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

Mr. PRESIDENT. It is moved we now adjourn until 9 o'clock tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it. The motion prevails. The convention will now adjourn until 9 o'clock tomorrow morning.

SEVENTEENTH DAY.

Morning Session.

Friday Morning, Sept. 20, 1889.

Mr. PRESIDENT. Convention come to order.

Roll call; twenty-eight members present.

Reports of committees.

Mr. BURRITT. I desire to move that the irrigation file be made special order of the day for tomorrow morning.

Mr. PRESIDENT. It is moved that the file on irrigation be made special order for tomorrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

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

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

Mr. CHAIRMAN. Committee will please come to order. The committee arose pending the following amendment offered by Mr. Riner "The governor and other state officers are authorized to call upon the supreme court for opinions on points of law in times of emergency, and the supreme court shall be required to give such opinions without unnecessary delay and without additional compensation."

Mr. HAY. I introduced that proposition originally, but it has been changed in some respects, my idea was that the governor should be allowed to call upon the supreme court on grave points of law, in emergencies, and not that the supreme court should be made attorney general at all. In other states they have adopted this and it seems to have worked very well, but as to allowing the supreme court to be called upon for every trifling matter that arises was not contemplated at

all, and including the other state officials was not a part of my proposed plan. These two changes give it a very different character and would naturally prevent the committee from favorably considering it. I think if we would go back to the original proposition it would probably be very satisfactory and prove to be very useful.

Mr. POTTER. I move this be referred to the judiciary committee and I will state my reasons for that. You must not forget that this is an exceedingly grave matter. You would make the supreme court give an opinion on a question that might effect very great property rights of individuals, without their being heard. Colorado has a provision in their constitution that the supreme court shall be called upon to give opinions to the legislature and the governor upon similar occasions, and that court by a very well considered opinion has shown the dangers of that kind of a requirement, and that the court has to be very careful in answering questions, that they do not answer some questions that will involve the rights of individuals without giving them a chance to be heard, because the opinion of the court becomes a precedent, and this system has been found to be very dangerous, and indeed we would have to have a supreme court composed of extremely cautious men, men of very wise judgment to carry into effect rightly and properly a provision of this character.

Mr. CAMPBELL. I was opposed to this because it made the supreme court an attorney general, but with the explanation made by Mr. Hay, I can see no objection, and I don't think it goes to the extent my learned friend from Laramie seems to think. They have this provision in Nebraska, and while perhaps it is not favorably considered by the lawyers and the courts, it has not worked any great evil. I believe when the supreme court or any court or lawyer who is called upon to express an opinion in an emergency, I believe that any lawyer or judge who has any ability will not hesitate to reverse that opinion the moment he is convinced he is wrong, and I am willing to trust, in grave matters of this kind, that a supreme court when the question is again brought before it, if they are convinced that they are wrong in the opinion that they have delivered, they will reverse it. I will give you an illustration. Judge Black when he was practicing at the bar had a question submitted to him by a number of persons as to the validity of certain bonds in a proposed railroad, he considered the matter a long while and gave them a very long opinion upon it, upon which he had spent considerable time. He was afterward elected to the supreme court of Pennsylvania, and became the superior judge of that court. A similar question came before the supreme court for discussion, not the same case, but one

involving the same principle, and he reversed his own opinion in that case. I believe that the citizens of this territory will not elect persons to the supreme court that will be wedded to a private opinion, and not willing to reverse themselves if they are convinced that it is wrong, and I am in favor of the proposition with the modification Mr. Hay has suggested.

Mr. CONAWAY. The case stated by Mr. Campbell is one of the strongest arguments that could be made against this proposition. That opinion given by Judge Black was given as an attorney, and did not carry the weight and authority with it that an opinion from the supreme court of the state or territory would carry, but it was sufficient as it was to induce men to take important steps and acquire property rights under it, and after the same question had been investigated and submitted to the supreme court, it became necessary to unsettle all the property rights which had been acquired under the previous opinion. I am utterly opposed to the proposition. It was considered by the judiciary committee before they made their report, and they were almost unanimously opposed to it, and I do not believe anything can be gained by referring it back to the judiciary committee. The decisions of your supreme court are quoted and will be quoted as long as your territory or state exists, and we cannot tell how far reaching the effect may be.

Mr. BAXTER. It is impossible for any judge upon a statement of facts before the matter is brought into court to say what his decision will be, because there are thousands of side lights thrown upon the question from its appearance in court, and his decision before it reaches that point, and anything he might say before it was brought before him on the bench would only have the weight of an opinion that might be obtained from any attorney in his office, and does not carry the weight of a decision from the bench. In addition to that it seems to me that many of these questions would probably result finally in the supreme court, and it would hardly be a satisfactory thing to the other party to the contest, who was presumably the loser in going there before a judge that had already passed upon the question, and I don't think it would be very satisfactory to the supreme court to be called upon to pass upon questions, and subsequently to reverse themselves if they felt they ought to do it. My own impression is that it would be far better to have an attorney general. It seems to me that upon grave and serious occasions, that the state officers might and very likely would be in need of advice, and there should be some properly constituted authority to whom they could go, and I think for twelve hundred dollars a year the services of a competent man could be secured as attorney general.

Mr. HOLDEN. I do not desire to discuss this question. I take it that it is the sense of this convention, as it will probably be expressed when the matter comes to a vote that it is not desirable to have the supreme court perform the duties of attorney general of the state. The lawyers understand and everybody else ought to see clearly why that should not be the case. I will only say that it does seem to me that, if there is any person throughout the length and breadth of this state whose mouth should be closed with reference to the expression of an opinion upon any given question, that is liable to come before the supreme court, or any other court for judgment or decision, that that person is the judge of that court. For that reason I think it unnecessary to refer this question to the committee, because whenever it comes back here, in whatever form it comes, this convention will vote it down. I don't believe in making an attorney of a supreme court, and I think that is the sense of this convention. It seems to me to save time, and I regard time as precious just now, the better way to do would be to vote upon the proposition, and vote it down right away.

Mr. POTTER. The reason that I made that motion is this. I did not know what discussion had been had upon the subject last night, as I was not here. If the convention don't want that kind of a provision well and good, but I am satisfied as this is now that individual rights might be jeopardized time and again, if the supreme court acted as attorney general as well as judge.

