

Mr. PRESIDENT. The question is on the appointment of a committee of four to appoint a committee to go to Washington. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The chair will name Mr. Riner, Judge Conaway, Mr. Elliott and Mr. Organ.

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

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

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

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

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## TWENTY-FIFTH DAY.

### MORNING SESSION.

Monday, September 30, 1889.

Mr. PRESIDENT. The convention will come to order.

Prayer.

Roll call.

Reading of the journal.

Reports of committees.

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

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

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

Mr. PRESIDENT. If Mr. Burritt will kindly read we will proceed with the final reading of the constitution. It will be read by articles and the vote taken on each article. The preamble will now be read.

The question is upon the adoption of the preamble as read. Are you ready for the question? So many as are of the opinion that the preamble be adopted as read will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the preamble is as follows: Ayes, 25; noes, none; absent, 24. Gentlemen, by your vote you have adopted the preamble of the constitution of Wyoming. Art. 1 will now be read. Are there any amendments? The chair hears none. The question is on the adoption of Art. 1 as read as a part of the constitution. So many as are of the opinion that Art. 1 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 1 is as follows: Ayes, 28; noes, none; absent, 21. By your vote you have adopted Art. 1 of the constitution of the state of Wyoming. Art. 2. Are there any amendments? The chair hears none. The vote is now on Art. 2 as read. So many as are of the opinion that Art. 2 be adopted will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 2 is as follows: Ayes, 26; noes, none; absent, 23. Gentlemen, by your vote you have adopted Art. 2 of the constitution of the state of Wyoming. Art. 3. Any amendments to Art. 3?

Mr. HOYT. I move to amend Sec. 6 by striking out the word "ninety" where it occurs in the second sentence of that section, and insert the word "sixty," so that it will read "No session of the legislature after the first, which may be sixty days, shall exceed forty days." I believe there is no necessity for any argument on the subject, for a careful estimate shows a saving can be made of between eighteen hundred and two thousand dollars in the first session, and I believe it is the unanimous opinion of the convention that the work of this first session can be done in that time, and this saving is so important that it ought to have the approval of all the members.

Mr. PRESIDENT. 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 to amend prevails. Any further amendments? The chair hears none. The question is now on Art. 3 as read and amended. Are you ready for the question? So many as are

of the opinion that Art. 3 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Mr. ELLIOTT. I voted against this as a separate proposition, but in supporting the constitution I am restrained to vote aye.

Mr. PRESIDENT. Gentlemen, your vote on Art. 3 is as follows: Ayes, 30; noes, none; absent, 19. By your vote you have adopted Art. 3 as a part of the constitution of Wyoming. Art. 4. Are there any amendments? The chair hears none. The question is now on the adoption of Art. 4 as read. All who are of the opinion that Art. 4 as read be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 4 is as follows: Ayes, 31; noes, none; absent, 18. By your vote, gentlemen, you have adopted Art. 4 as a part of the constitution of Wyoming. Art. 5.

Mr. KNIGHT. I would like to make a suggestion. I see by the article that provision is made whereby a member of the district court may be called upon to sit in the supreme court, but see no provision whereby in an emergency the place of members of the district court may be filled. The districts are large in the western part of this territory, and there is a great deal of expense attending the holding of the court. There might arise an emergency whereby one of the district judges might be unable to fill his engagements. It is provided that the district judges may act for each other, but if it should happen at any time that all of the other courts are engaged, it seems to me no more than proper that in such an emergency a member of the supreme court might act. I merely offer this as a suggestion, and I move to amend by adding to Sec. 2 the following: "Any member thereof may in case of an emergency be assigned by the governor to act as a district judge, under such rules and regulations as may be prescribed by law." There might perhaps, Mr. President, be an additional requisite that the supreme judge should not sit in reviewing a case in which he acted as district judge.

Mr. HARVEY. I trust this amendment will not prevail. It is inconsistent with the entire course of this convention.

