the idea of reaching that class, and of not doing an injury to any man, that this suggestion of mine was made. I believe that every citizen of the state should have the right to vote who has enjoyed the right under the territorial form of government. I cannot recall to mind a half dozen men who cannot read or write, but I agree fully with Judge Conaway in the declaration that you will find among people of this class many worthy citizens, men of ability, and it would be a great hardship to deprive them of this right. My idea is not to do that. Every man who has up to this time enjoyed the right should continue to enjoy it under this constitution, but we should make some provision by which hundreds of people who apparently have no sympathy with our institutions, no intelligence, and as has been said time and again, have been herded together and voted like cattle, we should make some provision which would reach that class. I am opposed to that class if they happen to be here long enough to be qualified under the time qualification, I am opposed to that class being allowed to cast their vote and in so doing counterbalance the vote of those who vote upon conviction.

Mr. HOYT. As one whose name is signed to this proposition I think it my privilege to say a few words. I want to say at the beginning that I want it distinctly understood by every member of this convention that this is a measure proposed with reference to the future. We all have pride in our population, in the intelligence of our people, and no member of this convention would deprive any citizen of the rights he has already enjoyed. But we are looking to the future. Accordingly we have provided in this Sec. 9 that all who have enjoyed the privilege shall continue to enjoy it so long as they live, but in order to prevent an influx of the foreign element in the future, who are unable to understand our institutions, and who are incompetent to stand by and uphold them, and promote the general welfare, to prevent this class of people coming into our territory is the reason that we propose this Sec. 9. I prefer education of mind to anything else. I believe in education. I believe while intelligence is the pulse, education is the vibratory, vital force which we feel, and we here have the right to protect our state as to the future. The first great duty of every government is to look to the security of the state. The inconsistency which has been referred to, of supporting woman's suffrage and of discriminating against the illiterate, I say there is no argument in that. Both acts are based upon this theory, this doctrine of the security of the state. We give women the elective fran-

chise because we believe it will promote the security of the state, because they are as intelligent as we are, and will promote the welfare of the state. We refuse it to the illiterate because they are incompetent voters. If the women as a class were less intelligent than they are, less competent to exercise that right, as a friend of the state, of its future success, and future welfare, I would have voted against woman's suffrage. I voted for it because I believed they would promote the welfare and security of the state and I deny it to the illiterate man because I believe his exercise would be opposed to the welfare of the state. That is the ground upon which I stand. Now then, Wyoming having taken her place at the front in the matter of intelligence, in the matter of liberty and equality and justice to all her people, I desire that she shall hold her place at the front of all the states in the galaxy of states. It is known to every man on this floor that seventy-five per cent of the emigration comes west of the Mississippi river, and when the agricultural lands lying along the Mississippi and Missouri have been occupied, there will come a mighty tide to these mountain regions, and we will be flooded by people from the old world, without knowledge of our institutions, without ability to read our constitution, or without ability to govern themselves, and so we will say to all such people "See, we give notice to the world that five years hence it will be impossible for you or any man to cast his ballot unless he can read his ballot. All citizens now enjoying the right can continue to enjoy it, but we give notice to the world that we want no illiterate men, no ignoramuses, but we want men of intelligence. What an influence this will have upon the people seeking homes in the mountains, when they see this notice, "No men wanted in Wyoming who cannot read the ballot he casts; go to other states but come not here." This will secure to us in the future an intelligent population, which will insure the prosperity and success of the commonwealth.

Mr. BROWN. I would like to understand exactly how we are to vote. I understand that the amendment offered by the gentleman from Laramie, Mr. Campbell, was to strike out Sec. 9 entirely. Then the gentleman from Laramie, Mr. Baxter, proposed an amendment to the motion to strike out the latter part of the section, as I understand it, and also included in that motion a motion to insert matter into the section after striking out "until 1894," and insert "at the date of the adoption of this constitution." That is, after the adoption of this constitution, if a man becomes a citizen of Wyoming, if he cannot read or write he cannot vote. If the motion to adopt the amendment to the amendment offered by Mr. Campbell prevails, his motion is practically defeated. I wish to say, in a word, that I am in favor of the amendment; that is to strike out the latter part

of the section as reported by the committee, and add the words "at the date of the adoption of this constitution." I only wish to say at this time in answer to some statements presented by different gentlemen upon this floor, that I do not agree with them. It has been suggested that this proposition has been considered from the standpoint of the defeated candidate, from the standpoint of the successful candidate, from the standpoint of the politician, from the standpoint of the soldier, and I don't know from what other standpoints. I don't take any stock in any one of them, I don't believe any gentleman on the floor of this house has presented any suggestion from any of these standpoints, and I wish to say now if there is a man upon the floor of this convention who proposes to act from any such influence, and not upon his conscience as to what is best for the new state, I have not much respect for that man.

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

Mr. TESCHEMACHER. We can not vote upon that, it comes in conflict with the very next section.

Mr. POTTER. In my judgment the amendment is not in order. I think it so changes the original motion as to make it an entirely new amendment. It seems to me that we are in a very confusing situation. I am in this position: I would vote for this amendment if I thought the other would not carry. I want to vote for Mr. Campbell's amendment, and I must vote against this amendment. If Mr. Campbell's motion did not carry I would be in favor of this amendment.

Mr. TESCHEMACHER. If the gentleman from Laramie, Mr. Baxter, will withdraw his amendment and let us vote on the original question, then he can amend it afterwards.

Mr. BAXTER. I withdraw it.

Mr. CHAIRMAN. Mr. Baxter has withdrawn his amendment, and the question will be upon Mr. Campbell's motion to strike out Sec. 9. 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 striking out will rise and stand until counted—12. Those opposed will rise—22. The noes have it; the motion is lost.

Mr. CHAIRMAN. We are now in consideration of the section as it stands. The gentleman who withdrew his motion can now restore it if he so desires.

Mr. BAXTER. I move to amend Sec. 9 in the manner suggested before. That is to strike out the last sentence and insert "at the time of the adoption of this constitution."

Mr. CAMPBELL. Just see in what an inconsistent position they place themselves. Simply because a man is ignorant and happens to live here at the time of the adoption of the

constitution is to have greater privileges than a man who is ignorant and comes here after the adoption of this constitution. Do the gentlemen see their inconsistency? That is what is proposed in that amendment.

Mr. TESCHEMACHER. The gentleman is not speaking to the question.

Mr. CHAIRMAN. All those in favor of striking out the last clause and inserting the words "at the time of the adoption of this constitution," will please say aye; those opposed no. The noes seem to have it; the noes have it; the motion is lost.

Mr. POTTER. I desire to offer an amendment to Sec. 9, by commencing the said section with the words "The legislature may provide by law that." Not that the legislature shall provide, but that they shall have the right to provide.

Mr. FOX. Why not say the legislature "shall."

Mr. POTTER. Because I don't want it to.

Mr. CHAIRMAN. All those in favor of this amendment will say aye; contrary no. The noes have it; the motion is lost. Any further amendments to Sec. 9?

Mr. FOX. I have a section which I wish to offer as Sec. 10, and Sec. 10 as here in the printed bill shall be numbered 11. "No person qualified to be an elector of the state of Wyoming shall be qualified to vote at any special or general election hereafter to be holden in this state until he or she shall have registered as a voter according to law. The first legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed."

Mr. HAY. I just want to say a word. We have not finally acted upon Sec. 9. We voted upon the amendment but not upon the section itself, and I therefore move that Sec. 9 be adopted.

Mr. CHAIRMAN. The chair begs pardon, he did not mean to pass over any section. All in favor of adopting Sec. 9 will say aye; contrary no; the ayes have it; the motion prevails, and Sec. 9 is adopted.

Mr. TESCHEMACHER. I will ask Mr. Fox to withdraw his section until Sec. 10 as reported by the committee is read, because that is a supplementary to Sec. 9, and ought really be a part and parcel of it, and as Mr. Fox's amendment takes up an entirely different subject it would be better to have him withdraw it until Sec. 10 is read.

Mr. FOX. My idea was that it should come in that place, and if that was not the right place for it the revision committee could put it where it belongs, that was my idea about it, but I will withdraw it until Sec. 10 is read.

(Reading of Sec. 10.)



Mr. POTTER. It seems to me that that section ought to be amended by excepting from the operations of that section idiots, insane persons and persons convicted of crime. They might have become felons, or idiots or insane within that time.

Mr. CHAIRMAN. The chairman is not quite clear about this; is it to be considered as a substitute or an addition to the section we were just considering?

Mr. BURRITT. If the secretary will read the report he will find that the committee recommended the insertion of the section as Sec. 10, and the balance of the file to be renumbered consecutively.

