

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

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

Mr. President:

Your committee of the whole, having had under consideration the substitute for Files 7, 26, 27, 41, 54 and 55, report progress and ask leave to sit again.

C. H. BURRITT, Chairman.

Mr. PRESIDENT. Gentlemen, you have heard the report of your committee. What is your pleasure?

Mr. CAMPBELL. I move the report be adopted.

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

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

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.

TWENTY-FIRST DAY.

MORNING SESSION.

Wednesday morning, Sept. 25, 1889.

Mr. PRESIDENT. Convention come to order.

Roll call.

Mr. TESCHEMACHER. Mr. Organ requested me to ask that he be excused. He was called out of town this morning, but will be back this afternoon.

Mr. PRESIDENT. If there is no objection Mr. Organ will be excused.

(Reading of the journal.)

Any corrections to the journal? The chair hears none; it will stand approved.

Was there any action taken on the proposition to amend the rules for the purpose of creating another committee on address to the people and congress? Notice was given, but I think no action was taken.

Mr. CAMPBELL. I gave notice to that effect the other day, but some of the members seemed to think it should be made a special committee, and the rules need not be amended. I forgot to bring the matter up again, and I therefore ask that a special committee be appointed if it can be done.

Mr. PRESIDENT. If there is no objection the chair will appoint such committee. Are there any propositions or resolutions to be presented this morning? Reports of committees?

Mr. TESCHEMACHER. Committee No. 19 would like to report back File No. 60 and substitute for File 31 as properly engrossed.

Mr. PRESIDENT. Any further reports? Final reading and passage of files and propositions. File 82, police powers, substitute for which was recommended adopted by the committee of the whole. The secretary will read the substitute.

(Reading of File 82.)

Mr. PRESIDENT. Final reading of File 82. Are there any amendments? The question is upon the final passage of File 82. All who are of the opinion that the file should be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Mr. PRESIDENT. Gentlemen of the convention, your vote on File 82 stands as follows: Ayes, 29; absent, 20. By your vote you have adopted File 82 as a part of the constitution. There is upon the table this morning File No. 60, reported back by the committee on engrossment, and it is now ready for final reading and passage. The file refers to federal relations. Do you desire the file to be read by sections for amendment before final reading?

Mr. POTTER. Is that the one that is in the nature of ordinances? There are two printed files here and I don't know which one it is.

Mr. PRESIDENT. This was introduced by Mr. Fox. The first section reads: "The state of Wyoming is an inseparable part of the federal union," etc. If there is no desire to amend the secretary will read at length.

Mr. POTTER. I think there is something omitted in that as it stands, and I think it is necessary that it should go in. The senate bill provides that the convention shall declare by ordinances irrevocable without the consent of the United States and the people of said state, certain things. And I think the following words: "The following article shall be irrevocable without the consent of the United States and the people of this state," ought to go in there. They were in the printed bill, but are not in there now.

Mr. PRESIDENT. Gentlemen of the convention, it is apparent that there is an error in the engrossed file; these words

are omitted from the first section of the original bill as it appears now engrossed. "The following article shall be irrevocable without the consent of the United States and the people of this state. If there is no objection these words will be placed at the head of the engrossed bill. Is there objection? The chair hears none; the secretary will place the words indicated at the head of the first section. The secretary will read the file at length.

(Final reading of File 60.)

Gentlemen, the question is now upon the final passage of the file as read as a part of the constitution. As many as are of the opinion that File No. 60 as read be adopted as a part of the constitution of the state of Wyoming will say aye as their names are called; those who are of the opposite opinion will say no. The secretary will call the roll.

(Roll call.)

Gentlemen, your vote on File No. 60 is as follows: Ayes, 29; nays, none; absent, 20. Gentlemen, by your vote you have adopted File No. 60 as a part of the constitution of the state of Wyoming. The file will now be referred to the revision committee.

The next file is File No. 31.

Mr. CHAIRMAN. The question will now be upon the final reading and passage of the substitute for File 31, on railroads, the same being reported back as correctly engrossed. It may be read by sections if it is desired to amend, otherwise it will be read at length.

(Reading of Secs. 1 and 2.)

Mr. CLARK. I desire to offer an amendment. I move to amend by inserting after the word "families" the words "ministers of the gospel."

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. HARVEY. I move an amendment to submit to the convention. Strike out all of Sec. 2 after the word "carriers," the part excepting employes and their families and ministers of the gospel.

Mr. HAY. Second the motion.

Mr. HARVEY. I don't think that ought to go into the constitution, not because I am not in sympathy with the employes of railroad people, for I believe they are a very deserving people, but I don't think we ought to embody provisions of this sort in our constitution, singling out one class of people to the exclusion of all others, is a sort of special legislation that we are all opposed to.

Mr. BAXTER. I hope this will not carry. I have no more desire to load this constitution with useless provisions and ex-

ceptions than any other member of this convention, but we have talked up and down and on all sides of this three or four times, on first one thing and then another, and wasting a good deal of time over it. It seems to me that this is just about right, excepting that it is a little clumsy. I don't think the reading is as finished as it ought to be, but I think it proper to make these exceptions. Let it read without any exceptions, strike out "excepting employes and their families and ministers," and add a separate sentence "employes and their families and ministers of the gospel are excepted from the operation of this clause." If the clerk will read the section you will see it is a little clumsy.

Mr. POTTER. That is a matter the revision committee can attend to.

Mr. BAXTER. I understand that. The revision committee have the power to change the language as long as the idea is retained, but they have not the power to interpret the meaning of this section. They are not permitted to change the meaning, but change the language, and make it clear and concise to express the idea contained, but when you come to change the language you may change the meaning, and this I think is very clumsy.

Mr. HOYT. I wish it to be distinctly understood I am not opposed to the object to be accomplished by this section, as I think there should be some way to protect employes of a railroad in this matter, as they of necessity move back and forth a great deal, and I want to ask the gentleman from Uinta if he cannot form a substitute that will cover the ground in a more suitable manner?

Mr. CLARK. I will answer and say that I cannot improve on the language of the inter-state commerce bill, and this is the way the inter-state commerce bill reads word for word.

Mr. COFFEEN. I hope this amendment will not carry. I think this is just about right as it stands, and I feel just as Governor Baxter does on this question.

Mr. PRESIDENT. The question is on the motion to strike out all after the word "carriers" in the sixth line. All in favor of the amendment will say aye; contrary no. The noes have it; the amendment is lost.

I wish to remind the convention at this point that before taking up this file to be finally read I stated that it might be read by sections in order that it might be amended if desired. Now in this final reading we are wasting a good deal of time over little immaterial things, and I shall pretty soon enforce the rule and have these files read at length and not amended if this does not cease. The clerk will read the file.

(Final reading of the file.)

Are there any further amendments? The chair hears none. The question is on the adoption of the file as read as a part

of the constitution. All those who are of the opinion that the file as read be adopted as a part of the constitution will say as their names are called; those of the opposing opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on File 31 is as follows: Ayes, 29; noes, none; absent, 20. Gentlemen, by your vote you have adopted the substitute for File 31, on railroads, as a part of the constitution of the state.

Mr. TESCHEMACHER. If the convention desire the engrossing committee are ready to make another report.

Mr. PRESIDENT. Is there objection to the committee reporting at this time? The chair hears none; the committee may report.

Mr. TESCHEMACHER. Mr. President, your committee No. 19 beg leave to return File No. 85 and substitute for Files 11, 38, 42 and 72, on corporations, as properly engrossed.