Mr. CONAWAY. I only wish to say in regard to this proposed amendment that I wish to simply reiterate every argument I made against a supreme court constituted of the district judges.

Mr. KNIGHT. I took no part in the discussion of this article. I have maintained that a supreme court is necessary, but the only question I raise is this: In an emergency, if one should

arise as to the holding of the district court, it is very possible that that court must go over, and large expense be incurred by the several counties in the district, for the reason that none of the other judges could act at the time and thus hold court. Now if there is a provision whereby the supreme judges may act as district judges, might be more of an excuse and less of an objection to a supreme court. I don't care particularly about this, but I thought it would be accepted by the convention as an amendment that would be acceptable to a number of people, in view of the fact that objection has been raised to a supreme court.

Mr. PRESIDENT. The chair wishes to state that in passing upon this constitution at this stage amendments will be limited under our rules to the extent of changes in details as to matters already adopted, but not to any absolute change as to any matter adopted heretofore. This is a matter of detail, I take it. 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. CAMPBELL. In Sec. 21, at the end of the section, I would like to add this: "The number of district judges shall not exceed three until the value of taxable property within the state shall equal sixty millions of dollars, and shall not exceed four until such taxable valuation shall equal one hundred million dollars." I think there should be a provision in there that the number should not be increased until a certain time. Some people have got the idea that this article is a particularly favorable one to the lawyers, and they might make another judge as soon as they could induce the legislature to do so, and I make that amendment to this article in this constitution at the request of certain persons here who feared if this should be left out as it is, it might make some uneasy, and they would vote against the constitution for that reason, and that it would be more satisfactory to the people if the number was settled and not increased until after a certain time.

Mr. HARVEY. We people of the north have consented to some things which are not favorable to our counties. Now if there are three judges it is almost certain that they will all live along the line of this road. And it will be some time before we northern counties get a district judge. But it is hardly fair to keep us out of having a judge for the next ten years. I would amend the amendment so that it would read, "Provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the state shall exceed one hundred million dollars."

Mr. PRESIDENT. The question is on the amendment. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to insert prevails. Are there any other amendments? The question is on

Art. 5 as read and amended. Are you ready for the question? All in favor of the adoption of Art. 5 as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on Art. 5 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 5 as a part of the constitution. Art. 6. Final reading of Art. 6. Are there any amendments? The chair hears none. The question is on the final reading of Art. 6 as read. So many as are of the opinion that Art. 6 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Mr. CLARK. Because I believe that an educational qualification for suffrage is contrary to the spirit of our institutions, and I am irrevocably opposed to that principle, I vote no.

Mr. PRESTON. For the reason advanced by Mr. Clark, I vote no.

Mr. SMITH. Sec. 9. The educational qualification in this article is very objectionable to me, but as I desire to vote for the balance of the article, I vote aye.

Mr. PRESIDENT. Gentlemen, your vote on Art. 6 is as follows: Ayes, 25; noes, 6; absent, 18. By your vote you have adopted Art. 6 of the constitution. Art. 7.

Mr. POTTER. I would like to ask a question. It is well known that we have a grant of land to the state for a normal and agricultural college. I have a little fear that a few words in this section will take those lands for the university. This is the language: "All lands which have been heretofore granted or which may be hereafter granted unto the university as such, or in aid of the instruction to be given in any of its departments." Supposing at the university they give a normal and agricultural course, it will take these lands if those words remain in. I have a little fear of it that is all.

Mr. COFFEEN. I was afraid of this when it was on its passage before. I feared that these words "or in aid of the instruction to be given in any of its departments" might cut us off in the establishment of an agricultural and normal college. I do not think the language is safe for the protection of their interests. I move to strike out line six of the printed bill.