Mr. BAXTER. I don't know about this word full. I think if we had held an election last evening most of our citizens could not have voted under this provision here; I doubt if many of them could have reached the polls.

Mr. CONAWAY. Especially as there is a law forbidding the opening of a saloon within a mile of the polls.

Mr. BAXTER. I therefore move to strike out the word "full."

Mr. CHAIRMAN. You have heard the motion to strike out the word full. All in favor of the motion will say aye; contrary no; the ayes have it; the motion to strike out prevails.

Mr. McCANDLISH. I would like to ask the gentleman who proposed this substitute how they are going to mark these people who cannot read now and write, and who are to be allowed to vote?

Mr. RINER. Brand them with the letter M on the neck.

Mr. BAXTER. As I understand this section the criticism is an unjust one. This is a restrictive clause, and it says none but citizens of the United States shall be permitted to vote, but it don't say that all citizens of the United States shall be permitted to vote, so that the criticism that has been made that persons who cannot read must have the right under this section is not a proper one.

Mr. POTTER. Look at Sec. 6 as relative to the first part of the section.

Mr. TECHEMACHER. I see the point, and I would like to explain the apparent inconsistency in that section. The first part of that section, of course, referred directly to Sec. 9, to the educational qualification. We wished to provide that nobody who at present cannot read or write, that no voter should be deprived of what he had already enjoyed when we became a state. The second part of that section refers to the section which provides that all voters in the territory shall be citizens of the United States, supposing there should be an election under this constitution within a year, we don't wish to bar out any who are entitled to vote now, but after five years we do

wish to bar out those who would be able to vote under our present election law, which simply requires that a man shall take out his preparatory papers and declare his intention of becoming a citizen. The section refers to two entirely different subjects, and I think myself, Mr. President, it has to be amended to make it clear.

Mr. HOYT. My understanding is that this report was sent in somewhat hastily, and it may not exactly answer the purpose. It seems to me that in this section there should be a separation. That the first part should belong to Sec. 9, and should be placed there, so as not to lead to any confusion as to what is meant.

Mr. CONAWAY. It seems to me that the first part of the section should be amended so as to read "Nothing contained in Sec. 9 shall be construed, etc." As it now stands "nothing herein contained," refers apparently to the whole report, to the whole bill, including Sec. 6, and should be amended to refer to Sec. 9 in express language; I have not the exact words of the proposed section, so cannot move an amendment. I am opposed to the principle, but if we are going to have this thing, let us have it as good as we can make it.

Mr. BROWN. I move to amend Sec. 10, as reported by Committee No. 5, by inserting after the word "constitution" in the fifth line of the proposed section, "unless disqualified by the restrictions of Sec. 6 of this article."

Mr. RINER. Second the motion.

Mr. CHAIRMAN. It is moved and seconded to amend Sec. 10 by inserting the proposed amendment as read. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is adopted. What is your further pleasure?

The secretary will read Sec. 11.

(Reading of Sec. 11.)

Mr. CHAIRMAN. Are there any amendments to Sec. 11?

Mr. FOX. I move it be adopted.

Mr. CHAIRMAN. It is moved that Sec. 11 be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section stands adopted, an action which I believe establishes the best election reform in the United States.

Mr. FOX. I now move the adoption of the section I offered a while ago.

Mr. CHAIRMAN. The gentleman's resolution will be read by the secretary.

(Reading of Fox's resolution.)

Mr. FOX. My object in offering this additional article to this article of the constitution is to further carry out the secrecy of the ballot, and the governing of our elections. The

substance of it was introduced by Mr. Grant as a proposition for this constitution, and I don't believe in going half way, and letting the rest go. We have adopted laws so far good. My friend from Laramie, Mr. Morgan, said in his argument, that he could take his place at the polls and require voters to read the constitution, and that he could thereby debar and cut out a large number of voters at the close of the day. Now this proposition will prevent anything of that kind. The officers designated to take the registration can tell whether these parties can read the constitution or not, and none would be registered who cannot read. I think that is a proper article to be inserted in the constitution, and I don't think it needs any lengthy debate. I believe the members of this convention have their minds made up on this matter, and would like to see the clause inserted in our constitution.

Mr. BURRITT. I was about to make a motion to amend the proposition so that it will read that the legislature shall provide, not that it shall provide at the first session. This might not be provided for or disposed of at the first session, and the succeeding legislatures might claim that it was not their duty to provide for this, but that it was the duty of the first legislature.

Mr. FOX. I don't know about that. I don't think any person should vote until he has registered, and I think this should be provided for by the first legislature.

Mr. POTTER. I desire to add to this section of Mr. Fox's that "it shall not apply to the first election under this constitution."

Mr. TESCHEMACHER. The reason the committee did not put in this section in the first place was they supposed that the other sections would necessarily imply that the legislature should and would pass a registration law, and I don't think it is wise to say that the first legislature shall pass such a law, for if they did not the other legislatures might claim that it was not their duty to do it, and it is better to leave it open, and we can go ahead and hold our elections as usual until we do get such a law, and we can keep at it until we do get it.

Mr. BURRITT. I move to strike out the word "first."

Mr. TESCHEMACHER. Second the motion.

Mr. CHAIRMAN. The question is on the motion of the gentleman from Johnson, Mr. Burritt, to strike out the words "at the first session thereof." Are you ready for the question?

Mr. MORGAN. I believe that if the first legislature does its word properly it will and should pass a registration law; it is one of the most important matters they will have to attend to, and it ought to be done at the very first session. I don't see any possible objection to it on the ground that it

wight prevent an election. I don't think it could possibly do that. I think that the first legislature ought to pass this registration law; it would do more to purify our elections than anything else.

Mr. TESCHEMACHER. The gentleman evidently cannot understand my brogue. I don't know that I gave that as a reason why they should not do it. I said if the first legislature refused to pass that law then the other legislatures could claim that the first was the only session which had the right under the constitution to pass such a law.

Mr. MORGAN. I did not so understand it.

Mr. CAMPBELL. I am thoroughly in favor of a registration law and a good one, and I don't rise to make any amendment, but merely want to call attention to the language of that section. I don't think we want to pass a law which will prevent persons from voting who have the right to vote, simply because they are not registered. In Pennsylvania they have a very good registration law, and it provides if for any good and sufficient reason any persons have failed to register they can vote by making affidavit at the polls on election day, certified to by one or two reliable witnesses. Now I am afraid under this amendment it would prohibit every person from voting except those fortunate enough to be registered. Persons may leave the territory, may be miles and miles from the registration place, so that it is impossible for them to register, and I think those persons should be given an opportunity to vote, if they can prove that it was impossible for them to register.

Mr. GRANT. How would it do to say "on the day of election, or even the morning of election day."

Mr. CAMPBELL. I would answer that I don't think that a registration law is any account unless you compel them to register several days before election.

Mr. FOX. My idea in presenting this was to compel the legislature to adopt such a law at their first session, and if in the opinion of the learned gentlemen here, if it was not done at that session it could not be done at any other session. I am willing that that part be stricken out of that resolution, and say that the legislature shall pass this law, so that if not passed at the first it may be done at the others, but at the same time the resolution states that no person shall vote until they have registered, and that it shall be the duty of the legislature under the laws of the state to enact such laws as will carry these provisions into effect, so it seems to me that it will necessarily be among the first things they do. However, I am willing to amend the resolution.

Mr. CHAIRMAN. The question is on the original motion to strike out the words relating to the first session of the legislature. Are you ready for the question?

Mr. MORGAN. I most seriously object to that being stricken out. I think that is the greatest thing they can do for this territory, and my experience is if the first legislature don't do it, we won't get any registration law at all.

Mr. BROWN. I simply wish to say this. If you confine your language to the first session of the legislature, you are limiting their power. When you say the legislature shall carry this into effect, it not only implies that the first may pass such laws, but that every other legislature has the power, using the word first, pins it down to the first session, and the first session only, just as much as if you used the words "the first legislature only shall pass such laws."

Mr. CHAIRMAN. Are you ready for the question? All in favor of the amendment to strike out the words will say aye; contrary no. The ayes have it; the motion is carried, and the amendment is adopted. The question now recurs on the resolution as amended. Are you ready for the question? All in favor of the resolution as amended will say aye; contrary no. The ayes have it; the motion is carried. This will stand as Sec. 12, and the latter part, providing that the legislature shall provide for the carrying out of the foregoing provision shall be Sec. 13, as it now stands. If a suggestion from the chair is permitted, the chair would suggest that it would be better to have this all stand as one section, and if there is no objection it will be so ordered.

Mr. POTTER. I certainly think there would not be a single voter qualified to vote for state officials under that section, unless we add "this section shall not apply to the first election held under this constitution." You will find that in all the constitutions of the new states.