Mr. FOX. Speaking from a layman's point of view, I don't belong to the legal profession, but from a citizen's standpoint, that it is no more than right that the supreme court should have something to do. If we have a supreme court and pay them a sufficient salary to live upon, they won't have more than two weeks work in the year, and I see no reason on earth why they should not be required to give any information that would be required of a state's attorney. I believe that the men and I believe that the people would be better satisfied, and I don't see why a judge of a supreme court cannot give his opinion the same as any other business man, and if he finds he is wrong he can say so, when it comes before the tribune of justice, and I see nothing to prevent it.

Mr. CHAIRMAN. The question is on the motion by Mr. Potter that this be referred to the judiciary committee; are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so referred.

Mr. MORGAN. I desire to offer an amendment to this bill, but I hesitate to do so because of the preciousness of our time, and yet I desire to offer an amendment to this bill because I think it is important, and if you do not think so, you

can vote it down, and that is this: Sec. 14 provides for a state examiner. I move it be stricken out and that Secs. 1,720 and 1,721 of the revised statutes be inserted in its place. This provides that the state examiner shall be appointed by the governor and confirmed by the legislature. Now I believe that the state auditor's accounts and the state treasurer's accounts should be examined as nearly by the people as possible, and I believe that the manner provided for in our revised statutes is much better than by an examiner appointed by the governor. I should much prefer the present plan of one member of the senate and two of the house. Then there is another important question that will come in here, just consider the mileage this official will necessarily have to pay. He will have to travel over every county in the territory, and he would have to pay his board. I believe each county should be left to govern its own affairs as much as possible. I believe that nothing should be done at Washington that can as well be done in the state, and nothing should be done at the seat of state government that can as well be done at the county seat, and that nothing should be done at the county seat that can as well be done in the township. I believe this is a very important matter. I believe the counties should be allowed to appoint their own county auditor, to examine and manage their own affairs.

Mr. PALMER. I am surprised to hear a Republican counseling local self government.

Mr. HAY. These two sections which the gentleman refers to have been on the statute book for some two years, and we have had no examination made under it. Under this provision I don't see that the appointment of a state examiner is going to prevent that legislative examination every two years or whatever it is. I don't see that it would prevent the examination by the representatives of the people at all, and I think so far as the question of the state examiner examing the officials of trust in the various counties, he may save some county a good deal more than his salary and expenses, and also save a good deal to the state. This has been tried in a number of states and worked exceedingly well.

Mr. SMITH. I have my own views on this proposition, but I hope this amendment to strike out and insert these two sections will not prevail. The matter of examing county records and the different officials of the various counties is important, and yet it does seem like an innovation to have a state official come in and do that. That may be wise, but to strike out that and insert the other it seems to me makes it a matter that belongs to the legislature and has no business in the constitution at all.

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

Mr. JEFFREY. I have a substitute to offer for Sec. 14. I think that every member of this convention realizes the importance of this subject now under consideration. The greatest objection I see is this. If we elect a state or county auditor, or whatever you may term it, it may become necessary to examine the actions, look into the accounts and reports of that official himself. I think the people should hold in their own power and grasp all powers that are not necessarily delegated to any official. I have here a proposition which covers this point, which will retain it within the power of the people themselves, delegate it to men taken and selected from the people themselves. The proposition is this: "The district court of each county at each term thereof, shall appoint a number of such grand jury, not exceeding five, to investigate the official accounts of the treasurer of said county, and report the condition thereof to the court."

Mr. FOX. My first objection to this is that I believe the powers should be delegated to the legislature, and in the next place I don't believe an ordinary grand jury is competent to examine the accounts of the treasurer.

Mr. BAXTER. I am opposed to the adoption of this substitute for the reason that I don't believe that it reaches the point as well as the section as it now stands. I cannot conceive of any higher obligation than this convention owes to the people of this territory than throwing about public funds the desired protection. I prefer the method as laid down here than the amendment proposed, for the reason that whoever the governor may appoint will presumably be an expert in his business. The governor will be directly accountable to the people for his appointment. He would be a citizen of the state just as much as this committee would be citizens of the state, he is selected by the people just as much as this committee would be, exactly in the same way, and he would be just as much a direct representative of the people as you could get in any other way. His duties are that he shall examine certain state officials, the treasurers of such public institutions as may be prescribed by law. Now it seems to me we would have in the employ of the state an examiner who understands all these accounts, and to whom the people will look directly for protection, and a man who would be a little more competent to do it than the ordinary run of grand jurors or committees. Not that I desire to cast any reflections upon the grand juries, among whom we number our best citizens, but however qualified a man may be in his special department, he may not be competent to examine into the accounts of these officers as a man

would be who is especially qualified and selected and directly responsible to the people for his actions.

Mr. JEFFREY. With all due respect to Mr. Baxter I must deny that the governor is as competent to appoint a man to this position as the people themselves. The governor of a state, while he may be conscientious, pure in his intentions, and honorable in all his motives, is more or less influenced, and must necessarily be influenced by considerations political and their surroundings. We take it for granted that these citizens selected from the body of the people are selected surely with some respect, with some consideration for their qualifications for serving as grand jurors, that they have some idea of things. I have no objection to the appointment of a state auditor or county auditor, or whatever you see fit to term it, but I claim that this is a right that should remain with the people, and the grand jury certainly comes more near to representing the people, and will be more interested in seeing that the affairs of their counties are honestly administered than any state official could possibly be, and for this reason I propose this amendment. I believe the power should be conferred expressly upon the representatives of the people, as grand jurors, and while I am not opposed to the appointment or election of an auditor of state, for this purpose. I am in favor of throwing around the public funds and the administration of public affairs, this additional safeguard, and not leaving it unsettled by placing it in such express terms that every man who holds office under the constitution of this state will know that at any time his accounts and his affairs are liable to examination and investigation by a committee of grand jurors of the county in which he may hold office.

Mr. CHAIRMAN. The question is on the amendment offered by Mr. Jeffrey. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

Mr. BROWN. I have an amendment to offer to Sec. 1. We say that the executive power is vested in the governor, and we go on and provide for officials, as may be provided by law. I offer the following as a substitute, as I think the section should be amended: "The executive power shall be vested in the governor, secretary of state, auditor, treasurer, and superintendent of public instruction, and such other officers as may be prescribed by law, and who shall hold their offices for four years and until their successors are duly elected and qualified."

Mr. CAMPBELL. I think we want to go a little slow about this. I take it there is a difference between executive power and executive department, and by this amendment you divide the executive power, which should be in the governor, and not divided among these other officers. I think Judge Brown will

see that he ought to change his words and make it executive department instead of executive power. Under this amendment you vest the executive power in a dozen different officials, and it should be vested in the governor and the governor alone, but the executive department may consist of a dozen different officials.