Mr. PRESIDENT. Gentlemen, File No. 85 is reported back as properly engrossed, and is now ready for final reading and passage. It reads as follows: "File 85, concerning labor. Sec. 1. No more than eight (8) hours shall constitute a lawful day's work in all mines, and on all state and municipal works."

Does the convention desire to amend? Otherwise it will be put upon its final reading and passage.

Mr. GRANT. I would like to offer an amendment by striking out the first three words "no more than."

Mr. COFFEEN. Mr. Chairman, I think probably the gentleman has the same impression about this matter that I had, but on discussing the question I found I was mistaken. It says "no more than eight hours." Now the purpose is that that may be reduced by the legislature but not increased, while if you strike out the words "no more than" it would leave it so it could not be reduced. Taking that into consideration, I am in favor of the file just as it reads.

Mr. PRESIDENT. Gentlemen, you have heard the motion that the file be amended to read "eight hours shall constitute a day's work." Are you ready for the question? All in favor of the motion will say aye; those opposed no. The ayes seem to have it. Those in favor of the motion will rise and stand until counted—13. Those opposed will rise—12. The motion to strike out prevails. The question is now on the final passage of the file. The secretary will read the file as amended.

(Reading of File 85.)

The vote is now on the final passage of the file. All of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposite opinion will say no. The clerk will call the roll.

(Roll call.)

Gentlemen, the vote on File 85 is as follows: Ayes, 29; noes, 3. By your vote you have adopted File 85 as a part of the constitution. The next is the file on corporations, substitute for Files 11, 38, 42 and 72, reported by the committee of the whole, with the recommendation that it be adopted. The file is now reported as correctly engrossed. Do you desire it read by sections in order to amend? The file will now be read at length as the final reading. Is there objection to its being so read?

Mr. HARVEY. I should like to offer an amendment to Section 15.

Mr. PRESIDENT. Sec. 15 will be read.

Mr. HARVEY. I offer this amendment simply because on talking with a number of the members there seems to be considerable doubt as to whether there is any need of it in connection with Sec. 10. I therefore move to strike out Sec. 15.

Mr. POTTER. Second the motion.

Mr. PRESIDENT. The recollection of the chairman about this matter is that a vote was taken in committee of the whole, on a motion to strike out this section; that the committee refused to strike it out, that the bill as now read was reported back with the recommendation that it do pass, that the convention as a whole adopted the report of the committee, and thereby settled its action as to this section. Am I correct in the history of this matter? If the convention will vote a motion to strike out all right, but I am in doubt about its propriety under the rules.

Mr. HARVEY. I withdraw my motion.

Mr. PRESIDENT. The chair does not make this suggestion for any reason except that it doubts the propriety of the motion, upon this proposition the convention seems to have acted, and I believe the motion should be to reconsider in order to bring it up again, but notwithstanding I will put the motion if the convention desires it put.

Mr. BURRITT. I object to the withdrawal of the motion to strike out Secs. 10 and 15, covering the same subject. They are not exactly harmonious, and will lead to difficulty in the construction of the intention of this file.

Mr. PRESIDENT. Objection is made to the withdrawal of the motion. The chair will put the motion. The secretary will call the roll on the proposed amendment.

(Roll call.)

Gentlemen, the vote on the motion to strike out is as follows: Ayes, 19; noes, 12. By your vote you have decided to strike out Sec. 11 of the engrossed bill, Sec. 15 of the printed file, I believe. Are there any further amendments? The question is on the final reading and passage of the bill. Is there objection? The chair hears none; the secretary will read the file at length.

(Reading of the file.)

All who are of the opinion that the file be adopted as a part of the constitution will say aye as their names are called; those of the opposing opinion will say no. The secretary will call the roll.

(Roll call.)

Mr. BURRITT. I desire to state that I have very great doubts about this being of any value the way it stands, but I am not sufficiently certain to vote against it, so I vote aye under protest.

Mr. CAMPBELL. I simply desire to reiterate what Mr. Burritt has said, and vote aye.

Mr. CLARK. There is much in this bill that does not appear to me right, but in view of the great good there is in it, I vote aye.

Mr. POTTER. I should like to vote for every section in this bill, but I cannot vote for that one section, so I must vote against the whole bill. I vote no.

Mr. PRESIDENT. Gentlemen, the vote on the substitute is as follows: Ayes, 26; noes, 6; absent, 17. By your vote you have adopted the substitute for Files 11, 38, 42 and 72, as a part of the constitution. This disposes of the final reading of bills.

Mr. MORGAN. I move we now go into committee of the whole for consideration of the revenue bill.

Mr. PRESIDENT. Gentlemen, it is moved and seconded that we now go into committee of the whole for consideration of the revenue bill. 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. Johnston take the chair?

Mr. CHAIRMAN. The clerk will please read the first section of the bill.

Mr. HARVEY. I desire to offer a substitute to that section.

Mr. CHAIRMAN. The clerk will read the substitute offered by the gentleman from Converse, Mr. Harvey.

CLERK. "The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for the taxation of all property, real and personal and possessory, excepting mines and mining claims, the output of which alone shall be taxed."

Mr. CHAIRMAN. Gentlemen, you have heard the substitute for Sec. 1. What is your pleasure?

Mr. MORGAN. I desire to offer an amendment to Secs. 3 and 5, and I offer it at once because the matters contained in these first five sections is the question now before the committee. I move to amend in the fifth line of Sec. 3 by adding

the words "or sold by a corporation" after the words "mined therefrom."

Mr. CHAIRMAN. I believe these three sections were all discussed together last evening. Do you wish to do so this morning? If there is no objections these sections will all be considered together.

Mr. MORGAN. I desire to amend Sec. 5 by striking out all after the words "provided by law" in the third line and inserting "in such manner as may be provided by law, and in the absence of a law providing for taxation on the gross product of such mines they shall be listed for assessment, valued for taxation, and assessed according to value."

Mr. CAMPBELL. I don't quite understand the substitute. It seems to me from the reading of it, that the only way we could tax mineral lands or mineral of any kind would be to tax the output. Now I know, and a good many others know, that persons in New York have succeeded in getting title to a large body of coal land for the purpose of speculation, and they propose to let those lands lie there, without undertaking to develop them, until the right time comes and they see fit to operate them and take the coal out, and this substitute will be a great inducement to them to do that very thing, to hold these lands and not operate them, if you are going to reserve the lands from taxation. I cannot conceive of a more unjust proposition than that.

Mr. FOX. It seems to me that one thing has been omitted in all these amendments that have been offered here. There has been no provision of any kind or shape providing for the taxation of personal property. Now this amendment offered by the gentleman from Converse county seems to cover that point, and I think should be inserted here.

Mr. CHAIRMAN. Gentlemen, the question is upon the adoption of the substitute to Sec. 1, offered by Mr. Harvey. 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 Sec. 1 of the original bill.

Mr. BROWN. We were considering Secs. 2, 3, 4 and 5. If we are still considering these sections I desire to offer a substitute to Secs. 3 and 5.

Mr. CHAIRMAN. I believe Mr. Morgan's amendments take the preference.