Mr. TESCHEMACHER. Won't the schedule provide for that? The article that the first election shall be carried out under the territorial election law. That appears in nearly all of the schedules of the other states.

Mr. SMITH. While I think that the provision in the schedule would cover all that is necessary, yet in order to obviate any doubt, I move that there be added to this section the words "this section shall not apply to the first election held under this constitution."

Mr. POTTER. Second the motion.

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

Mr. TESCHEMACHER. I move when this committee rise they report back to the convention that the report of Committee No. 5, on elections and suffrage, be recommended for adoption as a part of this constitution.

Mr. CHAIRMAN. You have heard the motion, that when this committee rise they report back to the convention this file on suffrage with the recommendation that it do pass. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

The next file for your consideration is the report of Committee No. 10, on live stock. The secretary will read.

(Reading of the file.)

Mr. RINER. I move when this committee rise they report back this file with the recommendation that it do pass as an article of this constitution.

Mr. HAY. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that when this committee rise they report back this file with the recommendation that it do pass as a part of this constitution.

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

The next thing on the file is File No. 70, substitute for Files 17 and 40.

Mr. POTTER. I move to insert after the words "the army of the United States" "and the militia of this state."

Mr. PALMER. Is that not one of the legally constituted agencies of the government of the state?

Mr. CHAIRMAN. Gentlemen, the question is on the amendment to include the words "and the militia of this state." Are you ready for the question?

Mr. BROWN. I would like to ask the gentleman in what part of the section he proposes to insert his amendment.

Mr. POTTER. After the words "of the United States" in the fifth line.

Mr. BROWN. It seems to me that the "legally constituted agencies of the government of the state" would include the militia. It seems to me that it would include that.

Mr. CHAIRMAN. The question is on the amendment. All in favor of the amendment of the gentleman from Laramie, Mr. Potter, will say aye; contrary no. The chair is in doubt. All in favor of the amendment will rise and stand until counted—8. Those opposed will rise and stand—19. The motion is lost.

Mr. BROWN. I have an amendment to offer. To strike out all portions of the sections down to and including the word "property" in the third line.

Mr. JEFFREY. Second the motion.

Mr. BROWN. The section will then stand: "The proper protection of life, liberty and property shall be confined, etc." I wish to say in offering this amendment that I think it is a man's first duty to protect himself. I take it that there is nothing in the other part of the section which will prevent any man protecting his life or his property when it is attacked. If it can be so construed as taking away the natural right of any person to protect themselves or their property it has no place in this constitution. The first part of this section says that no person shall use, employ or invoke the service of any armed body of men as a police force or to guard and protect property." Now suppose I am out on the range all alone, and my ranch or property is attacked by a body of armed men; I must wait until I can go to the proper authorities before I can hire any man or employ any man to help me defend my property. Shall it be burned up or destroyed before the right of self defense of one's natural rights, one's own property, can be availed of? Such a proposition to me is simply monstrous. I don't care how many constitutions are adopted, or laws passed that I cannot fight a man who shall attack my property or person, I would defend as best I could, and get anybody else, armed or otherwise, to help me defend my property, that I could get to do it. If we can have a proposition presented here to cover what this was intended to cover in the first place, I am in favor of it. I don't believe in bringing into our state an armed force from another state to put down insurrection, or anything else in the way of disturbances, as long as we ourselves can protect ourselves. When we cannot protect ourselves then we should appeal to the army of the United States.

Mr. MORGAN. I think I understand that this is intended to prevent the bringing in of Pinkerton detectives as an armed force, one of the greatest outrages ever perpetrated upon any people.

(Voice in the gallery: "That's right.")

Mr. REED. I insist upon order being preserved.

Mr. CHAIRMAN. Gentlemen in the gallery will please maintain order.

Mr. MORGAN. That is what this section is intended to prevent; that is that armed men shall be brought in from the slums of Chicago, and that they shall be clothed with authority of law to exercise the duties of United States deputy marshals. I should like to have this made even stronger, so that these outrages can be prevented by constitutional enactment.

Mr. SUTHERLAND. I would like to have a word to say on behalf of that committee. I don't know that the law as we have reported and which we wish to pass, would cover what we really want. The drive is made at the Pinkerton men, who

as we all know came into the territory a few years ago to suppress a strike. They stood around day after day not trying to put down an insurrection, but trying to start one. I heard them in Laramie stand there with their Winchester rifles, which they never dared to use, and I heard one of them say: "I just wish they would start up something, I would like to turn loose on them." Some of these men were convicts who had been pardoned not ten days from the Lincoln penitentiary in Nebraska; that was the kind of men that were sent here; we stood it, we had to, and I want to see a law passed that will stop it. I myself will defend railroad property or any other property, as I would defend that flag, as I did defend that flag at Fort Sumpter. I don't wish to see this passed over. We called for it in the legislature, but the bill was pocketed and pigeoned holed until it was almost smothered and murdered I might say, and I would like to see those that are in favor of it, if they think this does not cover the ground, offer something in place of it.

Mr. RIXER. I understand very well the purpose of this proposed section. The purpose is as stated by the gentleman from Albany, who was last upon the floor, Mr. Sutherland. I have no objection whatever to the proposition, if the purpose is as I understand it, to reach a foreign element coming into this territory for the purpose of suppressing an insurrection, but with Judge Brown's amendment, the question is not reached at all. I doubt if this section reaches it at all, and I want to say here in this connection, that I will not oppose it at all if persons are put upon the same basis as corporations in regard to this matter. If a corporation has not the power, then no person should have the power, but if the object is to reach that element then the first two lines of the section reaches the point. "Nor shall any corporation, association of persons or person use, employ or invoke the services of any armed body of men as a police or to guard and protect property." My own view is that the report of the committee does not reach the question desired, and this whole matter should be referred back to the committee to prepare something that does reach the purpose. So far as getting at the Pinkerton men is concerned, I have no objection to that whatever; all I ask is that every individual be put upon the same basis as a corporation, and that all be put upon the same level. It is simply a question of the protection of property, there is no other question involved. So far as the suggestion made by Mr. Morgan is concerned, that these Pinkerton men came here from the slums of Chicago, that has nothing to do with the case, when they were deputized as U. S. deputy marshals they were acting under lawful authority, and had a right to act, and there should be



no criticism upon the marshal of this territory for his action in the matter that took place here. There is no use to recall it and attempt to stir up bad blood over a matter which is settled and gone. If it is thought proper to put in a provision in this constitution to keep that element out of the state, when it comes in as a state, I am in favor of it, and only ask that corporations and individuals be put upon exactly the same basis. My judgment is that this section as it now stands does not reach that question at all, and I think that the amendment instead of making it better makes it worse; by striking all that out it won't reach the point desired by the committee at all, the purpose which I have understood all the time to be exactly to keep out a foreign element from coming in here and suppressing an insurrection. If that be the case, the section does not reach the question at all.

Mr. MORGAN. I rise for explanation. I think it is rather a strange construction of language that a gentleman cannot oppose a principle without being charged with reflecting upon some one person. It was farthest from my thoughts to cast reflections upon the marshal. He is my friend; I wrote a letter commending him. I was acting governor at the time. I simply was opposing the Pinkerton men, and I was not reflecting upon any one. Nothing was farther from my thoughts than any thought of reflecting upon the marshal. Don't let us misconstrue each other, gentlemen, when I want to reflect upon any man I stand prepared to do it straight out.

Mr. SUTHERLAND. I would like to give one little explanation. I don't wish to be misunderstood at all. I want simply to see a law passed that will keep out a foreign body of armed men, and not give them the pleasure of sticking on a badge, laying around the saloons at my little voting place, spoiling for a fight, made deputy marshals to guard Dale creek bridge as a dodge.

I believe all citizens should have rights, corporations should have rights, but not like a jug handle, all on one side. I will go as far as Mr. Riner will in defending any man or any corporation from any unruly element which wishes to destroy it, and if this bill does not meet with the wants of the people I should like to have some of the able lawyers in this convention revise it, so it will, and let us get it upon the statutes.

Mr. HARVEY. This does not seem to cover it, and I move that we report it back to the committee.

Mr. RINER. Second the motion.

Mr. CHAIRMAN. The question is upon referring this file back to the committee. All in favor of the motion to refer will say aye; contrary no. The ayes have it; the file is so referred.

Mr. CHAIRMAN. The next file to be considered is File No. 66, by Mr. Reed, concerning Chinese labor. The secretary will read.

(Reading of the file.)

Mr. CAMPBELL. I move to amend the second section by striking out the word "suitable" and inserting the word "proper."