Mr. HOYT. There is reference somewhere in the article to the other institutions. The committee on education having in mind that it might be the purpose of congress at some time to grant lands for normal school purposes, and in such case the legislature would see fit to make such location of those institutions in different parts of the state as would promote the general interests and serve the whole public. In some of the

eastern states they have these normal schools established upon grants from congress. They are located in different sections of the state. I believe in a normal department in the university. This was the purpose of the committee.

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

Mr. HAY. Before we leave this I notice that that section ends with the words "such lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress." In looking over the senate bill 2445, I notice that it is absolutely one of the provisions of that bill that no one person shall buy or lease more than six hundred and forty acres. That was included in the original report of the committee and I called attention to it at the time it was discussed, and would say that I think it had better go back.

Mr. BAXTER. According to the wording of the last of the section it conveys the idea that they would have to submit the terms to be approved by congress.

Mr. PRESIDENT. I would suggest to the gentleman that the idea is this: Some of these lands will never be sold for ten dollars an acre, and we want to arrange it so we may hereafter secure the approval of congress to sell them at a lower figure.

Mr. PRESIDENT. The question is on the article as read. So many as are of the opinion that Art. 7 be adopted as read will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 7 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 7 as a part of the constitution of the state of Wyoming.

Mr. CAMPBELL. I move we now take a recess until half past one.

Mr. PRESIDENT. The committee appointed on address to the people are now ready to report. Is there objection to this report being received before we take a recess? If not the report will be received at this time.

Mr. RINER. I move the report be adopted.

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

Mr. RINER. I move we take a recess until 2 o'clock.

Mr. PRESIDENT. The question is on the motion to take a recess until 2 o'clock. Are you ready for the question? All

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

#### AFTERNOON SESSION.

Monday afternoon, Sept. 30.

Mr. PRESIDENT. At the moment of adjournment we were reading the constitution. We will now proceed. The next article before us is Art. 8. Any amendments? The chair hears none. The clerk will call the roll.

Gentlemen, your vote on Art. 8 of the constitution is as follows: Ayes, 23; noes, 2; absent, 24. By your vote you have adopted Art. 8 as a part of the constitution of Wyoming.

Art. 9. Any amendments?

Mr. HOPKINS. It has been thought by some members of the convention here that the two state offices of mine inspector and state geologist were not an absolute necessity. It is well known what the duties of the mine inspector are. In the first place a mine inspector is really a mine detective. The law provides, the one we are now running under, that the inspector shall visit each mine in the territory once every quarter, or four times in the year. I suppose there are about fifteen mines in the territory, something in that neighborhood. The inspector is expected to visit each one of those mines according to law, once every quarter. It will take him about two weeks to perform the duties of his office, as required by law. That certainly leaves a large portion of his time unemployed. Now the question is whether a mine inspector can be found who would combine the knowledge of mining engineer and state geologist. I know of such people and think there are lots of such people, and think they could be secured for the salary we would pay the mine inspector, \$2,500 a year and expenses, and I would move to add to Sec. 7 of this file on coal mines, after the words "the position" the following: "said state geologist shall ex-officio perform the duties of inspector of mines until otherwise provided by law."

Mr. RUSSELL. I hope this convention will not adopt this amendment, as I think it will be detrimental to the object of coal mine inspectors. While such men as spoken of by the gentleman from Sweetwater can be found combining the knowledge necessary to the examination of coal mines, ventilation, etc., and the knowledge and wisdom suitable to fill the position of state geologist, I think they are very scarce. The position of coal mine inspector is such a one that the necessary knowledge is not obtained in schools, the practical knowledge that office demands is only obtained in coal mines. I think you would find when you come to apply this, and put it in operation, that it would not be so easy to do it, I do not think it

would work right, and I don't think we want to risk it anyway. The present original section provides that the legislature shall fix the salary, and if the salary is found too high for the work performed, the legislature can reduce it, and can do the same with the salary of the geologist, and I do not think that the amendment ought to carry.