Mr. MORGAN. Mr. Chairman. I listened patiently and with the greatest interest to the eloquent address yesterday afternoon and last evening of the gentleman from Albany, Judge Brown, and the splendid speech of the gentleman from Uinta, Mr. Clark, and as well as other able arguments from other gentlemen. We find, Mr. Chairman, that the large amount of the wealth of coal in this territory is not taxed as it should be under the present system, in accord with the ratio of

other taxes, and that must be corrected. That must be rectified, they must be taxed so that we will have equal taxation in this territory. We have under the present system unjust taxation, and we should oblige by provision in this constitution those industries which do not bear their fair proportion of the taxes to pay their full share. Now when anyone intends to come to this territory, the first thing they ask is what is the rate of taxation? They find it is from three to four per cent, and the man who lives east says to himself, I can get four per cent on government bonds and other securities, and if I go to Wyoming I must pay three per cent or four per cent before I can start or begin to get any compensation for the investment of my money. That is the situation, and that is what we have got to meet. I have inserted in this section three the word "corporation" and why? Why not tax every person who has an output of coal in this territory? Why, sir, because corporations secure from the state bigger privileges. Because corporations can come along, and if I have a home that suits me, if I do not want to sell it for any price whatever, and if I want it there and upon my ground, a corporation can come along and have that condemned, and take it for their corporate property, because the state gives them the right to use that land, by surrendering that much of the state's power, that part of the people's rights, and I believe, Mr. Chairman, because the state does give exclusive rights and privileges to corporations that they should pay their proportion of the taxes, and the individual operator should not pay taxes upon his own output, because he pays it in a thousand different ways.

You ask us why we do not include all kinds of mines in this proposition. I will tell you why. We tax the output of coal mines because that is an established industry, and because it has been shown to us upon the floor of this house that they make a large profit, and can well stand that tax at the present time, and we do not tax other industries at this time because we do not know what to tax them, but I am willing to leave that to the legislatures of Wyoming to say, when the proper time comes, what soda shall be taxed, so it will bear its just proportion of the burden, what oil shall be taxed, because they can judge and we cannot what amount to put upon these things, at the present time, and I am willing to trust to the legislature, the moment soda becomes sufficiently developed so that it can bear any proportion of the tax, to place it upon that to the fullest extent that justice and right demand. Justice and right demand that we should have an equal taxation, and we will have it, and the only reason that we do not tax the other minerals is because they are yet in their infancy, we do not know what to tax them, but are willing to leave it to the legislature to fix that amount when it can be ascertained.

Mr. CHAIRMAN. Gentlemen, the question is on Mr. Morgan's amendment to Sec. 3. All in favor of the amendment will say aye; contrary no. The noes have it; the motion to amend Sec. 3 is lost.

The question is now on Mr. Morgan's amendment to Sec. 5, to strike out all after the words "provided by law." All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost.

What is your pleasure, gentlemen?

Mr. BROWN. I desire to offer as a substitute for Secs. 3 and 5, the following amended amendment: "All mines and mining claims from which gold, silver and other precious metals, soda, saline, coal, mineral oil, or other valuable deposits, as are or may be produced, shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof as may be prescribed by law, provided that the product of all mines shall be taxed in proportion to the value thereof, and provided further, that the output of coal mines shall be taxed at not less than one cent per ton for state purposes on each ton of coal mined, and not less than one-half a cent per ton for county purposes on the same product.

Mr. VAGNER. As a citizen of a coal county I am opposed to that amendment for this reason. There is not the right proportion in the distribution of the taxes between the state and county. The taxes collected in the regular way now are disposed of in this way. I think about eighty per cent goes to the county and twenty per cent to the territory. Now I think it would be unjust to the counties that produce coal to give the state that large proportion of the revenue collected in the coal mining counties. Is there to be a revenue on coal or the output of coal mines the counties should receive their just proportion, the same as any other taxes collected. For that reason I am opposed to the amendment.

Mr. TESCHEMACHER. As I come from a county not mining a single ton of coal, I should be on the other side of the question, but I think Mr. Vagner is right and I will vote with him.

Mr. PALMER. I suppose it is not necessary for me to say that I am very much opposed to this scheme of raising a revenue by holding up the coal counties to do it. I am very much surprised that gentlemen who have given this subject so much attention and thought, should advocate a principle of taxation so absurd, that the man who operates his mine, who develops it, who puts his money into it, shall be taxed because he does that, and the fellow that gets hold of land for speculative purposes shall be allowed to go scott free. Under the provisions of this amendment you tax the output of coal mines and do not tax the man who has a coal mine idle, or coal land and don't

bring it into use, and therefore I say to you that the people of Sweetwater county will not support this measure; they won't support your constitution, and I tell you the people of Sweetwater, and Carbon, and Uinta, counties will not be held up in any such manner as this. I know how they feel about this; they say if we are going to be taxed here, if the funds of this county are to be taken from us for the support of a state government unjustly and out of all proportion we will not support your constitution. Now I want you gentlemen to consider that in your deliberations. I don't make that as a threat at all. If you don't do justice to us, if you don't treat us right, if you make a law that discriminates unduly against us, and our interests, we cannot support your constitution, and you cannot blame us for it. I don't know where this scheme or plan originated, but its effect is so apparent that we can see the object of it. They want to take from the county of Sweetwater probably forty or fifty thousand dollars a year for county and state purposes, where you cannot take a cent from Laramie. Laramie has no such taxation. You discriminate against the coal business entirely. Some of these gentlemen in this convention are interested in soda. You don't want to touch your pet interest, but you jump on those who are in the coal country. Why don't you tax your soda lakes, why don't you apply this to all the other mining interests, and don't discriminate against the coal lands? All the people of Sweetwater county want from this convention is justice, and if they don't get it they will be compelled to resort to other means. You cannot, gentlemen, as a principle of taxation find in any of the books ever written on the subject a just cause for taxing one particular industry. It is against all the rules of science on that subject. You will destroy the coal proprietors of Wyoming, for they cannot compete with the Colorado men, if you are going to put a tariff on coal, and therefore I say to you, if this provision goes in the people of Sweetwater will be compelled to vote against this constitution.

Mr. JEFFREY. I have refrained from saying anything on this subject for the reason that I was in hopes some of the gentlemen who have presented to the committee such eloquent arguments would begin at the very foundation of the business, which I believe is that every class of property should pay its just proportion for the support of the government in proportion to its value. As suggested already by Mr. Fox, I have been unable to find anywhere in this revenue file any provision for taxing personal property. I don't think it gets at the matter in the right way. I believe we cannot afford to embody in this constitution any thing that will smack in the least of special legislation, or that will tend to show that in our minds there exists any intention whatever either of legislation for or against any property, and I believe when you

come to look into this, you will find it is special legislation. I believe the terms expressed in this constitution should be broad enough to cover all classes of property, in the same provision, and I have therefore prepared and will offer as a substitute the following: "The legislature shall provide for such revenue as may be needful by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to its, her or his property and franchises, the value to be ascertained in such manner as the legislature shall direct." Now in regard to the mining question. I have this to suggest. And I suggest it with the best intentions in the world. If this convention sees fit to place a maximum and a minimum rate of taxation upon this class of property, I can see no objection to it, and I would not offer any objection. "All mines and mining claims" down to the word "provided." I think covers the whole ground, in a fair, just and equitable manner. If you are going to include one I say include them all.

Mr. BAXTER. I am in favor of the amendment as offered by Judge Brown, and I fail to see how it can be unjust to any man or to any interest. It seems to me, as well as I can judge from hearing it read once, to cover about the ground that I took last night on this question. I don't believe there is a man in this convention who has any other thought or desire than doing as nearly right to all the various interests to be taxed as may be possible. I believe we want to do what is right, the only question is as to what is right in this case, and how to get at it. We all know that under the present system of taxation the coal interests have not been paying their just proportion, nobody will dispute that proposition.