Mr. CHAIRMAN. It is moved to strike out the word suitable and insert the word proper. Are you ready for the question?

Mr. HAY. Before I vote I would like to know the meaning of the words "public works." I would like to know whether that refers to the territorial and county works, or whether it refers to any public corporation, such as a railroad or a coal company.

Mr. FOX. I should like to be informed too. Suppose the government of the United States should undertake to build a reservoir out here on the Laramie plains, at a cost of two million dollars, would this law govern the action of the United States? Can we legislate for the United States in this constitution?

Mr. SMITH. You can't interfere with Uncle Sam.

Mr. REED. The United States has already legislated upon the subject for themselves.

Mr. RINER. There is one suggestion I would like to make. I am in favor of this, but I can't see for the life of me why a law of this kind should apply to a Chinaman and not to a Finlander. From my personal knowledge the Chinaman is the more intelligent of the two. I think the section should be made broad enough to include them all. Perhaps, as suggested by Mr. Potter, the Chinaman can't vote and the Finlander can. But that does not make it just and right.

Mr. REED. I have a substitute to offer for that as follows:

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

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

Mr. FOX. I have an amendment to offer to that, strike out the words "state, county or municipal" and insert "public." Public works will cover it all, and there is no getting around it.

Mr. POTTER. There is one objection to this. It might prevent the working of convicts by the state.

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

Mr. CAMPBELL. I fully agree with the object to be reached by the proposed bill, and the amendment, but I think this goes too far, and I don't think the gentleman who introduced it, or the committee who proposed this would ask that this substitute be adopted if they could see the extent to which it are to determine whether they are citizens of the U. S. public works. This would be a fine roost for all the tramps in the country, they could come to Cheyenne, become vagrants, and you could not work them upon the streets, because how are you to determine whether they are citizens of the U. S. Tramps are pretty sharp fellows as a rule, and don't want to work; they are put in the lock-up over night and tried and given ten days and costs; they are put upon the streets to work out the costs. Suppose they say I am not a citizen of the United States, this is unconstitutional, you cannot put me to work. What are you going to do about it?

Mr. REED. In regards to the objection offered by my learned colleague, Mr. Campbell, I will state that section is in the constitution of the state of Idaho. Some of these gentlemen around me say that this will be a hardship to the foreign citizen and all that. I would think if a man comes to this territory and wants to become one of us, to become a resident of the territory or state, and it is too much of a hardship for him to assume the duties of citizenship, the sooner that class of men leave the better for them and for everybody else, in the community. I am in favor of this substitute, and presented the original file on this question to this convention.

Mr. POTTER. I am very much more in favor of the original report of the committee. I think we are getting into trouble. The question has been raised by one of the gentlemen near me with reference to working out a road tax. Under the laws in reference to this matter, a man has the right to either pay his money or work out his tax on the road, as he pleases. Now suppose a person was not a citizen and did not want to pay his money for his road tax, he might not be permitted to work it out on the public road under this. That might be the case. Again, the state has to work its convicts in some manner. I think that might be injured by this substitute. It seems labor element, and I think we will only get into trouble if we to me that we had better confine ourselves to the original object of this bill, which was introduced to strike at this Chinese attempt to fool with this matter much longer.

Mr. CHAIRMAN. Any further remarks? The question is on the amendment offered by Mr. Fox. All in favor of the mo-

tion will so signify by saying aye; contrary no. The noes have it; the motion is lost. The question is now on the substitute offered by Mr. Reed. Are you ready for the question?

Mr. SMITH. I move to amend by adding "except as a punishment for crime after conviction according to law."

Mr. CHAPLIN. Second the motion.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Smith. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the amendment is carried. The question is now on the substitute as amended. All in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the amendment will rise and stand—22. Those opposed will rise—11. The ayes have it; the substitute is adopted.

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

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

Mr. PRESIDENT. The convention will come to order. What is your pleasure, gentlemen?

(Reading of report of committee of the whole.)

Mr. PRESIDENT. Gentlemen, will take the vote on the adoption of the entire report, or will you divide the same? Unless otherwise ordered the vote will be upon the adoption of the report of the committee of the whole as to File 68, on suffrage in regard to the adoption of the amendments, and if they shall be incorporated in the constitution. Are you ready for the question in so much as to the adoption of so much of the report?

Mr. RINER. I move the report of the committee of the whole, as a whole, be adopted. I think we have all discussed these matters fully and are ready to vote upon it as a whole.

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

Mr. POTTER. I move these matters be now referred to the committee on engrossment before final reading.

Mr. PRESIDENT. The question is on the motion to engross. Are you ready for the question? As many as are of the opinion that the motion prevail will say aye; contrary no. The ayes have it; the motion prevails. All these matters reported back by the committee of the whole will now be referred to the committee on engrossment.

Mr. TESCEMACHER. I move that the president of this convention be requested to ask Senator Stewart to address this convention at 7:30 o'clock this evening if it suits his convenience.

Mr. PRESIDENT. I will state that Senator Stewart has expressed a preference for the hour named by the gentleman from Laramie, to address this convention.

Mr. CAMPBELL. I would amend the motion by adding that the president of this convention be requested to escort Senator Stewart to the hall this evening.

Mr. PRESIDENT. The question is on the adoption of the motion as amended. All who are of the opinion that the motion prevail will say aye; contrary no. The ayes have it; the motion prevails.

Mr. JOHNSTON. I have arranged for the lighting of the hall tonight and subsequent nights this week, and ask the discharge of the committee.

Mr. CHAIRMAN. Is there objection to the committee on lights for the present week being discharged? If not, by unanimous consent, the committee is discharged.

Mr. PRESTON. I move we take a recess until half past seven o'clock this evening.

Mr. FOX. I move to amend that we take a recess until a quarter to two this afternoon.

Mr. PRESIDENT. I don't know as a motion to take a recess is amendable, so the question will come first on the motion to take a recess until 7:30 this evening. If passed in the affirmative that will settle the question. I really think that this convention ought to go on with its work at least until 4 o'clock every day, we have almost finished the third week of our session and there is still a vast amount of work to be done. We are all anxious to go home, and there are two members present this week who will have to go home on Saturday, and others may go and we will soon be left without a quorum. The question is on the motion to take a recess until 7:30 this evening. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. The question is now on the motion to take a recess until a quarter to two o'clock this afternoon. 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 a quarter of two o'clock this afternoon.

#### AFTERNOON SESSION.

Wednesday afternoon, Sept. 18th.

Mr. PRESIDENT. Convention come to order.

Mr. CAMPBELL. Inasmuch as there are not many here, and as I don't smoke myself, I move that rule four be suspended for the afternoon.

Mr. PRESIDENT. It is moved that rule four be suspended for the afternoon. All in favor of the motion will say aye; contrary no. The ayes have it; rule four is suspended for the afternoon.

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

Mr. PRESIDENT. It is moved 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; the motion to go into committee of the whole prevails. The chair will call to the chair Mr. Holden of Uinta. Gentlemen we are now in committee of the whole, Mr. Holden in the chair.

Mr. CHAIRMAN. The first thing for your consideration, gentlemen, is File No. 66.

Mr. HARVEY. Was that not referred back to the committee? As I remember it, it was so referred.

Mr. BURRITT. The amendment of Mr. Campbell was pending on File 66 at the time the committee arose.

Mr. BROWN. I think when the committee arose it reported back this file No. 66 to the committee to put it into shape, but as there seems to be some doubt about it, and as it would take a good deal of time to take up these various items in committee of the whole, I move that it be referred back to the committee, if it has not already been so referred.

Mr. BURRITT. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that File 66 be referred back to the 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, and the file is so referred.

The next file is File No. 76, reported by Committee No. 2, majority report. The secretary will read Sec. 1.

(Reading of Sec. 1.)

Mr. JONES. I move Sec. 1 be adopted.

Mr. CHAIRMAN. It is moved that Sec. 1 be adopted. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; Sec. 1 stands adopted.

Mr. MORGAN. The convention will notice that the committee have adopted the name legislature, instead of legislative assembly, for the state of Wyoming.

(Reading of Sec. 2.)

Mr. CHAIRMAN. Is there any objection to Sec. 2? If not Sec. 3 will be read.

(Reading of Sec. 3.)

Mr. CAMPBELL. I move an amendment by striking out all of Sec. 3.

Mr. BROWN. I rise to make a suggestion, which may meet with the approval of the mover of the last question, and that is that we pass that section for a time, and go through with the balance of the file over which there will be no discussion, except perhaps a few details, and we can then come back to this matter and settle it as we can.

Mr. CAMPBELL. I insist upon my motion; I believe in settling these things as we go along.