Mr. CONAWAY. I wish to say a few words upon this question and express the ideas I have as briefly as I can. It seems to me that the sections as they stand express the intention of the committee who made this report. They are in the ordinary form of such provisions in the different state constitutions, and in the proper form. The article is headed executive department. Sec. 1 provides for a governor, in whom the executive power is properly vested, the other section goes on and provides for other officials, who together with the governor constitute the executive department. I presume that the amendment was introduced with the idea of making the sections consistent with each other. They are consistent as they stand. Executive department has an entirely different meaning from executive power. Under the head of executive department we provide for a governor and what power he shall be vested with, and for other officials, and with what authority they shall be vested. It covers the whole question, and I do not think the amendments are necessary.

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

Mr. BROWN. I think the convention has made a great mistake. We say that the judicial power is vested in a certain court, by an affirmative amendment it excludes all others.

Mr. MORGAN. I move to strike out the word "shall" in Sec. 14 and insert the word "may."

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

Mr. POTTER. To carry out the idea of Sec. 1 and to bring it before the convention in a more simplified form, that there should be no question about the right of the state to increase the necessary officers, I move to insert at the end of Sec. 11, which provides for the election of a secretary of state, auditor, etc., "the legislature may provide for such other officers as may be deemed necessary."

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

Mr. SMITH. I move when this committee rise they report back the substitute for File 51 and 56 with the recommendation that it be adopted.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing on the general file is the substitute for Files 9 and 36, militia. Sec. 1.

Mr. PALMER. I move to strike out the word "male." If the women vote, I don't see why they should be excluded here.

Mr. BURRITT. In line two I move to strike out "eighteen" and insert "twenty-one."

Mr. FOX. I object to the motion because the United States law makes all persons eighteen years old subject to military duty.

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

Mr. SMITH. In line four I move to strike out "shall" and insert "may."

Mr. JEFFREY. I hope the motion will not prevail. This is the usual provision.

Mr. CHAIRMAN. I believe there was no second to the amendment. Any further amendments? Sec. 2.

Mr. BROWN. I move to strike out all of Sec. 2 after the words "United States." The other part of the section, that the legislature shall provide for the enrollment, equipment discipline of the militia, are all that is necessary to make the state militia effective, and it enforces them to pass such laws as may be deemed wise for the purpose of forming military organizations. I can see no reason why you should put a clause in the constitution patting the legislature on the back, and encouraging them to make appropriations to promote volunteer organizations. I think we can trust the legislature to deal wisely with the military question in the future. The words seem to me entirely superfluous, and since the first part gives the legislature power in its discretion to do all the things mentioned in the last clause.

Mr. FOX. I will make an explanation in regard to this. The matter was brought up in the committee, and this section was recommended to be added for the reason that we have some voluntary organizations that have organized, elected their officers, bought their uniforms, and have to pay for a place of meeting for the transaction of their business, and to keep their belongings together, and they have to pay all their expenses out of their own pockets. If they have to pay some rent they have got to get up some kind of an entertainment to do it, to raise money to keep up their organization, I think as long as these men have volunteered to organize into a body that may be called out at any time to supress insurrection, it is no more than right that they should have expenses paid, or nearly so.

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

Mr. BAXTER. I move to strike out the words "no device." My reason for this is this. There is a company of Wyoming militia in this city, Co. B, and they have recently been discussing a flag for the company, and they have just about decided upon what they will get. Their idea is to get a flag of the United States, and upon either side would be the coat of arms of Wyoming. They would combine the idea of loyalty to the general government and their allegiance to the state of Wyoming. I do not think they should be allowed to carry any other flag than the flag of the United States, but think they should be allowed to make a choice of such device for a company banner as will be distinctive of the company.

Mr. BURRITT. I would like to ask some members of this convention who have examined the state constitutions of other states, if they have found a single provision of that kind in it. These matters are all left to the legislatures.

Mr. FOX. The object of this said section was to prevent any military organization within the state from carrying any flag but that of the United States. We do not want any military organization in this state going around with any other flag.

Mr. BROWN. I quite agree with the object of the committee in presenting this section. When a man becomes a citizen of the United States he wants to remember from that time on he is a citizen of the United States, and he don't want to carry around the flag of any other country, but in order to cover the suggestion offered by the gentleman from Laramie, I desire to offer this substitute. "No military organization under the laws of this state shall carry any banner or flag representing any sect or society, nor the flag of any nationality but that of the United States."

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

Sec. 5. Any amendments? The section stands approved.

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

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The next thing on the general file is File 31. Sec. 1. Any amendments?

Mr. IRVINE. I move to strike out Sec. 1.

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

Mr. BURRITT. I move this committee rise and report.

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

Sec. 2.

Mr. HAY. I move it be stricken out.

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

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

Mr. CHAIRMAN. The question is on the motion to rise and report. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Sec. 3. Sec. 4. Sec. 5. Sec. 6.

Mr BAXTER. While our chairman seems to want to rush us through like a race horse, I have an amendment to offer to Sec. 3. By adding after the words "common carriers" the following: "And as such must be made by law to extend the same equality and impartiality to all who use them, whether individuals or corporations."

Mr. POTTER. I believe the convention is rushing into something here that they will not themselves vote for, and this matter is one that requires a good deal of consideration, and I don't think we have time now to consider it. It is nearly noon now, and I don't think we should try to take up this subject this morning.

Mr. CHAIRMAN. The question is on the amendment as offered by Mr. Baxter. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Sec. 7. Sec. 8. Sec. 9.

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

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

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

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

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

Mr. SMITH. I move the report be adopted.

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

Mr. RINER. I move we adjourn until 7:30 this evening.

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

Evening Session.

Friday evening, Sept. 20th.

Mr. PRESIDENT. Convention will come to order.

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

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

Will Mr. Burritt, of Johnson, take the chair?

Mr. CHAIRMAN. Gentlemen of the convention, the first thing on the general file is the substitute for File No. 50, judiciary. Sec. 1 will be read. Any amendments to Sec. 1?

Mr. COFFEEN. I have an amendment to offer. To insert after the last word in the second line the words "courts of arbitration." I think this convention has already indicated its favorable opinion towards courts of arbitration, so I move to insert the words "courts of arbitration."

Mr. GRANT. Is there not a section in the file providing for such courts?

Mr. COFFEEN. Yes, but it does not recognize them as one of the departments of the judiciary, as I believe it should.