Mr. PALMER. Is that the fault of the law or the mere administration of the law?

Mr. BAXTER. I don't know that it is necessary to say where the fault lies, possibly it is with the administration of the law, but the fact cannot be disputed that the coal interests have not been bearing their just proportion of the burdens of taxation, and it is fair to assume that a change of government, leaving the old system, the law as it is now in vogue, is not going to make any improvement in it.

Here are all kinds of interests that are taxed according to their supposed valuation, real estate in the city, its value is ascertained and it is taxed according to its value, ranch property in the country, its value is ascertained and it is taxed according to its value, while so far as we can see the method now in vogue operates all right except as to the question of coal. The same condition might exist if we had the same development in other mineral lands, so we could pass an opinion upon it, know what it is worth, but we have not any such development up to this time.

Now this amendment does not propose any injustice at all, but simply the method by which this tax shall be levied. Here is a coal property, its value should be determined by the value of the coal that lies within its five or six sections of land. The value primarily is in the value of the improvements put there to operate the mine. It may cost fifty thousand dollars to operate this or that mine, and the product of that mine may be worth two hundred million. Now the value of this property is in the value of the product that it will produce. How are you going to determine what that product is? We can only tell what is in there by what comes out of the ground, and we will tax it as it comes out of the ground. Not say it is worth twenty or fifty dollars an acre, but we will arrive at its value by the value of that which comes out of the ground as an evidence of it. There is no injustice in it, and here is the difference it seems to be in attempting to fix the value on the land. If you take a tract of land worth a million dollars, because of the value of the coal on it, and tax it on the million dollars valuation from the time it becomes the property of a coal company and before they have sufficiently developed it to get anything out of it, you are placing a heavy burden on them to begin with, and the tax would not increase or decrease as the coal became exhausted. Now under this system, the value would be upon what it produces, if the output became smaller it would pay a smaller tax, if the output increased it would increase the tax. As for any discrimination against coal in favor of any other interest, it is provided that the legislature shall in the future tax mineral, oil, soda, silver, or anything else, that is a natural deposit in the ground, and it should be taxed. We don't do it now because we cannot do it intelligently, but we have a sufficient development of coal to act intelligently upon the question of coal. It ought be at least one cent for every ton mined. I have talked with several gentlemen about these other minerals and they all say that they have not sufficient knowledge to fix any figure upon these other minerals, but we make it the duty of the legislature from time to time to tax the output of all other mines, or oil, or anything else taken from the ground, for the support of the state in such manner as shall be fair and just, and tax it on the same system as we have adopted for coal.

Mr. JEFFREY. May I ask one question? Would it not be fair to fix an ad valorem tax, a certain per cent upon the value of the output, and apply it to other mines as well?

Mr. BAXTER. I don't say it would be unfair at all.

Mr. JEFFREY. Why not do it then? If coal worth so much per ton is subject to a tax of such a per cent of its value, why not enjoin upon the legislature to fix the same per cent upon the value of the products of other mines?

Mr. BAXTER. This amendment evidently does that. They shall adopt the same system, and from time to time impose this tax upon any other interest developed within the state of Wyoming, and I want to say, Mr. Palmer, that the claim that Wyoming operators could not compete with operators in other states was shown to be utterly inconsistent last night by Judge Brown. If they don't have this tax they must have some other kind of taxation, they are taxed in Colorado in some other way. We pay in one form in Wyoming, and in Colorado they pay upon the value of the land, which is in some way assessed so that it equals the tax the mines pay that are assessed in this way. We are simply changing the method in which to pay it. This tax I think would come on the consumer. I think the consumer always pays the tax. He pays the original cost and the profits also.

Mr. JEFFREY. I have failed yet to discover any argument, and failed to hear any argument, that will change my mind in the least. The gentlemen who have talked in favor of taxing all minerals, or talked as opposed to levying a special tax upon coal, have all contended that they are not opposed to levying this tax upon coal. I have not heard that disputed upon the floor of this convention. What has been contended for and what I contend for is in my opinion just and right, and that is this: If you are going to tax coal tax everything that comes out of a mine in the shape of an output.

Mr. BROWN. Can you specify what the tax should be upon all these other mines? That is what we want. If you can specify the tax, that is just what I want, and just what we all want.

Mr. JEFFREY. I will say that I cannot specify the tax, but I believe if you specify a tax of a certain per cent upon the value of the coal and say there shall be a tax of the same per cent upon the output of other mines, I venture to say it will be entirely satisfactory to the majority of the members of this convention. That is all we ask, that they all be taxed alike. I want to ask permission with the consent of my second to strike out all after the word "direct."

Mr. POTTER. I am in favor of Mr. Jeffrey's amendment simply because it refers to all mines, and leaves it to the legislature to fix a maximum or minimum rate, or to set in operation the idea of taxing the output. I am satisfied with this, and I will not vote for anything in this bill that shall provide for taxing the output of coal mines, and shall fix a maximum or a minimum rate.

Mr. BROWN. I don't know in what situation these amendments are. The substitute I offered for Secs. 3 and 5 at least has the preference in point of time to any other amendments, and I desire to call the attention of this body for one moment to this amendment, and I will say right now that it is made

in deference to what seemed to be the sentiment of the gentlemen on the floor of this convention, they want all mineral output to be taxed in the same way. Now this provides that it shall be so taxed, and there would be no uncertainty about it. "All mines and mining claims shall be taxed on the gross product thereof," that is just what they have been saying they want, and I give it to them in just that shape, and in order that there shall be no mistake about it, we go a little further and say "provided that the product of all mines shall be taxed in proportion to the value thereof." So that it proposes nothing but what these gentlemen have said they were all in favor of, that they should be placed upon exactly the same footing, that the products of all mines are to be taxed equally, and in proportion to their value. Now there is another provision, and provided further "that the product of coal mines shall be taxed not less than one cent per ton for state purposes on each ton of coal mined, and not less than one-half cent per ton for county purposes on the same product." Now there are gentlemen who have said that we ought to leave this to the legislature. We provide that the product shall be taxed in proportion to its value, and in fixing value that shall be a guide to legislatures hereafter, we say they shall pay a tax of not less than one cent for state purposes and not less than one-half a cent for county purposes. Gentlemen, I propose to fix a minimum because we want something settled, and I have put this minimum in here in this way, not in accordance with my judgment as to what it ought to be, but in order to meet some objections that were made to the bill as originally drawn. If I was to have my way about it I should say that this should be fixed at four cents per ton, that is what I should say about it, and that is a just and fair tax, and I would say that for the reason stated last night in order to keep corporations out of the legislature, and I fix the minimum here on coal because there is at the present time an output of coal, and there is no output to speak of of any other mineral substance. Now because there is an output of coal at the present time, it is necessary that we levy a tax upon that output at once, and not leave it to future legislation. If we were producing oil at this time, if we were producing soda, or silver, or any of the other metals, I would say let us put them in here, and fix it eternally that they shall pay so much, but we are not producing silver, and we are not producing "soda, saline, oil and other valuable deposits," and therefore there is no reason for fixing a minimum valuation for these, but leave it to the legislature to tax them upon the minimum price fixed here for coal; we establish one valuation, and the valuation of all others will be measured by that.

Mr. PALMER. Will Judge Brown permit a question? What is the object of revising or changing the original system

of taxation in trying to get at these coal lands? Is there anything gained by that?