Mr. MORGAN. As chairman of the committee I will explain the number of members of the legislature. If we pass Sec. 3 we might as well fix that before we go any further.

Mr. CHAIRMAN. I would suggest that we take the vote upon the amendment as to whether Sec. 3 be stricken out. As I understand the motion of the gentleman from Laramie, Mr. Campbell, it was that the whole of Sec. 3 be stricken out. Are you ready for the question?

Mr. MORGAN. I move the insertion of the minority report in lieu of Sec. 3 of the majority report.

Mr. CHAIRMAN. The chair hears no second.

Mr. POTTER. Second the motion.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that Sec. 3 of the majority report be stricken out and the minority report inserted in lieu thereof. Are you ready for the question?

Mr. POTTER. We have heard a great deal about this senator question in the last few days. I have heard it stated that this question has already been arranged and provided for, and that there is no necessity for the expression of any opinion upon it. I don't believe, however, Mr. Chairman, that any member of this convention really on his conscience, has so fully determined upon a line of conduct with reference to voting upon any proposition which may be brought here to be incorporated in our constitution, and has so fully determined upon that line of action that he would not permit himself to be convinced otherwise. I have listened very attentively today and yesterday to the remarks which have been made by various members upon this floor in eulogy of the territory of Wyoming, such remarks as this. That it will present to the people of the United States a constitution which will be more fair than any other state in this union, and will show the desire of the people of this territory for absolute justice and equality as toward all men and as toward all people within her boundaries, and I say to them this and I say it fearlessly, that the man, gentleman, who on his conscience has not learned that

every man in a Democratic government, or a Republican government has the same right to representation in halls of legislation as every other man, has yet to learn that the very foundation of democratic institutions, and that individual, Mr. Chairman, had better reside under a monarchical form of government or a despotic institution. The only argument I have heard advanced in favor of the one senator from each county has been that it is the organization of the senate of the United States, and I say that no man who has read the history of this government that has not learned that the formation of the senate of the United States has always been, was when organized and is now, in direct conflict with democratic institutions, and there is not a writer or an authority who has written upon the subject, who has not expressed that idea, from De Tocqueville down to the present day. I say that it is the only argument I have heard advanced in favor of the report furnished us by a majority of this committee on legislative department. But it seems to me when they present that argument they forget that the relation of a county to a state, or the relation of a municipality to a state is not the same as the relation of a state to this government of the United States. What is a county what is a state? More particularly what what is a county in its relations to the state. Simply a medium by which a state conducts its business. The state cannot take up all the various details of government, of taxation, of the assessment and collection of taxes, of all the little matters that the citizens are interested in; this power must be delegated to some one, so the state delegates some of its powers to the counties, and the machinery of the state is kept in motion by the organized counties of the state, not as independent parts of the state, but subsidiary parts of the state in every respect. There is not a single thing that a county can do that is independent from control of the state. Not one. There is not a single exception to that rule, whereas a state has certain powers delegated to it which it exercises absolutely without interference from the United States. Now then, Mr. Chairman, I don't wish to be understood as speaking upon this question simply in reference to the people which the Laramie delegation represent, because there is not a man upon this floor but that at some time in the history of the state expects that many other portions of the state, of the proposed state, will at some time in the future have a greater number than this county, and I hope they will, but when I say that the learned gentleman here, the honorable president of our university, got upon the floor the other day and said with all the vehemence of his nature that in forming a government we must form it upon perfect equality, I took it he was sincere; and when my friend



from Fremont this morning, in relation to one matter, spoke here of the equality of all men, in arguing against this proposition of an educational qualification for suffrage, he was sincere, but, Mr. Chairman, if he votes for this one senator idea from each county, he challenges his own sincerity, because he cannot say upon his conscience that is equality for all men; because when he says it he knows if he voted today for senators that I would be on no equal footing with him; he knows that, and my property would not be represented to the full extent that his is because I would not be represented in the halls of legislature as fairly and equitably as he is, and I ask any member of this body to point either today, or any time before we close, to any proposition that I have voted upon in which I have challenged my own sincerity as to the equality of all men in our constitution, and if I have I will change my vote the moment it is shown to me. I don't care upon what proposition it is, nor when that occurs. But, Mr. Chairman, I speak upon this question in behalf of all the people, who will come to inhabit this territory in the future, or who live here at present, who will live here in case we become a state, and what I want is when the legislature meets in our capital, when it meets at the seat of government, wherever that may be, it shall meet as a body representing equally everyone, and not have a partial representation. They have asked us to make it easy, my friend from Converse, Mr. Harvey, says here we are far from the railroad, so we cannot get to the county seat, don't be hard on us, make it easy for us to make a new county; that is true, I believe in making it easy for them, that we be just to them, give them all the privileges of citizenship that we can consistent with proper economy, but won't you be just also to the man who is unfortunate enough if this section passes, who lives in a country more populous? Now, Mr. Chairman, I think with reference to this matter, it is a very important question, and it goes right to the foundations of the expressions of this convention regarding the equality of all men, and the rights of all humanity. We live under a Democratic or Republican form of government, which in its declaration of independence has used those words which were so truthfully expressed by Mr. Preston this morning that all men are created equal, and is it to be for the new state of Wyoming, represented by a body of men from all parts of the territory, to say that we will not abide by that declaration. The sentiment, the uniform sense of justice, of almost an unanimous body of American people has been ignored by this majority report. In Montana where they adopted that principle, many of us know why they did it, and I blush almost for shame for those people, who merely for the purpose of keeping the capital temporarily, surren-

dered that which their conscience dictated they ought not to surrender. I ask this convention to look at this matter not from a prejudiced point of view, not from a local point of view at all, because we are not legislating for today, nor for tomorrow, but we are legislating for many years hence, we know not how many years. What we may deem local today may not be local ten years hence, what you may think with your partial ideas may be beneficial to your particular locality today, may not be beneficial ten years hence, and I think we ought to throw out of the question entirely all ideas of locality in this matter. I don't care on what basis the senatorial representation is made, so long as it is made with reference to the equality of every citizen in the state. It matters little to me, so that principle is sustained. Now, Mr. Chairman, just a word more, and I ask pardon of the committee for having occupied this much of its time. A new county may be organized when they have people enough in that county; it may have the wealth to organize a new county, one corporation might represent enough money to organize a new county. The population is a minor consideration, for under our constitution it only requires that a certain number shall be left in the old county; the taxable property is the main thing. Now if we keep that in our constitution and establish this provision one corporation might send to the senate a senator to represent its interests solely and absolutely, and if we establish this provision it will be a bid to corporations to do that very thing. It may sound extravagant to speak of one corporation having that much taxable property in any one county, and being able to control the county election, but it will not be impossible in some of the states by any means, so I hope, Mr. Chairman, that the members of this convention will not abide by the decision of the majority of this committee on legislative department, I hope they will see the injustice of such a proposition, and that the amendment of Mr. Morgan, or if another can be found which is better that it may be submitted in place of Sec. 3.

Mr. CHAIRMAN. Any further remarks upon the amendment?

Mr. TESCHEMACHER. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I would just like to bring one subject before this convention, which I think will prove the those districts, or the representative districts may be separate report. It won't take me but a few minutes to explain. The section says: "Each county shall constitute a senatorial district, which shall be numbered from one consecutively according to the number of counties now existing or hereafter

created, and one senator only shall be elected from each district." Now I suppose every member of this committee will acknowledge that in every properly constituted legislative body the legislative part, the house of representatives, should be the larger body, and the senate should be the smaller body. Under this proposition they have limited for all time the number of the house of representatives to fifty. We have already provided that every two millions worth of property shall be able to constitute a new county. How many years do you suppose with our rapidly increasing mineral development and other development that we expect soon to make, how many years do you suppose it will be before we have fifty counties? The state of Colorado in 1876, when it was admitted as a state, already had twenty-five right then. I don't know now how many they have. The state of Kansas four or five hundred counties at present, and it is not nearly as large as the state of Wyoming, and if that report is adopted, within a very short period of time we shall have a senate of three hundred and a house of fifty. No other argument is necessary on the question. I have reduced it to an absurdity.

Mr. PALMER. I would like to ask Mr. Potter a question. If the one senator plan is not adopted, upon what basis do you propose to have your representation?

Mr. POTTER. According to the number of inhabitants or voters.

Mr. TESCHEMACHER. I am opposed to that plan from the word go. I am opposed to it from the word go.