Mr. HOPKINS. I wish to say respecting this question of salary, it is not a question as to whether the salary is too high, for the work actually performed. The office is of such a character that the law must provide that he shall not have any interest or be employed in any other way as a mine man, or as a man connected with mines. He must have no connection with any mine whatever. He must, like a judge of the supreme court, do nothing else, and you have got to pay the salary with that restriction. He can only be employed in such capacity by the territory. By nobody else.

Mr. COFFEEN. I do not know to what extent this has been discussed among the members. I made a few remarks in defense of the position of state geologist, and that office has been retained, for the reasons then stated, but let me say here for myself, if we must combine one of these offices with the other, I want the office of mine inspector to be considered by all means the most important. His duties are those which relate to the protection of men in the most dangerous kind of employment in this country, and although I defended the position of state geologist before, I would rather let that position go and do without a state geologist than to in any way prevent our having a practical mining inspector who knows from practical experience and training the things needed for the protection of the men in a mine. Therefore I will have to vote against this amendment. If any amendments are to be made let it be by striking out the state geologist and retaining the more important office.

Mr. HOYT. With the permission of the convention I would like to ask Mr. Hopkins a question. Does it not follow naturally that a good state geologist would make a good mining inspector?

Mr. HOPKINS. In answer to that question I would state that the study of geology is part of the ordinary studies of a mining engineer.

Mr. HOYT. I merely wish to say, Mr. President, that I second the motion of the gentleman from Sweetwater for two reasons. First, because I had understood that the proposition which he offered was entirely satisfactory to the members of this convention, who represent the mining interests. It would be far from my desire, sir, to do anything towards crippling the mining interests of the territory, which are very important. My second reason was that I believed then and I believe now that a man who is fit to be a state geologist of Wyoming should

be one of the most intelligent men who can be selected as an inspector of mines. Our state geologist should never be appointed unless they have been students at a school of mines. I understand that our present geologist is a graduate of a school of mines, which makes a specialty of that branch alone. He has not only studied geology, but he has made a special study of mines and mining interests. I think a person who is competent to fill the position of state geologist should be competent to be an inspector of coal mines, and have such practical knowledge that he will know whether they are properly arranged and ventilated or not. Now if that is true, there is another reason which will appeal to every member of this convention, and it is that of economy. We should have a state geologist to make general surveys of the territory, and other matters connected with the duties of that office, but there is nothing to prevent his going at stated times to the mines and making an examination of them, such as will properly protect the mining interests. I want to say just one more word. I know how the miners feel about this matter, and they do not think the offices should be combined. It was attempted when the office was created in the Wyoming legislature, and it was decided then that it would not work well, and I am satisfied that it would not do so now.

Mr. PALMER. This combination of the office of state geologist and inspector of coal mines will be only temporary, until such time as the state can afford to separate those offices. Now so far as the mining interests are concerned, Mr. Hopkins and myself, the Sweetwater delegation, represent the largest coal mining interests in the territory, and I mean to state that if the territorial geologist is made ex-officio inspector of coal mines, and a competent man is appointed to fill that position, there will be no objection to it.

Mr. MORGAN. The gentleman from Sweetwater, Mr. Palmer, has stated the motion as I understand it, that the combination is only temporary. In addition to that it seems to me that the state geologist while acting as mine inspector would have excellent opportunities for looking up the geologist part of his work in that connection. It is only temporary, and if not found to be for the best interests of all concerned it can be changed.

Mr. PRESIDENT. The question is on the amendment. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion to insert prevails. The question is now on the adoption of Art. 9 as read and amended. All who are of the opinion that the article be adopted will say aye; contrary no. The clerk will call the roll.

(Roll call.)

Mr. RUSSELL. I vote aye, but I protest against this amendment.

Mr. PRESIDENT. Gentlemen, the vote on Art. 9 is as follows: Ayes, 27; nays, 3; absent, 19. Gentlemen, by your vote you have adopted Art. 9 as a part of the constitution of the state of Wyoming. Art. 10 will now be read. Are there any amendments to Art. 10? The question is on the adoption of Art. 10. So many as are of the opinion that Art. 10 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Mr. POTTER. I desire to explain my vote. I have no objection to these matters under the head of railroads, but I have objection to the article on corporations. I therefore vote no.