Mr. CONAWAY. This is a question that deserves serious consideration, and I think the gentleman has made his motion without sufficient consideration. In the course of my experience and observation, and I wish to call the attention of the convention to this point, and I think the experience of others who have had experience in legal matters is the same, I wish to call the attention of attorneys and everybody else to the consideration of the fact that a court of arbitration is a misnomer, and is unknown to law. We have boards of arbitration, but such a thing as a court of arbitration, I never heard of. A court is an authority that may not only decide between the rights of parties and say what those rights are, but it is an institution that can render judgment and has an officer to enforce that judgment. A court of arbitration never did nor never will have such an officer. That is the difference between

a board of arbitration and a court. Now if it is desirable to establish a court of arbitration with a sheriff or marshal or any other officer whatever you may choose to call him, to enforce its judgments, that is a very important question to consider, if that is the proposition, and I do not want this convention to pass upon that question without serious consideration. And there is another important consideration that has weight upon this point. Whether such a court is necessary? Cannot any court that we have now in this territory, already organized, with all the officers necessary to carry its judgments into effect, cannot any of our courts proceed and render judgment in these matters, without the trouble of organizing a separate court, or board of arbitration? If the parties have come to that point that they are willing to agree upon a question of differences between them and submit them to a board of arbitration why not submit it at once to a court? After they have gone through the process of submitting it to a board of arbitrators, they are just ready to go into court and lay aside that decision if either party does not wish to abide by it. That is the objection that I have to calling it a court of arbitration. It is not a court and you cannot make it a court without making a great many other provisions besides the one offered. They are utterly powerless to enforce any decision, and I hope the convention will consider this very carefully before they act upon it.

Mr. CAMPBELL. I beg the indulgence of the convention a few moments. I am heartily in favor of this amendment. I don't think that any of the difficulties suggested by my friend from Sweetwater will apply to this amendment at all if put into the constitution. We might have courts of arbitration that would work very well in certain cases. I don't think it is the purpose of the mover of this amendment, that any judgment that the court might render should be a final judgment. Let me illustrate for a moment how if you have a court of arbitration it would be advantageous to persons having claims against debtors. Say, for instance, that Mr. Hay, the cashier of the Stockgrowers' bank, has a note for two thousand dollars against a person in Fremont county, he wants to get judgment against a debtor in Fremont county, suppose that note becomes due in August of this year, and the man don't pay it, Mr. Hay wants some security, but he cannot get it, he has got to wait until next June for a judgment in the district court sitting in Fremont county. Now if you had a board of arbitration Mr. Hay could go to the clerk of the court, after serving notice on the debtor, and have three parties appointed to determine whether or not you owe Mr. Hay that money. That board may be learned or not in the law. They pass upon this claim and Mr. Hay gets a lien against the real estate. In a

country like this where in several of the counties we only have court once a year, I think it would be a very wise plan to have some process which will protect persons against a foreign creditor, and permit him to have some process which will operate against any real estate the man may own. I know in some states where they have such a provision as this it operates very well, and the attorneys would not part with it.

Mr. SMITH. As a process for collection of debts, I should favor this proposition, but it seems to me it should not come in here, as a board of arbitration is purely a creature of the statute, something not known in common law, and should be left to the legislature to regulate, and I think this matter is entirely covered by Sec. 27 of this file. They simply enter a finding and that is entered by the clerk of the court, and that is a lien against the real estate, but that is not making that board a court in any sense. They cannot enforce the judgment themselves, and have no officer by which they can enforce it. The process is a good one, but it is something in the nature of legislation. And we ought not to put it in here and try to make a court of it when it is not a court in the sense in which we use the word court. Sec. 27 covers the ground entirely, it gives the legislature power to provide for this, and to prescribe its duties and powers. If you are going to make it a court, you must necessarily go further, and provide for a great many things besides, and turn this convention into a legislature.

Mr. COFFEEN. I want to say a word in reference to this, having introduced the amendment. If the gentleman who first followed me, making his argument applying to the word court, prefers the word board, we will accept that amendment, but if he means entirely to prevent the judicial power of this state being so constituted that the laboring people can have their difficulties settled without expense and trouble attending litigation in labor troubles, and labor questions, I must conclude he is not in favor of either one, board or court. I want this classed among the judicial powers of the state, I want to have the powers expressed in File 84, introduced here by Mr. Russell, but in addition thereto I want to have these boards of arbitration recognized as a part of the judiciary of the state, where laboring men, labor associations, can have their rights adjudicated, in case of strikes, and difficulties which so frequently arise, so that they can have them settled without the great expenditure of money which usually attends matters of this kind.

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

Mr. POTTER. I move to insert the word "such" before the word "courts" in the second line; such courts of arbitration.

Mr. COFFEEN. I am opposed to this amendment. In the first place it does not read well, but I will not press that. But this leaves it voluntary with the legislature whether they do these things or not. I do not want any uncertainty about it. I want to fix it so that the laboring people of this country can have their difficulties passed upon by a responsible court. By inserting this word such you destroy the whole thing. I want to say that the legislature shall establish these courts of arbitration just as they shall any other court.

Mr. POTTER. I don't think my amendment is subject to the criticism the gentleman has made upon it, and in suggesting that amendment I do not want to be understood as desiring to oppose the laboring classes of this or any other country. I am a laboring man myself, and if anybody works longer or harder than I do I would like to find that man. I see no objection in making it incumbent upon the legislature to provide for a board where a number of employes, or a number of persons, shall be permitted to submit their differences to that board. But you here say you will establish a court of arbitration, and as stated by the gentleman from Sweetwater, if you do that it will be necessary to prescribe all the matters and things connected with it. What it shall consist of, what it shall do, and how it shall do it. I thought we could obviate all this by inserting this word "such," leaving it to the legislature to prescribe such boards of arbitration as they saw fit. I am opposed however to the establishment of a court of arbitration, which shall have jurisdiction in all cases between an employer and an employe, because we give them a dozen other courts, learned in the law who shall determine those questions. If an employe has any difference with his employer, he has the justice of the peace court, or the district court, in which he can recover his wages, the same as any other creditor has. We have a provision in our statute now for the arbitration of differences, and I know that it has been acted under. I have seen a voluntary submission of their differences, and we have seen it right here. But as I said before this section as it stands now with Mr. Coffeen's amendment, making these courts of arbitration a part of our judiciary, necessitates a great many other things. We may want more than one court; how many are you going to have? Are they to be elected or appointed? Are we going to prescribe all these things or leave it to the legislature to provide these? It seems to me that the word "such" in here is necessary.