Mr. POTTER. There is a proposition by Mr. Hay and also also one by the minority committee. There is another method also often adopted in the states to divide the state into senatorial districts and elect senators and representatives from those districts, or the representative districts may be separate and district from the senatorial districts, so that one district will only have but one senator; there might be more than one senator coming from any one county, different parts of the county. For instance, Laramie county, by the two senator plan, the county would be divided into two districts, and each district would elect for its particular section. Many of the states adopt that. Other states without dividing the counties, apportion to the county the number of senators to which it would be entitled if it had been divided. There are two methods but so far as I am personally concerned, it matters little to me which one is adopted, so long as we do it upon the number of persons in the county.

Mr. PALMER. I would like to recall to Mr. Potter's attention the fact that this minority report says "inhabitants" and that the apportionment proposed by Mr. Hay the other day

was based on the votes cast at the last election; that would not be a fair apportionment for the reason that in the last election both candidates for delegate were residents of Laramie county, and consequently the personal feeling and personal knowledge brought out a larger vote in Laramie county than in some of the other counties where the candidates were not so well known, so that the vote would not be a fair basis for apportionment.

Mr. CHAIRMAN. Any further remarks?

Mr. CAMPBELL. Mr. Chairman, I see this report is signed by H. S. Elliott, D. A. Preston and H. A. Coffeen. Now, I have sat silently here and given to these persons who are in favor of this report a chance to give some reasons for this radical change in representation. I think any person who signs his name to a paper ought to give his reasons therefor. But these gentlemen sit silently here and seem to have counted noses and know how the vote would be on this proposition.

Mr. ELLIOTT. The gentleman was very indignant on yesterday when the gentleman from Sheridan made some statement that he was perhaps not perfectly sincere in some proposition he was presenting, and he now gets up and says it looks as if we had this whole thing cut and dried, one of the most dishonest charges that can be brought against a man that I know of. I desire to state at this time that I have made no efforts and will make no efforts to know how this body stands in regard to this question, and I signed that report for what I considered good and sufficient reasons. Notwithstanding the reduction ad absurdum by the gentleman from Laramie, I must insist that there is yet a little sense, a little reason and a little apparent justice in this proposition. My friend from Laramie, my friend who first spoke, spoke of those gentlemen who had eulogized the justice, the equality, the fairness of the people of this territory, he referred to those gentlemen who had eulogized the intelligence of the people of this territory, the equality of all men upon a particular proposition in regard to the suffrage question, but I have not heard, nor do I expect to hear any gentleman upon this floor eulogize the tenth legislature of the territory of Wyoming. When a member of that legislature, one of the most able and capable men in that body goes upon the streets and states that upon no single question that came up did he vote upon its merits, I do not think, gentlemen, there is need to eulogize such a body as that. An attack has been made upon the organization of the senate of the United States it may be that it is open to attack, but in my opinion, and I believe in the opinion of a majority of the citizens of these United States that senate is one of the greatest safeguards of our liberty, and I take it, sir, that that system

that our forefathers have laid down in that constitution is founded upon the experience of ages, and the fact that this republic has been able to go through what it has gone through and still maintain its existence, its position and influence, is one of the greatest and strongest arguments for the propriety of each and every branch, of the method of organization, of every principle of that government, as established by our forefathers. The fact has been referred to that this method or representation proposed is analogous to that of the United States senate, that it should not be carried out in reference to the representation in the senate of the United States. I take it to be, Mr. President, that if we have found that the senate of the United States has been a check upon the popular will at a time when the popular will should be checked, then, sir, it is well worthy of our emulation. My friend has spoken of a government on equality. That is just what we are after. I hold that each and every county of this territory, within its certain bounds, and within its certain powers as laid down in this constitution, is a little independent sovereignty, and the fact, sir, that the little counties of this territory, have time and time again been preyed upon by the larger counties, and that they have been made to pay tribute without being allowed a proper voice is sufficient indication that the government as it has been heretofore has not been one of equality. In regard to the question spoken of by my friend, Mr. Teschemacher, as to the number of representatives, I say that is a minor matter. I agree with him we should keep the senate the smaller body, and that can be easily arranged. For myself I was not fully in favor of the fifty limit, put on the house of representatives. I was in favor rather of seventy-five, or even a greater number, but yielded to the sense of the committee on that point in signing the report. A word, sir, as to the question raised by Mr. Campbell, as to the members by whom that report was signed. That report was agreed to by every member of the committee except the gentleman from Converse, and the chairman, the other members of the committee were not present when the report was signed, and for that reason their names do not appear. The great object of this proposition to have one senator from each county is this. We are throwing round our legislature every possible safeguard that we can devise to prevent them from being controlled by local prejudices, to prevent them being controlled by the great corporate interests, and the history of legislation has been that where the two houses are organized on the same basis, the smaller has been unable to control the larger. That, sir, is the principle we want to effect, and, sir, we wish to fix it so that no measure can be carried through unless that meas-

ure is of such general benefit as will recommend itself to the majority of the representatives of all the counties before it can become a law. These, sir, I may state are the influences which have led me to sign that report.

Mr. TESCHEMACHER. As a member of the engrossing committee I was obliged to leave the room, and did not hear how the gentleman got around my question about keeping the senate the smaller body.

Mr. ELLIOTT. I said that I myself am in favor of a larger number for the house of representatives, and think that matter can be easily arranged.

Mr. MORGAN. Unless some gentleman who is opposed to this minority report desires to speak, as the mover of the amendment I would like to say a few words. I regret exceedingly that I am compelled to differ from a majority of the committee over whose deliberations I have the honor to preside, the more so as I am well satisfied that they have no superiors in ability in this convention, and are moved by conscientious scruples in signing this report. I hope and trust in the discussion of a question like this that county lines will not enter into the discussion of it at all. If I lived in the smallest county I would advocate this minority report, and I believed that if these gentlemen lived in the largest county they would advocate this majority report. Now this government is founded upon a certain principle; a government where every man is equal and independent. But when we come to act practically upon that, it was found that pure democracy would not be possible. In other words, a mass of people living together under one general government, it would be impossible for each man to individually take an active part in the government; but with that idea still in view, that each one should have the same power, should have the same voice in making the laws, we adopted a representative form of government. Now, I should like to know why because I send a representative that I should have less power in the enactment of laws than if under the original idea we should meet in mass convention? Now it seems to me that I ought to have as much right in the formation, enactment of laws for the government as the man who lives in a smaller county. Just as much, and just no more. Now each state is an independent sovereignty, and do not bear the same relation to the general government as that of counties to the state at all. If the United States senate had not been organized as it was, it would have been impossible to have formed this union, because the smaller states were afraid of the larger. Now all parts of these United States are under that constitution, and the constitution that we will make is simply to preserve certain rights of the people and to lay down

the powers of our legislatures. Now, as a matter of right, is it right that the state of Nevada with a population of thirty thousand should have equal power to defeat some bill that the house of representatives is in favor of, to defeat some bill that should have the power and the right to kill this measure in the senate, when the state of New York with a population of four million has but the same power. That is not the right system of representation, that is not carrying out the true idea of all having an equal voice in making the laws of our government.

Mr. HARVEY. I should not have said anything on this subject at all, had not the gentleman from Laramie singled me out in his speech and stated that I would be inconsistent if I voted for the report of this committee. If I can be satisfied that I would be inconsistent I should not vote for this report, but I cannot be so convinced; I have not been thus far at least. I have examined this matter very carefully, trying to get at the justice of the thing, and I must say that I must vote for the report of this committee, because I believe that this theory, the idea advanced here, is sound theoretically and sound practically. Now, the gentleman says that this is not the American idea, I say it is. The only source from which I am to derive what the American idea is, is the form adopted by our forefathers, and they adopted precisely this idea, and published it to the world as the American idea. Now, I say, gentlemen that if you have two houses based upon the same rule of apportionment you make no distinction, the only excuse in the world for having two houses is that one should be a check upon the other, because it is absolutely necessary to restrain the majority. I say, gentlemen, that this is the American idea. The minority has some rights that must be protected, and I am prepared to stand by that doctrine in this constitution. If any gentleman can convince me, can give me any good reason, why I should depart from this principle I would be very glad to learn it. I have been here long enough to convince me that a Wyoming majority is no better than any other majority.