Mr. BROWN. I will answer the gentleman's question. There is much gained. As it is now we practically get no tax whatever on the coal output, it is comparatively nothing. It is the richest and most prosperous business within the limits of our territory, and yet it produces but fifteen one-thousandths of the whole tax paid for territorial purposes.

Mr. PALMER. Is that the fault of the law or the administration of the law?

Mr. BROWN. It is the fault of the law and the administration of the law, and it will be the fault of the law and the administration of the law as long as it is permitted to exist. There is only one way to change it, and that is to tax the output, and it is the only fair way, and I challenge any man on earth to say anything else.

Mr. CLARK. What is the object of making the territorial tax one cent, and the tax one-half cent for county purposes?

Mr. BROWN. I will answer that question. The territory is bound to pay the expenses of its mine superintendents or mine inspectors, and I believe these mine inspectors are of great importance to the territory, but as I stated last night the maximum amount received by the territory for general purposes from all the mines is about \$1,250 per annum, for all territorial purposes, and we receive for all general territorial purposes from other sources, not in addition to that, but including that we receive from all sources about \$80,000 per annum. It is easy to compute it, we have about thirty-two millions assessed valuation, and a two and a half mill tax on that valuation, if we collected it entirely, would amount to \$80,000 for general territorial purposes. Now of that we receive from the mining interests of this territory, it amounts as near as we can reach it, to \$1,250, that may not be the exact figure but it is I think as near as we can calculate. That is the way the thing stands now, and we pay out every year in mining expenses, the territory expends, from thirty-five hundred to four thousand dollars. The record of our appropriation laws will show this. Now as we pay out this large sum of money and the counties pay nothing, is the reason why we say that the state should have the larger proportion. I don't know as these proportions are exact, but if we were to follow the examples of other states, they don't allow any taxation for counties, it is made solely for state purposes, but it seems to me and it has seemed to be the opinion of many gentlemen on the floor of this convention, that it was fair at least to give the county some proportion of the tax realized from the output of coal, and therefore I have been in favor and am in favor of giving a portion of this tax on the output to the county, and I would be glad to go further and comply with the sugges-

tion of the gentleman from Uinta, Mr. Russell, and say that so much of this county tax as is not necessary for other purposes shall be applied to the school fund of the county, the balance of it to go into the general fund, and if a proposition of that kind is presented I am in favor of it. Now as to this whole thing. I have put it in the language the gentlemen ask, except in the single proposition that we fix a minimum on the coal output, something produced at the present time, and I think that is very necessary in order to measure the other values when the output becomes an established fact.

Mr. HOPKINS. What did you say the coal land tax is?

Mr. BROWN. The whole amount I have stated raised by the territory at the present time from the coal mines, the coal lands, the full tax levied upon coal lands and the improvements is \$1,250. That is the outside. Of course that does not include what goes to the counties.

Mr. RUSSELL. This one cent per ton that goes for state purposes, would it not create such a surplus as to make it a great temptation for unnecessary extravagances and steals, and perhaps to have unnecessary offices created?

Mr. BROWN. If in the history of Wyoming territory the time ever comes when there are twenty million tons of coal produced, the one cent tax per ton will not meet the necessary expenses of the government of the state. Whenever the population of the state shall be so increased, and its diversified interests so developed, that there will be an amount of twenty million tons of coal, the expenses of the state will far exceed the revenue thus created. Now what about the officials of the state. We have fixed the number of officers that can be created, or will be created, by the terms of our constitution, and in addition to that we have surrounded them by such safeguards and restrictions, that no man I take it will ever want to plunder the state, if those regulations and provisions of the constitution are enforced.

Mr. TESCHEMACHER. I just want to ask a question. We have heard a good deal here about robber legislatures and robber counties, especially the counties of Laramie and Albany. Now I want to know what you suppose will be said by the counties of Uinta, Carbon and Sweetwater, the only coal producers today that are really making money in the coal business in this territory, when it shall be found out that the robber counties of Albany and Laramie, that do not produce a single ton of coal, have placed a provision in the constitution which makes these three counties pay one-third of the whole state expense? I think they will accuse us of being worse than robber counties.

Mr. BROWN. When oil shall be developed, when gold and silver and the other metal products of this territory shall be

developed so we can tax them intelligently under this substitute, they shall be required to pay their just proportion.

Mr. HOPKINS. I have taken it for granted that one of the benefits to be derived from statehood, and I have heard it advanced ever since the question came up, that it is desirable to bring outside capital into this state, to develop the latent interests of this territory. Now as to taxing the output of coal mines. I want to say this: The cost of the original improvements, that is the money that you have to put into the property to develop it, is about two cents per ton, that is a fair average. That is the actual cost of the improvements. Now the gentlemen of this convention propose to increase that original cost of two cents per ton, two and a half cents or more, more than double it in fact. Under these circumstances, in what position does the Wyoming coal man stand compared to his neighbor across the line? If a man wants to invest in a coal mine, and he goes to work and figures it out, he will say to himself it will cost me twice as much to develop a coal property in Wyoming as it will in Colorado. In Colorado there is just as good coal land at the same price; I will develop a mine in Colorado. I understand that the figures regarding the cost of coal, and the profits, has been dwelt upon here. I rather believe it has been exaggerated, misrepresented. The facts are these: A ton of coal to the operator of a coal mine costs \$1.50, or in the neighborhood, at the mine. He sells that coal for \$1.75 a ton, the profit is 25 cents a ton. I would like to ask you what the retail dealer makes. He makes 50 cents a ton, and the producer makes 25 cents. It would be more just if you would place this tax upon the retail dealer, and I would suggest that that be done.

Mr. BROWN. Will Mr. Hopkins permit me to ask a question? Is there a man who desires to come into this territory or state, and engage in the mining business, who is not willing to pay a fair tax upon his investment? I contend no, and that is why I ask that the tax be placed on that basis. That it be placed on the same basis as any other tax is, on the actual investment and actual profit.

Mr. HOPKINS. The government of the United States says that the coal lands we have are worth twenty dollars an acre, and I am perfectly willing to pay taxes on that basis for every acre of coal land I own.

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

Mr. CHAIRMAN. Gentlemen, it is moved and seconded 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. The committee refuses to rise. Any further remarks?

Mr. HOYT. I have just a few words to say on this subject. In the first place if we are going to levy a tax, I insist it

should be an advalorem tax. If we are to tax the output of mines, let it be the output of all mines. Then let it be advalorem, according to the value of the output, of whatever mine it may be. Let the tax be equal and just. Not direct special, but so much per ton according to the value. In the next place it seems to me that there is an inequality in the distribution of the proceeds of this tax, that is to be made. That the counties which are to pay this tax should reserve the right to themselves, or have reserved to them under the law, a large proportion of the proceeds thereof. In the third place I am opposed on general principles to the taxing of the output of mines in the early development of a territory like ours. It is opposed to the great economic principle to tax the output of mines in their infancy. In the fourth place, if it is impossible to raise a sufficient revenue by this general and broad principle, then it is the inherent right of the state to resort to other methods, and having resorted to other methods, such as taxation upon a young industry, upon a developing process, let the tax be broad and equal and just in every particular. If we cannot make it so, then I cannot support it.