Mr. CONAWAY. The discussion shows just what I apprehended in the first place. The difference in regard to the functions of this court as stated by Mr. Campbell and Mr. Cof-

feen, shows this. My friend from Laramie wants it in order that creditors may collect their debts, and my friend from Sheridan in order that differences between employer and employe may be settled. I see no objection to the word such, and in order to make the idea clear, to make clear the meaning desired by my friend from Sheridan, we can insert a few more words here, and I think it will be all right. Insert "such courts of arbitration as the legislature may establish, and such other courts as the legislature may by general law establish."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Any further amendments? Sec. 2.

Mr. CAMPBELL. I move that no person be allowed to speak for more than two minutes and a half, and not more than once.

Mr. COFFEEN. I want to speak just a moment on that question. If you will only apprehend the situation, you will notice that the non-professional part of this convention has been very quiet, and said very little, but has depended largely upon a single delegate to make speeches in their behalf, so you see if you only think a moment that if he is limited to one speech then it is simply to give way to the other side, unless some of the other non-professional members will come forward.

Mr. MORGAN. I rise to a point of order. I don't believe debate in committee of the whole can be limited.

Mr. CHAIRMAN. The chair believes the point of order well taken. Any fuurther amendments to Sec. 1? If not it will be approved as read. Sec. 2. Sec. 3. Sec. 4.

Mr. CAMPBELL. In the sixteenth line. I move to strike out the word "vacancy" and insert the words "the unexpired term occasioned by such vacancy." That the judge shall fill the unexpired term, instead of commencing a new term for himself. Take for instance a judge elected this fall, and he dies next June, the governor has to appoint a person to fill the vacancy until the next general election, and that the person shall be elected to fill the unexpired term of the person who dies.

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

Mr. PALMER. I move to strike out in the third line the word "eight" and insert the word "three." I believe that eight years is too long for a judge to hold his office, and that six is a happy medium between a four and an eight year term, especially so where there are three supreme judges, the first to go out at the end of two years, the second at the end of four, and

the third at the end of six, it makes it come out very nicely. I think four years is too long to give an untried judge of the supreme court. It might do very well where the courts have been tried. In the state of Illinois, where I am proud to say they have the best judiciary in the United States, they use the six year term, and it is found to work very successfully there.

Mr. PRESTON. I just wish to correct Mr. Palmer, that is all. I came from Illinois, and pretend to know a little about the law there, and instead of being six years it is nine. The district judges are six and the supreme judges nine.

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

Any further amendments to Sec. 74

Mr. COFFEEN. I move that when this committee arise they report back this file to the convention recommending that the supreme court shall consist of three of the four district judges, whom we shall provide for, and not have a separate supreme court, and for this purpose that File 50 be referred back to the judiciary committee. I make this motion to test this question.

Mr. BARROW. Second the motion.

Mr. CHAIRMAN. You have heard the motion of the gentleman from Sheridan. Are you ready for the question?

Mr. SMITH. I rise to a point of order. That File No. 50 has been referred to this committee for their consideration. They may consider that file, and they may amend it and change it, as they see fit, but they cannot take up an original matter here, and recommend it to the convention, when the convention has gone into committee of the whole, to consider this. He can make any amendment here, but this committee has no authority to take up a proposition of that kind.

Mr. COFFEEN. I do not wish to take up the time of the convention except that I desire to get this question of a separate supreme court before this convention, in such a way that we may have a chance to vote upon it, and for that purpose I introduced this motion. For myself, I believe that the three out of the four district judges which we will provide for will be perfectly satisfactory.

Mr. CHAIRMAN. It is the opinion of the chair that if the gentleman desires to get at the subject matter to which he referred he may do so by moving to strike out Sec. 4, and that is the only proper way to get at this matter included in his motion, to get it before this committee.

Mr. COFFEEN. I thank you for your assistance, and for the purpose of getting the question before the committee, I move to strike out Sec. 4.

Mr. BARROW. Second the motion.

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

Mr. COFFEEN. There are those among us who have expressed themselves as being seriously opposed to the idea of a supreme court, that is a separate supreme court, and my object in bringing this matter up at this time is to give those who are opposed to that a chance to say a word in favor of the other system.

Mr. CAMPBELL. I wish to call the attention of the members of this convention to the situation of this judiciary report. Before the judiciary committee formulated any report at all they asked permission as a special favor that the convention consider this question as to whether we should have a separate supreme court or not. The question was brought up and discussed by those in favor of a supreme court and those against it, and the convention decided by its vote that we should have a separate supreme court. The committee then formulated this report, and it was brought in and discussed by the convention, and it is not right that this matter should be brought up again and referred back to the judiciary committee again. The convention has already decided that we are to have an independent supreme court, and there is no need of bringing this question up again, just to give some people a chance to talk.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 4. Are you ready for the question?All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Any further amendments?

Mr. CAMPBELL. I have an amendment to offer to be known as Sec. 6. "In case a judge of the supreme court shall be in any way interested in a case brought before such court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of such cause."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. Sec. 7. Any amendments?

Mr. GRANT. I move to strike out the word "thirty" and put in "forty."

Mr. CAMPBELL. I move to amend and make it "thirty-five."

Mr. PALMER. I am greatly opposed to this proposition to increase the age that a judge must have. It is not right. I think a young man who has been out in this country for fourteen or fifteen years and has practiced law here certainly ought to be able to be a judge, and I don't think it is necssary always or as a rule, that a man should attain the age of thirty-five be-

fore he knows enough to be a judge, and I therefore plead on behalf of the young men; don't shut us out. We have some rights that ought to be respected. In this county, in this district, the present appointee, the present incumbent of the bench, are both under thirty-five years of age, and I don't think any man, any attorney, questions their capacity to act in that position. I don't think it is right to say that a man who had been on the bench in Wyoming territory, and who had given general satisfaction, should be disqualified from holding that office in the state simply because he was a young man. I tell you gentlemen of this convention, if you old men go to work and make it necessary that a man shall be old before he can be a judge, that the young men of the territory will not submit to it.

Mr. POTTER. I don't want to be a supreme judge for $2,500 a year, and therefore I can talk very well upon this proposition. I agree with Mr. Palmer that the age of thirty is sufficient. If a man is thirty years old, and has practiced law for nine years, if he is not able to be a judge then I don't think he will be fit to be a judge when he is forty. I think thirty is sufficient.