Mr. PRESTON. When the convention went into committee of the whole for the consideration of this question I did not intend to make any remarks, and I would not have made any had it not been for my friends from Laramie, all of whom I like very much. In the poetical language I heard last evening they are all jolly good fellows, but they have some ways which I don't appreciate, and one of these ways is the manner in which they propose to establish a state senate for the state of Wyoming. Now, the best argument that can be advanced to this convention is the abuses of the legislatures in the past. That certainly is argument enough in favor of a representation in the upper house from each county, in order that it may be a check; that the upper house may hold the lower house in

hand, that the people of Wyoming may hold the lower house in check. It is true that I am not an old citizen of Wyoming, in the language of those who reside in Wyoming, I am a tenderfoot, but I am here in this convention representing old timers, men who have lived in this territory from the time it was created, and as their representative I came to this convention and I signed this report because it is in accordance with their wishes. I have put my name to that report and I will stick to it until I am black in the face, unless some of the intelligent gentlemen from Laramie county are able to convince me that I am wrong. My friend, Mr. Potter, says this question arose in Montana, and that they put in their constitution a clause that provided that each county should have one representative in the senate for the reason that they were afraid that the capital of Montana would be moved; I might say on the other hand that the position taken by Mr. Potter and by the gentleman from Laramie is upon the same principle, that they are afraid the capital of Wyoming will be moved away from Cheyenne. Now it is true I said this morning in the argument of this question as to whether a man should be educated in order to vote, I said that all men were created equal. It is true we come before this question with the same proposition that all counties so far as the senate is concerned, shall be made equal, and have an equal voice on that floor. There were no noses counted to see how this question would terminate, I simply was trying to run a bluff on my friend Campbell here, and they have had several small boys out to round up the absent delegates from Laramie county; there is no uproar in any other county. Now I do not desire to say anything further on this question, for I believe that every one in this convention understands the position that the majority of this committee have taken upon this. It was not a question which was passed hurriedly by, not a question determined on in a moment's notice, but one taken into consideration by this committee for several days. It was fully and carefully discussed, and out of all the counties that were represented in that committee our friend Morgan was the only one that found fault with the representation. As I said I am sure that every member of this convention understands the question fully, and I don't believe that there is one thing that can be urged for or against this question, which they have not already considered. And now in conclusion I want to say that while although the representatives of Fremont county ask and appeal to you for a fair consideration of this question, that while although we are a small county today, we do not ask that this representation shall be one from each county, because Laramie county today exceeds us in population, for I want to say to you gentlemen of the convention that this county of Fremont, while today it has no



railroad, while today it is one of the least known in the territory, is one that will some day in some future time cut an important figure in the state of Wyoming. It is a county, gentlemen of the convention, whose hidden treasures, when developed, will equal those of the great state of Pennsylvania, and the great mines of Colorado. A county with soil as rich as any county in the territory, and the only county, gentlemen of the convention, whose soil is rich enough to produce corn, the stalks of which can be utilized for the building of corrals, and I ask at your hands a fair consideration of this question, and give us an equal voice on the floor of the senate with Laramie county, and Albany county, and Carbon county, or any other county in the state of Wyoming.

Mr. CHAIRMAN. Any further remarks?

Mr. TESCHEMACHER. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Laramie, Mr. Teschemacher.

Mr. TESCHEMACHER. I have spoken on this subject, and if any one else care to speak I will yield. I have not yet heard any one answer the question of what would be the result of the adoption of the majority report, of Sec. 3, when the counties increase as they will, and very rapidly, how we are to cut down this infernal senate. This senate is going to be larger and larger every election, and that, it seems to me, is the one question that ought to be answered right away. We have ten counties already today, and my friend, Mr. Coffeen, from Sheridan, tells us that there is a part of Sheridan county that wants to become a new county, and I think very soon there will be a certain part of Laramie county that will want to become another county. I don't come from Cheyenne, I come from Uva, and I don't think it will be many years before the northern part of Laramie county will wish to be some other county, Teschemacher county perhaps, and so it will go on and on and each recurring legislature we shall have an increasing senate, until as I have before said, the senate will outstrip the house, because the majority report here says that the house shall be limited to fifty. Now will some member on the other side tell me what we are going to do when that state of affairs comes about.

Mr. CHAIRMAN. Any further remarks?

Mr. COFFEEN. Mr. Chairman.

Mr. CHAIRMAN. The gentleman from Sheridan, Mr. Coffeen.

Mr. COFFEEN. I wish to discuss this question for a few moments and I wish to take up the point made by the last speaker. I wish to say, however, before I begin, that in everything I have said, and everything I have done here, I have assumed that every other member is honest and fair in his con-

victions, and I ask that the same consideration shall be extended to me, and I would apply that principle so far as to say that I beg no one be allowed to assume that fairness and justice is on his side alone. The first gentleman who spoke on the opening of this debate took the position of assuming that there was no ground for this report if founded on justice. So we start with a fair assumption so far as I am concerned, and everyone I believe who addresses himself to this question will address himself conscientiously; I am free to admit that I believe all will do so. True we are all more or less unconsciously influenced by our surroundings. With that preface, taking up the argument of the gentleman who preceded me, he has raised this question: Will there not be so many counties organized that the senate will become too large. I wish to take his suggestion and answer another gentleman from another county who is fearing that it will be too small, and call attention to the fact that according to those who support this measure of the gentleman from Laramie that it is liable to be too large instead of too small, and I pit one of these arguments against the other. For myself I believe there will be some new counties organized, which will give us a reasonable body for a senate. We start out with a rather smaller number than I should prefer, but the principle which I wish very much should be secured is that every county should have an equal right and power in the future legislatures of this country.

Mr. PALMER. It seems to me that the great democratic principle is that the majority should rule, and that a man whether he resides in the county of Laramie or the county of Sheridan should have the same right to vote. Under that ratio and apportionment a man in Laramie or a man in Sweetwater county would have just about half a vote, and a man up in Sheridan would have a full vote. It is a democratic principle, and I am sorry to see that Democratic members of this convention will vote for a proposition whereby a portion of the people will be disfranchised. It is not fair or just to the people of Sweetwater county, with an assessed valuation of three million dollars, that she should send but one senator to the senate of the state, and that Sheridan with less than one and a quarter million should have an equal power in fixing the rate of taxation. The delegation from Sweetwater county in this convention are placed in a very embarrassing position, under either system, they will only get one senator. We will get one senator, and the county of Sheridan will get one senator. We have in our county nine per cent of the vote, and Sheridan has four per cent. We have twice as many voters as they have. We have ten per cent of the assessed valuation while Sheridan has three per cent. Sheridan county sends one representative to the senate, and he fixes or assists in fixing the ratio of tax-

ation and all those matters, and has an equal vote with the man we send from our county. I insist that it is not democratic and not right that we should have but one man there, and Sheridan county with less than half the vote and half the assessed valuation should be represented equally with us. I say it is not the American principle that there should be a check upon popular representation. The gentleman has stated that the constitution of the United States was framed upon the American principle, and a moment ago he stated that three-fourths of the states had receded from that and adopted another system. When three-fourths of the states of the union have receded from the proposition it is no longer the American principle. The majority should rule is the American principle and I stand ready to vote for any proposition that will give the people in every part of the state fair and just representation in the senate.

Mr. CONAWAY. I am glad there is at least one proposition upon which I can agree with my colleague, Mr. Palmer. I do not wish to discuss this question at length, but simply to say that I will vote against the principle of apportionment proposed in the majority report, because I do not think it is right, I do not think it is American. I do not think that the fact that the senate of the United States is organized upon this principle is a parallel case to that of the organization of a state senate. The relation of the states of the United States to the general government is not the same as that of counties in a state to the state government. The states were sovereign and independent, and the formation of the general government and of the senate of the United States was a series of compromises. It was necessary in order to get the original states, or a majority of them to bind themselves by the constitution of the United States that some things should be inserted in that constitution which were not exactly republican, not democratic, and this idea has not been approved and practiced by three-fourths of the American states. The proportion of American states that have adopted the form of one representative from each county in the upper house does not amount to one-fourth, as I am informed by the best information I have got. It is the exception and not the rule. There is a difference between the relations of the counties to the state government, and the states of the United States to the general government. The states are sovereign and independent and come in of their own free will. The counties are the agents of the states in carrying out the government, the agents and instruments of the government, they derive their power or authority from the laws enacted by the legislature of the state. As I said before I do not wish to discuss this question, at any length, merely to give my ideas about it, and stating that while it may not be for the

best interests of my own county to vote as I do, still I think it is right to do so, and the people expect me to do here what I think is right and upon conviction.

Mr. HAY. I want to say a word in explanation, in answer, to a question asked by Mr. Preston. He asked whether the Laramie county delegation were wedded to the plan proposed in my proposition. I want to say that no one knew anything of this proposition when I introduced it. I don't think I had shown it to any one. Some members of my own delegation object to it, they don't seem to think that Laramie county has got a particularly good thing. Mr. Teschemacher makes objection to the proposition in File No. 74. I don't know what his objection is except as indicated by his remarks in regard to the vote. If the apportionment suggested in this proposition is not fair, and if Sheridan county or any other county has been done any injustice by it I am certainly the last one to support it. I am in favor of any change that will make it more fair to all the counties than that does. But in regard to the argument in reference to the fact that all men are declared free and equal, and to have equal rights, I don't see how it is that there is any equal rights in the proposition that a county with nine hundred votes shall have equal rights with a county with four thousand. I cannot see where that argument holds good.