Mr. CLARK. I am opposed to this substitute and although evidently offered in good faith, and in the spirit of fairness, it is exactly the original proposition sent in by the committee, except as to the definite time of taxing the lands of other mines. If the gentleman is desirous of laying down a fundamental law of taxation, he meets my idea exactly, but he is willing to trust to the legislature to fix an equitable and just assessment upon gold, silver, upon soda lakes, and other valuable deposits, but he is afraid a legislature cannot be found which will be honest enough to fix a tax upon coal. If a legislature is honest in one particular, it will be honest in another. If it will be dishonest in taxing coal mines, it will be dishonest in taxing other mines, because if it is dishonest in one particular, it is dishonest all through. I don't want to vote upon this proposition now, and I am sorry that we cannot take a recess. I have tried to the best of my ability to verify the figures that have been given upon this floor. I believe that members of this convention will be influenced in their vote by the statements made that these coal mines have not contributed their just proportion of taxation. I have found in examining these figures, so far as my limited time would allow, such gross errors that I do not know how true the other figures may be. It was stated upon the floor of this convention yesterday, that Mark Hopkins & Co. paid a poor, little, miserable tax, and that Mark Hopkins had stated to the speaker that he had half a million dollars worth of improvements on his mine. I do not say that this was not correct, but if Mark Hopkins did say it, I know he said that which was not true. I say that if Mark Hopkins ever said in any man's hearing that he or his com-

pany had a half million dollars worth of improvements at their mine, he multiplied it at least by ten. I will guarantee to say from general observation, that the improvements at the Mark Hopkins mine will not exceed fifty thousand dollars, and probably not anywhere near it.

Mr. BROWN. In hastily glancing at the figures before me on the paper I made a mistake. I had fifty thousand on the paper, but in glancing at it I called it five hundred thousand.

Mr. CLARK. There probably are other figures that were changed in glancing at them, because there is no company to-day shipping coal from Rock Springs to Laramie at \$1.50 freight. I make that statement and I challenge any man to prove that \$1.50 is the rate on coal or any product of coal from Rock Springs to Laramie. Mr. Grant pays freight at \$1.25 upon slack, but for merchantable coal, such as we are talking about, selling here, is \$3.00, and every man pays it.

Mr. BROWN. Mr. Grant gave me the figures, and can correct me if I am wrong.

Mr. GRANT. It was slack.

Mr. CLARK. It was upon slack he bases his figures, that which is absolutely worthless at the mine. And I don't suppose that any gentleman here would say that the value of a coal mine should be taxed on the slack. The worthless part of the mine, which they have to throw away.

So I say to you, the figures as given give a wrong impression and I want time to further investigate this matter before voting upon it finally. Mr. Hopkins bears me out on the estimate as to the profit on merchantable coal, twenty-five cents per ton. The figures I have obtained this morning, the tariff sheets which are published and which the laws of the United States say they must abide by, containing the freight rates on coal to every town to which coal has been sent, I have examined those figures most carefully, and I have attempted to verify the figures to Laramie. I have attempted to verify the figures to Kearney, I have attempted to verify the figures to Butte, but I fail to find in any case the statements made upon this floor correct. So I say to you gentlemen don't credit this one. Don't rush this thing to a vote. Let us have an opportunity to be correct in this matter. Give the members of his convention a chance to investigate this matter. This is a radical departure suggested here. In no constitution of the United States is the limit fixed in this manner, and when the gentleman says that his substitute is in the direct line of my suggestion, I say it is in the direct line and a great deal further than in the direct line. I believe in leaving all this to the wisdom of the legislature, because I believe one mine is the same as another, because I believe that the law will be honest with all, because I believe that the future legislatures of Wyoming will be as good a body of men as sits here today, I believe they

will know better than we do what will be the necessities of this territory for the next ten or twenty years to come. I say to you that the legislature that will be honest with silver will be honest with coal, and if it is dishonest with coal it will be dishonest with silver, and so I say to you gentlemen, I don't want to be rushed to a vote upon this proposition, I want an opportunity to further examine the figures presented, I want to look round, and I urge you not to be convinced by figures which have not received examination even from the gentleman himself, to see that they are correct, because I say to you, gentlemen, that every figure that was presented by the gentleman in his speech yesterday, that I have had an opportunity to examine, were absolutely and unqualifiedly incorrect, and I say I want to examine them further. I want to see how a decision is to be made. Now if this is a fundamental proposition of constitutional law, I am willing to treat it that way, and see whether it is a wise proposition to put into the constitution at all. If it should be found necessary in order to guard the interests of our territory, that we insert some provision for the taxation of mines, well and good, but when it comes to fixing a limit, whether it be high or low, I don't want this convention to be influenced by any figures that have been presented that are incorrect. I want the figures upon which we are to act absolutely correct. I want them proved, and I want them exact, because it would be a bad state of affairs if we should be misled by figures offered here, with the best intent no doubt in the world, but which are unqualifiedly incorrect.

Mr. HOYT. I move this committee now rise and report, and ask leave to sit again, if such a motion is in order.

Mr. CHAIRMAN. The chair believes such a motion not a proper one to be made at this time.

Mr. TESCHEMACHER. I move that Sec. 5 of this bill be stricken out.

Mr. HOYT. Second the motion.

Mr. CHAIRMAN. It is moved and seconded that Sec. 5 of this bill be stricken out. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost.

Mr. CAMPBELL. I move this committee rise and report, and ask leave to sit again.

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

(Reading of report of the committee.)

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

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of the motion

will say aye; contrary no. The ayes have it; the motion prevails. The report of the committee stands adopted.

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

Mr. PRESIDENT. Gentlemen you have heard the motion, that we do now take a recess uptil 2 o'clock. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. We will now take a recess until 2 o'clock.

AFTERNOON SESSION.

Wednesday afternoon, Sept. 25th.

Mr. PRESIDENT. The convention will come to order.

The business upon the table, gentlemen, is the general file, special order.

What is the pleasure of the convention?

Mr. SMITH. I desire to ask the consent of the convention to introduce a resolution.

Mr. PRESIDENT. Is there objection to the gentleman introducing a resolution at this time? The chair hears none. The gentleman may present his resolution.

Mr. SMITH. It is a resolution of thanks to Mr. Carroll. "Resolved, That this convention extend to Hon. W. P. Carroll their vote of thanks for his courtesly in attending upon this body and administering to its members the oath of office. And be it further resolved that a copy of this resolution be sent to Mr. Carroll."

Mr. PRESIDENT. If there is no objection the resolution will be acted upon at once. The question is upon the adoption of the resolution of thanks to Mr. Carroll. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the resolution is unanimously adopted. What is your further pleasure, gentlemen?

Mr. BURRITT. I move we go into committee of the whole for consideration of the special order.

Mr. PRESIDENT. Gentlemen, you have heard the motion, that we now go into committee of the whole for consideration of the special order. 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. Johnston take the chair?

Mr. CHAIRMAN. The committee will please come to order. The question at the time the committee arose was on Judge Brown's amendment. Are there any arguments to be presented on this amendment?

Mr. ELLIOTT. I move to strike out the last proviso of that amendment, and I do it for this reason. I am perfectly satisfied from the course of this convention that the proper way to tax

these lands is to tax them upon the output, but I am further satisfied that we are not prepared to fix a minimum or maximum rate on the products of coal mines at this time.

Mr. CHAIRMAN. It is moved and seconded that the last provision of this substitute be stricken out. Are you ready for the question?