Mr. PRESIDENT. Your vote on Art. 10 is as follows: Ayes, 27; noes, 1; absent, 21. Gentlemen, by your vote you have adopted Art. 10 as a part of the constitution of Wyoming.

Mr. BURRITT. I ask unanimous consent to introduce a resolution at this time, and ask for its immediate consideration.

Mr. PRESIDENT. Is there objection to the resolution being presented at this time? The chair hears none. The gentleman may introduce his resolution.

Mr. BURRITT. "Resolved, That the president and secretary of this convention are hereby instructed to certify to the secretary of the territory the mileage and per diem of each member of this convention, in case any member shall have been absent more than ..... days they shall be allowed for the number of days actually in attendance." I have left the number of days blank, but move that the number five be inserted.

Mr. HOPKINS. As a member of this convention who has been absent more than the time fixed, I desire to say that I approve of this proposition.

Mr. KNIGHT. I have been absent from this convention a considerable portion of the time. I occupy the position of county attorney, and the first day of our court was the first day of the convention, and it has been impossible for me to be here all of the time, but I desire to say that so far as I am concerned, I shall only ask for a certificate for the actual time I have been here, as long as I was unable to be present and could not take the interest I would have taken if I had been here all along.

Mr. PRESIDENT. The question is on the motion to insert the word five in the resolution as offered. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the amendment prevails. The question is now on the adoption of the resolution as amended. All in favor of the adoption of the resolution will say aye; contrary no. The ayes have it; the resolution is adopted.

The question is upon the adoption of Art. 11. Reading of Art. 11. Are there any amendments? The chair hears none. So many as are of the opinion that Art. 11 be adopted as read will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on Art. 11 is as follows: Ayes, 31; noes, none; absent, 19. By your vote, gentlemen, you have adopted Art. 11 as a part of the constitution of the state of Wyoming. Art. 12. Reading of Art. 12. Are there any amendments? The chair hears none. So many as are of the opinion that Art. 12 as read be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The clerk will call the roll.

Mr. COFFEEN. I desire to explain my vote. I think this limit of three millions of assessable property to be left in the old county does a very great injustice to persons living in a county who desire to form a new county organization. I vote aye on this article, but I protest against this portion of it.

Mr. PRESIDENT. Gentlemen, your vote on Art. 12 is as follows: Ayes, 31; noes, none; absent, 18. By your vote you have adopted Art. 12 as a part of the constitution of Wyoming. Art. 13.

Mr. RINER. I would like to know if this article on salaries belongs to the article on municipal corporations?

Mr. CLARK. I will state, Mr. President, we had intended to make this a separate article, but in some way or other it got in here.

Mr. RINER. It puts some of us, myself among the number, in a position where we shall have to vote against the article, which I very much dislike to do. In order that we may have an opportunity to vote I move this be made a separate article.

Mr. PRESIDENT. It is moved and seconded that the article on salaries be made a separate article in the 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 article will be numbered 14. We will now proceed to vote upon Art. 13.

Mr. SMITH. As this section now stands the legislature is prevented from making any changes or modifying any existing charters of cities or towns. Particularly the cities, they will want amendments to their charters, or to reorganize, and there is no provision in this constitution whereby they can do that. I offer as an amendment to be added to Sec. 1 the following: "Cities and towns now existing under special charters or the general laws of the territory, may abandon such charter and reorganize under the general laws of the state."

Mr. PRESIDENT. 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 amendment is carried. Any further amendments? The question is now on the adoption of the article as amended. All who are of the opinion that Art. 13 as read be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.  
(Roll call.)

Gentlemen, the vote on Art. 13 is as follows: Ayes, 32; noes, none; absent, 17. Gentlemen, by your vote you have adopted Art. 13 as a part of the constitution of the state of Wyoming. Art. 14.