Mr. PRESTON. I am not going to give away my age in discussing this question, but I do know that the age as specified in this section is sufficient without any amendment. Look about this territory, and you cannot but realize that a man don't have to have a gray head to be versed in the law or to sit upon the bench. You take the profession in this territory, and I dare say we have as good a bar as any territory in the country, and if you look around among those gentlemen you will find very few gray heads. Now, as Mr. Palmer has said, the chief justice of this territory is a young man, not thirty-five years of age, Mr. Van Devanter is a young man, and perhaps the very men you will want to elect as supreme judges will be disqualified if you change this section. I will not cast my vote in support of any part of this file if it is to be done for the purpose of creating offices that are to be filled by men who are broken down in age, men whose memory is not clear, or men who have entirely gone out of practice. I tell you gentlemen of the convention, that a young man of thirty years of age is as capable of delivering opinions from the bench as a man who is sixty or seventy-five years of age. I make this statement on behalf of the young men of this territory, and I tell you there are several young men in this territory who have not reached the age of thirty-five that you could not get for any twenty-five hundred dollars. One case is worth more than the salary of the judge when you deduct what it costs to be elected. Now, gentlemen of the convention, I hope in voting upon this question you will take into consideration one fact,

and that is this, if you intend to be prosperous in this territory you must depend upon the young blood of the territory; if you are going to shut them out, if just because they are young, they shant be allowed to do this, or to do that, then you won't have any prosperity, and so I am opposed to any amendment that provides that a man shall have a gray head in order to be a supreme judge.

Mr. CHAIRMAN. The question is on the motion to strike out thirty and insert forty. 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 insert thirty-five instead of thirty.

Mr. CONAWAY. I just want to state to the convention some of the considerations that influenced the judiciary committee in fixing these figures, that a man should have been in actual practice nine years, and thirty years of age, in order to serve on the bench. We thought that it was necessary that an attorney should have put in ten years practice at least before he would be qualified as a judge of the supreme court, but we were influenced by the same considerations which the gentleman from Fremont has so eloquently urged upon this convention, and we wanted to make it as favorable to the young men as we could, and we supposed the case of a young man who had got his education, and admitted to the bar and gone into practice, as early as possible, at the age of twenty-one years, then if he continued in practice until he was thirty, that would be nine years, so we reduced the time of practice from ten to nine years, so as to make a man eligible when he was thirty years of age, and in doing that we thought we were doing the best thing we could for the young men.

Mr. PRESTON. I think it would be very injurious to the people of Wyoming to make it thirty-five years, for the reason that there are not three Democratic lawyers who are thirty-five years of age in the state, and they will be needed for the supreme court soon.

Mr. CHAIRMAN. The question is on the motion to strike out thirty and insert thirty-five. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Reading of Sec. 8. Any amendments? Sec. 9. Sec. 10. Sec. 11. Sec. 12.

Mr. BROWN. In Sec. 12, line two. I move to strike out the words "or appointed." I don't believe in allowing the judges to appoint their own clerks. In the city of Chicago there is a condition of things found in no other place, and the courts of the state have been disgraced by the condition of things between the clerks and the judges, and the situation down there is this, that suits are pending between one of the judges

and his clerk as to some portion of the commissions the judge was to have out of the clerks.

Mr. CONAWAY. They are not to be appointed by the judge nor any one else, except in case of a vacancy, and it would have to be filled before an election. I do not think there is any danger in the legislature passing a law providing for their appointment except to fill a vacancy, but in order to make that point plain I will make an amendment to the amendment to insert after the word "or" the words "in case of a vacancy may be appointed."

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

Mr. HOPKINS. I would like to ask if it is necessary to have this "as may be prescribed by law" twice in that short section?

Mr. POTTER. I thing it is a repetition there, and that the two could be put together.

Mr. CAMPBELL. That was put in there so as to avoid confusion.

Mr. HOYT. I move to amend so that it would read "appointed in such manner and with such duties and compensation as may be prescribed by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. It is so amended. Sec. 14.

Mr. POTTER. I move to strike out the last sentence, and insert after the word "duties" the words "and receive such fees."

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

Mr. CLARK. I would amend by striking out the word "fees" and inserting the word "compensation."

Mr. POTTER. I accept the amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Laramie, Mr. Potter. All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended.

Mr. PRESTON. I move to strike out the words "who shall be persons learned in the law."

Mr. CONAWAY. In order to give Mr. Preston an opportunity to discuss that I will second it.

Mr. PRESTON. My reason for making this amendment, perhaps would not apply to every county in the territory. I understand that the object of presenting Sec. 14 is for the purpose of having some one in each and every county who in

the absence of the judge might perform such duties as were required of him as prescribed by the legislature. In other words to perform such acts that the judge in chambers would perform if present. Now, in a county like Fremont, located as we are 133 miles from the railroad, and a long ways from Evanston, if we want an undertaking, or a writ of habeas corpus, it would be utterly impossible to get it without an officer of this kind. Now it says that this officer, this court commissioner, must be a person learned in the law. I doubt very much if the duties that would be required of him to perform in a county like Fremont, in a county like Sheridan, like Crook, or a county like Converse, would justify a practicing attorney in any of those counties in accepting a position of this kind, and the result would be if no attorney would accept it, we would be entirely without a commissioner. The court ought to have the privilege of appointing some one else commissioner, whether or not an attorney would accept it, and for that reason I make this amendment.

Mr. POTTER. I hope this will not prevail. I have had some experience with this commissioner business. It would not deprive an attorney of his practice at all, he could not act in his own case, but that is all. We want a man who knows his business, and I think it ought to be a man who is learned in the law, just as it says here.

Mr. CHAIRMAN. The question is on the motion to strike out. All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Sec. 15, which is 14 of the printed file. Any amendments? Sec. 16. Any amendments? Sec. 17. Any amendments?

Mr. BAXTER. As I understand it this is the section numbered 16. I move to strike out in line number five the words "twenty-five hundred" and insert "three thousand." My object in making this amendment is to place this matter in such shape that we can at least command reasonably good talent in the profession. We must remember that we are not making this constitution for a few days, and that we are not making it to apply solely to the idea of our present condition, for we don't expect to remain in our present condition very long. We look for a considerable industrial growth and development in the next few years, and it does seem to me that a salary of three thousand dollars for such men as we wish to intrust in the discharge of the judicial duties here is a very small sum, and it should not be any less than that. Mr. Potter says he does not care to take the place at the salary mentioned here, so if we wanted Mr. Potter in that capacity we could not have him, and we might have to get some other man that the people would not want. I think he should command such a sum at least as would give him a decent living.