Mr. COFFEEN. As I understand it we are not to pass upon the substitute offered by Judge Brown, but simply the amendment that has been offered here to strike out certain words, to strike out that which fixes a minimum price to be paid on the output. Now I am in favor of that and shall vote against this motion to strike out, but there are gentlemen who are opposed to that and will vote the other way. I think we have come down to this point now to consider one question at present, and that is this: Is it better to leave it entirely open to the future legislatures of the state without anything to guide them whatever? Is that the better thing to do? That is the question I believe. After having figured upon the estimates given by those who are opposed to me in my position, I have concluded so far from one and a half cents being too high, it is not nearly as much as we pay generally in the northern counties on our own products, and I insist therefore if we cut it down to such a low minimum that an injustice will be done. A word in answer to the gentleman who has taken the ground in general opposition to this here. He wants equality and justice in taxation, but I say there is no injustice in this, it is less than we pay on our other products, and land everywhere else, so I say there is no inequality about it. But then you say why fix it at all? It is to guard and protect the interests of this people against the influence in the legislature that will result in an injustice to the people in favor of the corporation. I believe we ought to start with a minimum, and if you wish to put it up higher, I have no objection, but we ought not to permit any legislature in the future under the influence of corporate interests, to put it less than one-half cent per ton. I think this is very conservative. And I trust the convention will not strike out this provision.

Mr. RUSSELL. I have sat very patiently and listened to this question as it has been discussed, and have had very little or nothing to say about it. Still I believe I am personally interested, being a coal miner. The question has been debated here, both pro and con. As a coal miner I am satisfied as to the principle. I believe, and have believed, so far as my humble judgment will allow me to judge, that the principle is correct, but where the trouble comes with me is as to the practical operation of the thing. Now it has been said this morning, and it has often been said upon this floor, that if this convention don't do so and so the people of this county or that county will not vote to ratify this constitution. I wish to say this in respect

to the miners. I believe today that the people, my constituents who sent me here, if this question was presented to them, would probably refuse to consent to ratifying it, as they would not generally understand the question, and it would have to be explained and discussed to convince them that it was right. I believe that it would not be in favor with my people, the miners of Almy, yet at the same time I am convinced that the principle is right in itself, the only question is as to its operation. Still I wish to say to the members of this convention, that my people, my constituents have placed no restrictions upon me, all the restrictions they have placed upon me is this, if my views are not their views, they sent me here to represent them and use my best judgment. I do not think it is right or wise for any member to get up here and say that the people will not ratify this constitution. I am not placed here by the people who sent me here with that idea over me. If such were the fact I would not be here. In my judgment the principle is right, yet we cannot agree as to a proposition as to its operation. It has been often stated that we could not trust the legislature. I have objected to this thing being mentioned on the floor of this house, on one or two occasions, and take occasion today to object to it. It is not right to the people of this territory. The members of the legislature that have come here to make laws were, if I consider, honorable men, and I believe today we should give credit to the men who made the laws we have lived under so far. And will live under for some time to come. I think we have spent a good deal of time on this question, and some members have done a good deal of talking, and I believe that the members of this convention who are inclined to be silent are getting tired of it. I have got to get back to my work, to my family and children, still I would like to see the work finished. Therefore, so far as I am concerned, I will vote that the measure shall be decided by the state.

Mr. CHAIRMAN. Gentlemen, the question is on the motion to strike out the last clause of Judge Brown's amendment. Are you ready for the question? All in favor of the motion will say aye; contrary no. The chair is in doubt. All in favor of the motion will rise and stand until counted—17. Contrary will rise—9. The motion is carried. The question is now on Judge Brown's amendment as amended. 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. GRANT. I move to strike out Sec. 4.

Mr. CAMPBELL. I move to amend by striking out all of Sec. 4 after the word "value" in the fourth line.

Mr. FOX. I rise to a point of order. Sec. 2 is the section we are considering. We cannot consider 4 unless you consider 2.

Mr. CHAIRMAN. I think the point of order is well taken. Sec. 2 is the one before us.

Mr. POTTER. I move to strike out Sec. 2 and insert the first three lines, and the word "value" in the fourth line, of Sec. 4, of the printed file, as Sec. 2.

Mr. CLARK. Before the question is put I desire to say this: That "according to the United States survey" is not conclusive evidence by any means as to what kind of land it is. The returns of the United States survey has shown on the land plats in the United States land office at Evanston whole townships designated as coal land, when as a matter of fact in the whole township there may not be an acre of land available for coal purposes, and time and time again has the classification been changed by the government at Washington on the application of some settler who wished to take up land under the homestead or pre-emption laws. In the section Mr. Hopkins comes from a large portion of that land is returned as coal land, when it is absolutely valueless except for grazing or agricultural purposes, and it seems to me that the basis of assessment ought to be what the land really is, rather than what a man running over it with a chain says it is, in his report to the government. This land I speak of is returned by the United States survey as coal land, when it is absolutely valueless for coal land, is not coal land in any sense of the term.

Mr. POTTER. I move to strike out "United States survey."

Mr. HAY. That seems to me the proper way. The objection made by Mr. Clark as to land designation by the United States survey is a very good one. I have surveyed these lands myself, under instructions from the government, and their instructions were to give the benefit of the doubt to the land. If a surveyor had any reason to believe that the land was coal land he was to so report it, and the government might thereby get the benefit of the doubt. A great many sections that were designated as coal lands have been changed, and I believe if you pass this in this way that great injustice will be done.

Mr. CHAIRMAN. The question is on the motion to strike out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion to strike out prevails.

The question is now on the amendment to insert the first three lines of Sec. 4 as amended down to the word "value," as Sec. 2.

Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any further amendments? The chair hears none. This I believe disposes of the first five sections of the file. Sec. 6 will now be read.

(Reading of Sec. 6.)

Any amendments to Sec. 6?

Mr. HARVEY. I move to strike out Sec. 6.

I don't think it is customary to put a limit on the taxation I move to strike it out.

Mr. COFFEEN. I trust the convention will think a moment about this. Is it not the duty of the constitutional convention to properly limit taxation as a safeguard to the people? I shall stand by the section as it reads.

Mr. CAMPBELL. I would call the attention of the mover of this motion to strike out that the congress of the United States passed a law similar to this two or three years ago, and it seems to me that we would hardly want to go down and ask for admission after refuting the limitation that they themselves put upon us.

Mr. GRANT. I would say that you will find this limitation on the amount of the levy in almost every constitution you pick up. There ought to be a limitation on the levy. It ought to be high enough to provide for all necessary revenue, but there still ought to be a limit.

Mr. TESCHEMACHER. I would like to ask Mr. Grant this question. I believe exactly what he says, but he assured me the other day that it took three mills to run this territory at present. Now the limit prescribed here is only one mill more. Now do you think it is not going to exceed that one mill, the cost of the territorial government, to run the state?

Mr. GRANT. I will state that the first year I think it will probably take six mills to pay the extra expenses that will be incurred, but after that I believe four would be plenty.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 6. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost.

Mr. CLARK. I move that Sec. 6 be amended by striking out in the third line and in the last part of the second line the words "except for the support of state educational institutions." I do this because I think that the state educational institutions should stand upon the same basis as any other state institution, and not because of any desire I have to hamper the university, or any other of our institutions, but the territory has always amply provided for the university, and undoubtedly always will, and I think it hardly just to say in the constitution that a state educational institution may have a tax in excess of the limit of four mills, and that other institutions shall be limited to the general tax. This is the object of my amendment. I think they should all stand on exactly the same footing as other institutions of a public nature. This provides that a special tax may be levied for educational institutions and not levied for other institutions.

Mr. CHAIRMAN. There seems to be no second to the motion. Any further amendments?