Mr. HARVEY. I desire to offer an amendment in line fifteen, the salary of the county treasurer is fixed at \$1,500, in counties of the second class, while in counties of the third class he receives \$2,000. Now I think as a matter of policy we should increase that fifteen hundred to eighteen hundred, and I therefore move to strike out "fifteen" and insert "eighteen" in lieu thereof.

Mr. PRESIDENT. 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 section is so amended.

Mr. BURRITT. I desire to offer an amendment by adding a new section, as follows: "Whenever practicable the legislature may, and when ever the same can be done without detriment to the public service, shall consolidate offices in state, counties and municipalities respectively, and whenever so consolidated the duties of such additional office shall be performed under an ex-officio title."

Mr. PRESIDENT. The question in on the amendment offered by the gentleman from Johnson, to add a new section, to be numbered six. Are you ready for the question? All in favor of the amendment will say aye; contrary no. The ayes have it; the new section stands adopted. Any further amendments?

Mr. ELLIOTT. I move to strike out Sec. 3. On consultation with the members, most if not all of them, admit the fact that they will not undertake to say that the salaries are right. Under the circumstances I move to strike out the whole section.

Mr. COFFEEN. I rise to a point of order, that changes the entire article. As decided upon by the united action of this convention heretofore, and there is no use in discussing it again. I believe I shall insist upon the point of order in this case.

Mr. PRESIDENT. The chair announced this morning that any amendment that was a mere matter of detail would be en-

tertained, but that any amendment that would change the whole tenor of any article would not be entertained, except by order of the convention. The chair is of the opinion that the point raised by the gentleman from Sheridan is well taken. Does the gentleman desire a suspension of the rules?

Mr. ELLIOTT. I do not.

Mr. PRESIDENT. Are there any further amendments? The chair hears none. The question is on the adoption of Art. 14 as a part of the constitution. So many as are of the opinion that Art. 14 be adopted as a part of the constitution will so signify by saying aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

Mr. BURRITT. I vote aye under protest.

Mr. CAMPBELL. I wish to explain my vote. I think it will be difficult if not impossible under the operation of this article, to get a good man to accept the office, and I therefore vote no.

Mr. HOYT. For the reason given heretofore, I vote no.

Mr. POTTER. I wish to explain my vote. Under ordinary circumstances I would consider that fixing of salaries of county officers in a constitution out of place. But under the peculiar circumstances under which it was introduced here I vote aye.

Mr. PRESTON. Mr. Nickerson, who is directly opposed in his views upon this question to mine, is absent, I know his vote would kill mine, if he was here. I ask to pair with him.

Mr. PRESIDENT. Is there objection to excusing the gentleman? There seems to be objection; the gentleman will vote.

Mr. PRESTON. No.

Mr. SMITH. I think the principle involved here is eminently proper, but I am not satisfied with this as it is here, but I believe in taking what we can get, and vote aye.

Mr. PRESIDENT. Gentlemen, your vote on Art. 14 is as follows: Ayes, 21; noes, 10; absent, 18. By your vote you have adopted Art. 14 as a part of the constitution of Wyoming. Art. 15. Are there any amendments?

Mr. RINER. I would like to ask a question. In the section referring to the state board of equalization it says such assessed valuation shall be apportioned among the several counties. Now I want to ask this question, as I am not quite satisfied myself, whether or not it is necessary to insert the words "according to the mileage therein?" It seems to me that without these words the territorial board would be obliged to apportion it equally, whereas the purpose of the section is to apportion according to the mileage in the county, so that each county will get the benefit of the mileage in the county. It seems to me that without those words in there they would

have to apportion it equally. At least that seems to me would be the effect of it. I therefore move to insert the words "according to the mileage therein," after the word "counties."