Mr. CONAWAY. I wish just to say one word in regard to this matter. It has occurred to me in considering the matter that it would be very proper in the case of all our state officials to fix the fees for the present in this constitution at exactly the same sum that the government has fixed them for us. Not any less at any rate than the government at Washington thought we were worth. It seems to me it would be very impolitic to put anything in this constitution that would indicate to the people at Washington that they were mistakin in their opinion of us, that we are not a people of so much importance or with as many interests at stake or of as much consequence or as much wealth, or that we have not all the characteristics of a great and growing community, as they firmly thought we had. It has occured to me that the most proper thing we could do would be to fix all the salaries as they have fixed them for us.

Mr. POTTER. I desire to explain to the non-professional members of this convention that there is more to be considered than the mere salary of a judge. A lawyer in active practice builds up his practice as any other man builds up his business, and he has to leave that when he takes a position on the bench. He knows when he comes back that he has got to start an entirely new business, and this must be considered. A man takes this into consideration, and not merely the amount of the salary he gets, that on leaving the bench he must start all over again.

Mr. HOYT. I would call attention to the fact that the salary of the governor has been fixed at twenty-five hundred dollars. This is too small, and three thousand is too small for a judge, but I should not be in favor of increasing one without increasing the other.

Mr. CAMPBELL. I would call your attention to the fact that the governor can engage in some other business, while a judge of the supreme court cannot.

Mr. HOLDEN. I desire to call your attention to the fact that this does not fix the compensation at all. It simply provides that it shall not be less than twenty-five hundred dollars per year, and leaves the matter entirely with the legislature, and I think that is a very good place to leave it. I think the section is all right. Now it has been suggested here that there is nothing for a supreme court to do. That may be possible. Suppose the legislature should fix their salary at twenty five hundred dollars for the present, and I apprehend there would be no lack of applicants for the places; our governor gets only $50 per year, and so far as I know the office never went begging yet. And the same may be said with reference to our supreme court. I never heard of one of them going begging yet, and I think we ought to leave this matter

just as it is, and if the legislature should fix their salaries at twenty-five hundred dollars there would be some men who would want it, although some of the illustrious gentlemen on the other side have signified that they would not have it at that price. I think this is all right, leave it to the legislature, and if we need to increase it in the course of time, the legislature will do so.

Mr. BARROW. I desire to call the attention of the convention to the fact that if you give a lawyer an inch he will take an ell. They brought in this report and were contented with twenty-five hundred dollars for the salary of a supreme judge and finding now that the convention is disposed to grant the supreme court without any question, they want to raise the salary. I certainly object.

Mr. BAXTER. I look at this question from a non-professional standpoint, and I am not looking at it in the interest of my legal brethren, but in the interest of the people. I believe no matter how low you might fix the salary there would be a sufficient number of men willing to take it, but that is not the class of men we want to fill it. We want a class of men who are competent to discharge the duties satisfactorily to the people, and you cannot expect a lawyer whose professional attainments are such that they make four or five thousand a year in their practice, to give it up for twenty-five hundred dollars a year, and there is no argument in the statement that they will have nothing to do. If they should go on here holding their terms of court annually, and not a single case was heard, it does not effect the question at all. When a man is elected to the bench he cannot do anything else. He is debarred from having a general practice, and it seems to me that we want to pay him enough to live on. It is not a question of service at all, and I think we should fix it so that the legislature shall not make it less than three thousand dollars, so we can reasonably expect gentlemen of fair ability to fill these offices.

Mr. CHAIRMAN. All in favor of the motion to strike out twenty-five hundred and insert three thousand in the fifth line will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise—16. Those opposed will rise—18. The motion is lost. Any further amendments?

Mr. COFFEEN. I move to strike out in the fourth and fifth lines the words "shall not be less than."

Mr. SUTHERLAND. Second the motion.

Mr. COFFEEN. I want to call your attention to one bearing of this case. I am not particular about carrying this, but I want to call your attention to a few things. In the first place you have provided for a supreme court, when I believe the sentiment of the country is against you, and you must appeal to them for ratification. In the next place you have attempted

here to raise the salary, and whether it is raised or not it appears to me a dangerous question to be left upon in the way you have it here in the wording. Now the people in the country when they examine this constitution will readily see that with no salary fixed it may be that it will cost us five thousand dollars for every judge, if it goes to the people the way it stands now. I am not myself in favor of limiting it precisely to twenty-five hundred dollars. I would rather it be fixed at not more than or not less. I will make a motion that it shall not be more than thirty-five hundred, or less than twenty-five hundred.

Mr. HOPKINS. I have never been accused of being a lawyer, but I suppose I belong to the layman class of this convention. Now it seems to me that in order to obtain the benefits that shall accrue from statehood that it is absolutely necessary that we should have as near a perfect supreme court as possible. Now I would object to fixing the salaries of the judges of the supreme court at twenty-five hundred dollars a year on the same principle that I would object to buying a cheap John or snide suit of clothes.

Mr. GRANT. I move to amend Mr. Coffeen's amendment by inserting "it shall not be more than five thousand."

Mr. TESCHEMACHER. We had a very able address before this convention the other evening by Senator Stewart of Nevada, and after his address I became convinced that very soon we were to have a population of millions in this territory or state. Now if we are going to be a state like New York, we will want supreme judges like they have in New York, and should be willing to pay them ten thousand dollars or whatever they are paid there, and I say we shall soon become wealthy and can afford to pay our judges high salaries, and I am therefore opposed to limiting this to twenty-five hundred dollars, for if you do it won't be long before we shall need to call another constitutional convention to submit new amendments to this constitution, and that will take more money than it will take to pay the judges for their services. I shall oppose this amendment to increase to five thousand because I believe it will jeopardize and defeat your constitution, and I shall vote for thirty-five hundred because I believe it a good limit, and will answer our demands for fifteen or twenty years to come.

Mr. MORGAN. I am afraid if we put in a limit here it may be too small. Leave it at twenty-five hundred and I think it will be all right. The legislature is very careful about increasing salaries, and I do not believe there is any danger of increasing it to an extravagant amount.

Mr. BAXTER. I disagree with Mr. Morgan as to the propriety of fixing a maximum amount. If that section is left to stand as it is it means that the legislature will fix it at twenty-

five hundred dollars, and they won't go a dollar above it, and while I have no idea of influencing a single vote in this convention, I insist that you are making a mistake in fixing any such sum of twenty-five hundred dollars a year. If you are not prepared to pay a sum which will secure the services of men who are competent to fill these places, as against any cheap John man that may come along, we had better not constitute a state government.