Mr. BROWN. I want to be understood that in asking this question I ask it in the best faith because in following the arguments of the gentlemen on either side of this question I have forgotten what the motion is that is before the house. I am not sure about it, and I want information. I understood the motion of the gentleman from Laramie, Mr. Campbell, to be this in substance, to strike out Sec. 3 of the majority report. Is that correct? As I understand it now the motion of the gentleman from Laramie, Mr. Morgan, was to amend the motion to strike out by inserting what is reported as Sec. 3 of the minority report. I ask the members to inform me whether or not I am correct as to this. If I am the question that is presented to this committee now for its action is on the amendment offered by the gentleman from Laramie, Mr. Morgan, that we insert Sec. 3 of the report of the minority of the committee in lieu of Sec. 3 of the majority report. I am free to say that the gentleman, as I understand it, has no right to amend the report after it has been submitted to the convention and referred to the committee for its action, so that on the motion to adopt the minority report in place of the majority report, as to Sec. 3, my friend Teschemacher occupies, I take it, the same position that I do, that he is opposed to it. Then on the question of the minority report we may act together. Now, upon the other question of the motion to strike

out Sec. 3 of the majority report, I am opposed to that motion. Whatever may be the result of the action of this committee or of this convention, when it is finally taken, I am still opposed to any motion to strike out Sec. 3 of the majority report because it carries with it a principle that I think every man in this convention is in favor of, namely, that there shall be at least one member of the council from each and every county in the state, however that section may be finally amended by the action of this committee or of this convention, is another matter, but I take it from the different remarks made by different gentlemen here during the discussion of this question, that each and every one of them favor this proposition presented, that each and every county shall have one representative in the council or senate of the state legislature.

Mr. MORGAN. I asked leave to amend, to insert this amendment, and there was no objection.

Mr. BROWN. Let us remember that the reports of these committees are reports in charge of the convention, and not in charge of the committee, and when they are received by the convention the unanimous consent of the convention must be obtained and is sufficient to allow the gentleman to amend the report as he pleases.

Mr. MORGAN. Do you mean to say that you cannot amend a proposition before the committee of the whole?

Mr. BROWN. I mean to say this; that it can be amended by vote, but not by unanimous consent. Without going further then, we are now in this situation; we have before us these two reports. As to the minority report I take it that it has been amended and cannot be amended in the way suggested, and I should be opposed to it, if it were amended. Now as to the majority report. I say that in this majority report Sec. 3 contains one principle that we nearly all agree on, namely one representative in the senate from each county. Why then strike it out? There are matters in Sec. 3 of the minority report that we do not want and will give us more trouble to amend than the report of the majority.

Mr. CAMPBELL. I made a motion to strike out Sec. 3, I will withdraw that and move to strike out the word "only" in the third line.

Mr. McCANDLISH. If he believes as he indicated in his speech here this afternoon, that the majority should rule, why is it that we are wrestling with this minority report.

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

Mr. BROWN. Now what I have to say is upon the main question of representation, and I propose now to discuss that matter somewhat because, perhaps it may be involved in these two matters now before the committee, although I am not sure that we are now ready to fix that absolutely, and if there is

no objection made I will discuss the whole question of representation. I do not know that there is one member of the delegation in this convention from Albany county that agrees with me in my views of this question. Whether they do or not I am not informed, but I shall act upon this question as upon every other one, upon my best judgment of what is right without reference to the opinions of others, except as by their arguments they may convince me of the error of my own judgment. The question of representation in proportion to the population is one, I think, that should properly refer alone to the lower house, or house of representatives as it is called in this legislative file, and not to the senate, and I believe that the gentleman from Converse expressed my views very fairly upon this question. Representation in the different houses of a legislative body is in the nature of things arbitrary in some respects. We cannot say that representation shall be in proportion to the population and settle the matter in that way, for each county, because there is no such thing as dividing the population of each county in such a way, or there is no such thing as adopting a unit by which we may divide the representation, so that it will exactly meet the sentiment expressed that it should be in proportion to the population. To a greater or less extent, divide representation upon any plan you may, and it must in some respects be arbitrary in its results, and will not give an entirely equal representation to any portion of the people of Wyoming. You may take any figure that you can conceive of and try to measure the population by that, and you will find that if it works right in one county it will fall short in another, and that an exact and equal representation cannot be absolutely arrived at. If the principle of representation in proportion to population was to be adopted, I would be in favor of a legislature composed of a single branch, because I can see no need of two houses in any legislative body if you are going to pursue that theory as to representation. Much has been said by statesmen in different parts of our country as to the propriety of two houses in legislative bodies, and very strong arguments have been presented against it. I believe myself in having two branches or two houses in the legislative department of our state, and of all the states in the union, and I believe also in following the general principle that has been referred to as the American principle, namely, that the house, whether it is called the upper or the lower house, or the senate, that the house that has the smallest number of representatives should be so constructed that it will work as a check upon the will of the popular majority in the lower house, or the house of representatives, and if it is not so constructed that that it shall form a check upon the will of the popular house, it will be of no advantage to the people of Wyoming, and we might as well wipe it out as a useless and

unnecessary thing. It becomes a mere figurehead, a thing to be looked at, wholly useless, and a matter of some expense to the people. Now I believe, as was stated by the gentleman from Sweetwater, that when the theory of our government was originally adopted, and the system of two houses of congress, with two representatives in one branch, from every state in the union, it was accepted by the people of the country, in the formation of our government, as the result of a compromise, but I wish to say in addition to that, that it was the happiest compromise that ever came to man. The theory of equal representation in the senate of the United States, is one of the safeguards of our country, and without it, we do not know in what direction we might have drifted, or what would be the result of legislation. I say that this compromise was a happy deliverance and resulted in the formation of one of the best governments that has existed under the sun. By the representation in the senate being equal from each state, the rights of states are preserved, and the little state of Rhode Island with her industries and thrift, is as well protected in the senate of the United States as the great state of New York. The senate of the United States is framed as a restriction, it seems to me, upon the popular branch, and saves the states from wrong because of that. It is true that counties are in no sense sovereign, as was suggested by the gentleman from Sweetwater, and they do not in any sense perhaps occupy the same relation to the state as the states of the union do to the general government, yet there is the principle that we want to keep in mind, and that is restriction upon the popular body in our legislature, that more directly represents the people. How can we obtain that and how shall we obtain it. It is a question you may well consider long and well before adopting any particular theory. As a start in this direction at least, I am in favor of adopting this Sec. 3, that gives one senator from each county in the territory. When that is done, if there is any better plan we can adopt it. Without going any further then, we are in this situation. As to the minority report I am opposed to it, and would be opposed to it, if it were amended. Now as to the majority report. I say that in this majority report Sec. 3 contains a principle that we nearly all agree on, one representative from each county in the senate. Why then strike it out? There are matters in Sec. 3 of the minority report that we do not want, and will give us more trouble to amend than the report of the majority committee.

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

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

Mr. CHAIRMAN. It is moved that this convention now rise and report. All in favor of the motion will say aye; contrary no. The ayes have it; the committee will now arise.

(Report of committee of the whole.)

Mr. PALMER. I move the report be adopted.

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

Mr. TESCHEMACHER. I move we now take a recess until 7:30; I believe that is the hour fixed for the address by Senator Stewart.

Mr. PRESIDENT. It is moved that we now take a recess until 7:30 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.

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## SIXTEENTH DAY.

### MORNING SESSION.

Thursday, September. 19th.

Mr. PRESIDENT. Convention come to order.

The secretary will call the roll.

Reading of the journal.

Mr. PRESIDENT. Are there any corrections to be made to the journal? None suggested; it will be approved as read. It is so ordered, Mr. Secretary, the journal stands approved.

Presentation of petitions, memorials and propositions.

Mr. HOYT. I have two propositions here in the nature of declarations, which as they are in my handwriting I will read.

(Reading of Hoyt's propositions.)

Mr. PRESIDENT. If there is no objection the propositions presented by the gentleman from Albany, Gov. Hoyt, will be referred to Committee No. 1, on preamble and bill of rights. The chair hears no objection, and it is so referred, Mr. Secretary. Any further propositions?

Reports of committees.

Mr. TESCHEMACHER. Committee No. 19 desires to make a report.

(Presentation of report of Committee No. 19.)

Reports of special committees. There being no special reports, we will now proceed to the final readings of propositions.

Mr. HAY. I move that rule four be suspended. It is pretty hard to sit here all day without any of the comforts of life.