Mr. PRESIDENT. 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 amendment prevails. Are there any other amendments? The question is on the adoption of Art. 15 as amended. So many as are of the opinion that Art. 15 be adopted as read and amended will say aye as their names are called; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 15 is as follows: Ayes, 26; noes, 4; absent, 19. By your vote you have adopted Art. 15 as a part of the constitution of Wyoming. Art. 16. Final reading of Art. 16. Are there any amendments? The chair hears none. The question is upon the adoption of the article as read. So many as are of the opinion that Art. 16 be adopted as a part of the constitution will say aye; those of the contrary opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 16 is as follows: Ayes, 31; noes none; absent, 18. Gentlemen, by your vote you have adopted Art. 16 as a part of the constitution of Wyoming. Art. 17. Final reading of Art. 17. Are there any amendments? The chair hears none. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 17 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 17 as a part of the constitution of Wyoming. Art. 18. Final reading of Art. 18. Are there any amendments? The chair hears none. The question is on the adoption of Art. 18 as read. All who are of the opinion that Art. 18 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 18 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 18 as a part of the constitution of Wyoming.

Art. 19. Are there any amendments to Art. 19? The chair hears none. The question is upon the adoption of Art. 19 as read. All who are of the opinion that Art. 19 be adopted as a part of the constitution will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 19 is as follows: Ayes, 30; noes, none; absent, 18. By your vote you have adopted Art. 19 as a part of the constitution. Art. 20. Final reading of Art. 20. Are there any amendments? The chair hears none. The question is upon the adoption of Art. 20. So many as are of the opinion that Art. 20 be adopted as a part of the constitution will say aye; contrary no as their names are called. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on Art. 20 is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote you have adopted Art. 20 as a part of the constitution of the state of Wyoming. Final reading of Art. 21. Are there any amendments?

Mr. COFFEEN. I hope I may interrupt a moment while I call attention to one or two things of importance to us. Sec. 6 provides that "said election shall be conducted in the same manner as provided by the laws of the territory for general elections." I anticipate that it will be difficult to get some county boards to proceed and carry forward this election as prescribed by law. I think we ought to have a saving clause in there that we may not jeopardize the representation of the views of the people in some of the counties. I have one county in mind particularly, and by inserting the words, "as nearly as may be" would reach this. We may not be able to get our board of county commissioners to call an election, and if not we will have to use our own individual efforts as nearly as may be according to law in case the county commissioners are not willing to do anything. I should be very glad to hear some suggestions on this point.

Mr. ELLIOTT. I would like to have a little information upon that subject myself. I understand that two county attorneys have already given their written opinions to the county commissioners that the county cannot lawfully call an election under this constitution, and expend public money therefor. I occupy the position at the present time of county attorney of Johnson county, and I would ask the legal gentlemen of this convention to tell me in what way I, as an officer of the county of Johnson, can legally advise my board of county commissioners that they would be authorized in expending public money for the calling of an election of this kind. If it is not called by the county commissioners and is not legally conducted, we are not going to have a ratification of this constitution that will be of any benefit to us at all. It is a matter that has bothered me a good deal, in regard to the authorizing of this election.

Mr. BROWN. Does the gentleman from Sheridan, or any one else, propose any amendment to this section of the article?

Mr. COFFEEN. If no one else has anything to suggest I move to insert after the word "election" the words "as nearly as may be."

Mr. PRESIDENT. 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 section is so amended. It is the opinion of your chairman, gentlemen, that our territorial legislature will at the earliest moment possible provide for the payment of these election expenses in the election appointed by this convention to pass upon this constitution. I myself have not got so poor an opinion of our legislature to think that they would hesitate for a moment over the payment of the expenses of this election. The question is on the adoption of Art. 21. Are you ready for the question? So many as are of the opinion that Art. 21 be adopted as a part of the constitution will say aye; contrary no. The clerk will call the roll.

(Roll call.)