Mr. GRANT. I just have to say this in regard to this matter. If I have to go into court, whether the amount is small or not that is involved, I want to know that I am going before men in whom I can have some confidence, and I think you are endangering the interests of the people of this territory by not fixing a maximum, for it means that it is going to be fixed at just twenty-five hundred dollars and no more.

Mr. RUSSELL. I had not intended to speak on this question, as it is not in my line of business, but I would suggest that we strike out twenty-five hundred dollars, and leave it to the wisdom of the legislature entirely to decide what the salary shall be. I don't think it wise to criticize our former legislatures, nor to abuse those whom the people have sent here to make laws, it don't speak well for us as a body that represents the people that we do in this territory. I believe that the men that the people will send here to create and make laws for the state of Wyoming will certainly have sufficient good sense to know what the services of a supreme judge is worth, without our fixing a little weakly salary here. I suggest that twenty-five hundred be stricken out and that it be left entirely to the wisdom of these men whom the people send here to fix these things, as I believe it will give better satisfaction in that way.

Mr. PRESTON. It may come with very bad grace from a lawyer to make any remarks upon this question, but I have sat in this chair until I can't sit here any longer and listened to the arguments advanced by the gentlemen in regard to the salary of a supreme judge. We are delegates here to this convention, sent by the various counties throughout the territory, to prepare a constitution to present to the people of the territory to vote upon. It is not a question whether or not we become a state. We have come for the purpose of preparing a constitution that will better us if we are admitted into statehood, better our condition than we now exist as a territory. If a constitution is to be prepared by this convention to meet the hobbies of a few of the delegates to this convention, then I say to the people of Wyoming, don't vote for that constitution, for it don't better your position in life. Men get up here and ask that a man give up his practice and go to the bench at a salary of twenty-five hundred dollars, when you could not get

either one of them to accept the position at the same price. You cannot live in Cheyenne where the supreme court will be held on less than one hundred and fifty dollors a month. Let us remain as a territory if we cannot as a state have our rights protected. Are we to have a supreme court in the state of Wyoming that will administer only such justice as we would receive at the hands of a justice of the peace? If we are then vote down the constitution. Yes, sir, a justice of the peace, a man who is not required to possess any qualifications, a man who is not required to study in an office for a certain length of time, a man who is not compelled to pass an examination, a man who is not compelled to spend a great deal of his time in preparing himself for the profession he has chosen, as justices of the peace in the city of Cheyenne receive three thousand dollars, and yet you ask a man who has spent perhaps four or five years in preparing himself for the profession he has chosen to accept a salary of five hundred dollars less than a justice of the peace would get. No, sir, I am not in favor of passing a constitution here that will show upon its face such things as the people generally do not approve of and endorse, neither am I in favor of voting down a proposition simply because some member of this convention says if I can't have my own way about it, my people won't support it. I have come here as a delegate, and I believe every other member of this convention is in duty bound as a matter of honor to support the constitution when it is presented to the people, whether it meets his views or not. I have been in this convention every day since it convened up to the present time, and I don't know a single thing that I have advocated that has been passed. I have lost every proposition, and I say to you, gentlemen, if you adopt a constitution here, whether it be to suit some people's hobbies or not I say to you I will advocate and vote for that constitution, and so will the people of Fremont county, who sent me here to look after their interests. I say to you, gentlemen of the convention, that if I lived in a county where the people who sent me here would not endorse my actions, I would move out of that county and hunt up some other county that would stand by me. I ask you, gentlemen of the convention, if you expect Wyoming to be as it is today for any great length of time? Every indication points to the fact that Wyoming in the next two or three years will be four or five times as large as it is today, and yet you gentlemen would ask to have this fixed at twenty-five hundred dollars. If we grow as we expect to grow, in my judgment, there will be enough business in the supreme court to justify us in paying a salary of ten thousand dollars within the next ten years, and yet these gentlemen try to run a bluff on us by saying that the people won't ratify the constitution unless you make the salary of the

supreme judge five hundred dollars less than a justice of the peace gets in Cheyenne.

Mr. SUTHERLAND. As far as running a bluff is concerned, I don't wish to be misunderstood, but I merely wish to say here that in talking with a number of our heaviest tax payers in our section, they have said they were strictly opposed to a supreme court, and I know of one member who has left stating he would never put his foot on this floor, and that he would go home on account of it, and so far as the people endorsing me are concerned, I have been endorsed fully as well as any man on this floor, and a good deal better than some of those that have been sent here, and I wish it to be distinctly understood that I would like to see something left to the legislature, and not attempt to do it all here.

Mr. CHAIRMAN. The question is on the motion to insert the words five thousand. 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 original motion to insert the words not more than thirty-five hundred dollars. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The noes have it; the motion is lost.

Mr. RUSSELL. I now move to strike out this twenty-five hundred entirely, and leave it to the legislature.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended. Sec. 18. Any amendments? Sec. 19.

Mr. CAMPBELL. In order to make Sec. 18 conform to Sec. 20 I move to insert before the word " the" the words "until otherwise provided by law."

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the section is so amended. Sec. 20. Any amendments? Sec. 21. Sec. 22.

Mr POTTER. I move to strike out the word "county" in the first line. This section was copied from another constitution where they had county courts, and this word should be left out here.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion to strike out will say aye; contrary no. The ayes have it; the section is so amended. Sec. 23; Sec. 24; Sec. 25; Sec. 26; Sec. 27.

Mr POTTER. Before we go on to the next section I have an amendment to go in here. It is a proposition which was previously submitted, and referred to the judiciary committee, but not included in their report, and is as follows: "The gov-

ernor and either branch of the legislature may require the opinion of the supreme court on questions of importance, or on solemn occasions."

Mr. CAMPBELL. The convention has already passed upon that question, and it should not be brought up again.

Mr. ELLIOTT. I would call the attention of the gentleman who introduced this section to the fact that the great argument used for an independent supreme court was that we should have a court that had in no way passed upon the questions to come before it. He here proposes to compel them to pass upon matters of law which may be submitted to them by either the governor or either member of the legislature, upon which they may reasonably be expected to pass an opinion themselves. If the argument is of any force, the same argument would apply to compelling them to give an opinion to the legislature.

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the motion prevails. Sec. 28.

Mr. HOPKINS. I move this section be referred back to the committee to see whether in conflicts with anything already passed.

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

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

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

(Report of committee of the whole.)

Mr. CAMPBELL. I move the report of the committee be adopted.

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

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

Mr. PRESIDENT. It is moved that we do now adjourn until 9 o'clock tomorrow. All in favor of the motion will say aye; contrary no. The ayes have it; the convention stands adjourned until 9 o'clock tomorrow morning.