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Gentlemen, your vote on Art. 21 is as follows: Ayes, 31; noes, none; absent, 18. By your vote you have adopted Art. 21 as a part of the constitution of Wyoming. Ordinances. Are there any amendments?

Mr. TESCHEMACHER. I have no amendments to make, but only wish to make an inquiry. We have not specially mentioned the Yellowstone Park or the military reservations owned by the United States, although we have disclaimed all right to the unappropriated public lands, and I wish to know whether in doing that we have done all that is necessary.

Mr. RINER. It seems to me that it would be proper to add after the words "unappropriated public lands," "and all lands and places over which the United States has exclusive control" so as to reach all of these military posts and other reservations.

Mr. POTTER. They are not specially mentioned in Montana. Montana has a part of the Yellowstone Park, and that is not specially mentioned by her. This is in the language of the senate bill requiring the convention to declare certain things, and it seems to me that the word "unappropriated" takes in all these lands.

Mr. RINER. I think the usual provision is "all lands and places over which the United States has exclusive control." That means lands withdrawn from sale for the use of military posts, reservations, etc.

Mr. HOYT. I think I have an amendment prepared that will be better. Insert after the word "lands" in Sec. 3 in line four, the words "such places and areas within the state limits."

Mr. POTTER. That will make the territory disclaim all title to everything in the territory. That is exactly the language of the senate bill, and it seems to me covers the question entirely.

Mr. HOYT. I withdraw my proposition.

Mr. PRESIDENT. The question is on the adoption of the ordinances. Are you ready for the question? All who are of the opinion the ordinances as read be adopted will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the ordinances is as follows: Ayes, 31; noes, none; absent, 18. Gentlemen, by your vote the ordinances are adopted.

Mr. CAMPBELL. I would like to have my vote recorded on the preamble. I was not here when it was passed. I vote aye.

Mr. JOHNSTON. I ask the same privilege. I vote aye.

Mr. PRESIDENT. How soon can the committee on enrollment report?

Mr. TESCHEMACHER. The committee is now ready to report. They have the constitution properly enrolled as amended. The committee desire to return thanks to the assistant secretary and to the enrolling clerks for the great amount of extra work they have done, enabling us to complete our labors at such an early time.

Mr. PRESIDENT. The constitution having been reported, by the committee on enrollment as correctly enrolled, and having been finally read at length, the question now arises upon its adoption as a whole. Are you ready for the question? All who are of the opinion that the constitution as a whole be adopted will say aye as their names are called; those of the contrary opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, your vote on the adoption of the constitution is as follows: Ayes, 37; noes, none; absent, 12. Gentlemen, by your vote you have adopted the constitution of the state of Wyoming.

Mr. CLARK. I desire to offer a resolution and move its adoption. "Resolved that the governor of this territory be requested to issue a proclamation calling a special election for the adoption or ratification of this constitution, to occur at the time in said proclamation mentioned."

Mr. PRESIDENT. Gentlemen, the question is on the resolution as offered by the gentleman from Uinta Mr. Clark. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the resolution stands adopted.

Mr. HAY. I move that the signing of the constitution be now commenced, and that the secretary of the convention call the roll, and as each members name is called he sign the constitution.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The secretary will call the roll, and as their names are called the members will step forward and sign the constitution.

(Signing of the constitution.)

Mr. COFFEEN. Had we better not have the journal of today's proceedings read, that we may pass upon that.

Mr. PRESIDENT. The secretary will read the journal for today. Gentlemen, you have heard the reading of the journal. Are there any amendments? The chair hears none. The journal stands approved.

Mr. RINER. I have been unanimously selected to make the final motion to adjourn. I move that this convention do now adjourn subject to the call of the president.

Mr. PRESIDENT. Before putting that motion I desire to again thank you for your uniform courtesy to the chair, for your great industry, and for the many favors you have bestowed upon me as your presiding officer. I shall always remember your kindly conduct towards me as one of the best recollections of my life. The question is on the motion to adjourn. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now adjourn subject to the call of the president.