Mr. BAXTER. I move to amend by inserting after the word "educational" the words "and charitable."

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. POTTER. My only objection to these limitations has been the fact that we might be legislating in the dark in regard to this matter, and what we do cannot be undone. I think that it ought to be conservative enough not to block our way to properly carry on the state, and still if we make a large provision we are liable to open the door for extravagant legislation, and I believe we ought to leave it entirely alone. Just to bring the matter before the attention of the convention, I move to strike out the word "four" and insert the word "six," and after the word "property" in the second line insert "until the taxable property shall amount to one hundred millions of dollars, and thereafter not to exceed four mills."

Mr. HAY. I am in favor of the amendment, for in changing from a territorial to a state form of government we are liable to have considerable expense as already indicated here. It is certainly not a heavy tax for a state on the amount of taxable property we have, and I think it is a very wise proposition. I don't think it will be assessed unless it is needed.

Mr. BAXTER. I hope that won't carry. It seems to me we are loaded down with taxation enough already. It seems to me if you except from the general operation of this measure charitable and state educational institutions for which special levies can be made, that four mills ought to be enough. I don't believe in opening the doors.

Mr. FOX. I don't believe in limiting this matter in such a way that we will cripple ourselves. I think that the state board will be men of judgment and not levy any more tax than is necessary. This year we have a three mill general tax, and a two mill and a half tax for the completion of this building, and if we can stand it in a territory if it is necessary we can stand it in a state. If we limit to six it will be all right.

Mr. SUTHERLAND. I am opposed to raising this from four to six. When our taxes became due it took up two sides of a weekly paper to describe the amount of property which was delinquent for taxes.

Mr. COFFEEN. I am opposed to removing the limit that will allow a heavier tax. The amount of money that would come into the treasury by taxing the output of coal mines would bring enough money into the treasury. I would vote to put this down to three instead of at four.

Mr. CHAIRMAN. All in favor of the amendment will say aye; contrary no. The ayes have it; the motion is lost. Sec. 7 will now be read. Any amendments to Sec. 7.

Mr. POTTER. In order to give me a chance to vote on principle on this matter, I move to strike out that section. I am opposed to every one of these limitations. I simply say I don't believe we ought to put these limitations in the constitution. I am opposed to everything in this file and shall not vote for it.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 7. All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Sec. 8. Any amendments to Sec. 7?

Mr. BROWN. I don't like this section here as to the additional tax of two dollars for each person between the ages of twenty-one and fifty years inclusive shall be annually levied for county school purposes. Now I believe that a poll tax ought to be a territorial tax. We should provide that every citizen of the territory should pay a poll tax of two dollars for school purposes. It should be a territorial tax.

(Reading of Sec. 8.)

Mr. HAY. I move to strike this section out.

Mr. RINER. Under the section as it stands you provide that no city or town shall levy a tax to exceed six mills on the dollar, except for the payment of its public debt. Now I would like to ask Mr. Potter if the six mill tax is sufficient for the needs of the running expenses of the city of Cheyenne, exclusive of the city's indebtedness and interest? Would that be enough to pay the city officials, the necessary improvements upon the streets and the other necessary running expenses, exclusive of its indebtedness? I ask for information, as I don't know.

Mr. HAY. As a member of the committee I took pains as regards Cheyenne in this matter. And I satisfied myself that, by the strictest economy, without any improvements on streets and alleys, the city could exist, but in case of any unforeseen accident, anything that caused the expenditure of any unexpected amount of money, we would be unable to meet it, and our warrants would have to go unpaid until we could get the cash to meet them. We could get through on six mills, but that's all. The last year the levy was something over eight mills, and we have been pretty economical this year, as everybody knows. I made this motion to strike out simply to bring this matter up. There are two or three provisions which would make it very difficult for certain cities and counties to get along at all.

Mr. POTTER. We have a proposition giving to the legislature power to pass general laws for the incorporation of cities and towns, and it seems to me that we had better go to work and pass those general laws ourselves. That seems to be the sentiment of this convention, and I don't think we ought to be too modest about it. Let us do it ourselves, let somebody get up a general law for the incorporation of cities and towns, and

I believe the majority of this convention would consider it. If we are going to give the legislature power to pass general laws for the incorporation of cities and towns, we ought to leave this to them. They will know what will be required, we don't, they will know all of the circumstances and conditions, and from time to time can put restrictions upon them. We don't know anything about it, and ought to leave this to the legislature. There is not a charter in the territory today of an incorporated city or town that does not have a limitation upon its power to levy taxes as to the amount, and I think they have all been very moderate, they have not been extravagant in their limitations at all.

Mr. COFFEEN. I do not know that I can give much information, but I can announce this that I am opposed to having this increased to too great a limit. If the city fall into irresponsible hands they will be taxed to the utmost limit, and I should be in favor even of cutting this down. There has not been any argument to show that this is insufficient for a good and proper administration of a city government, and we have other cities in this state than this one in which we are now holding this convention. I believe this is sufficient.

Mr. ELLIOTT. I desire to say that I am not in this convention to do or attempt to do any locality or any portion of this territory any injustice. If the Cheyenne delegation, who know their own affairs better than we do, think they cannot run the city on six mills, I am in favor of giving them whatever limit they say is necessary.

Mr. BAXTER. I have lived in Cheyenne a long time and I think six mills ought to be enough. I hope this convention will stand by the six mills.

Mr. BURRITT. Mr. Chairman, I simply desire to call the attention of the convention to the fact that all of our cities in this territory, as they exist at present, have not the same advantages. Some of them labor under great disadvantages, and I am of the opinion that we ought not to put a limit in this constitution that would answer the requirements of our own particular localities, and which would not enable some other city to meet its necessary running expenses. In our city, as Mr. Elliott, who is mayor, will bear me out, we have never found it necessary to levy more than six mills, and it was only in one year that we ran above four mills, and six is all I think we will ever have to levy, and yet I am satisfied that there is at least no other town in the territory that cannot exist beside Cheyenne on this six mill limit, but they could on an eight mill limit. And for that reason I shall support Mr. Riner's amendment.

Mr. RINER. I think it is impossible to decide the necessities of one city by those of another. Now there are many things in this city I have no doubt that other towns have not

found necessary. I know that the authorities who have had the city's finances in charge the last year or two especially have been extremely careful about the expenditures. They have economized wherever necessary. You have no idea what it costs in this city to keep up our fire department. We know that by reason of the efficiency of our volunteer fire department that our fire losses have been comparatively small. We have a good many fires, but the fire losses have not been large. In the absence of a fire department many thousands of dollars worth of property would have been destroyed, and you would be surprised to see the expenditures for the purpose of sustaining that fire department, and I say it is necessary. Now in many cities they don't have that at all. There are many other instances, but I refer to that as one, and there are many others that many cities may not find necessary at all, and that is why I say you cannot decide this in reference to localities. I don't think this ought to be decided with reference to Cheyenne.

Mr. SMITH. This question of framing a constitution means simply this. That it is framed for the purpose of limitation. The charge that these limitations put in here is legislation is a mistaken idea and misleading. The purpose of a constitution is to place restrictions upon these things, because wherever that is not done it is left open to the legislature. I believe we can do this, and the proper way would be to classify the cities. In our city we have been grading the streets, and we have got along on a three mill tax, and with the saloon licenses, if they continued to go to a city like Rawlins, Evanston or Green River, and other small towns, two mills would be enough.

Mr. CAMPBELL. Suppose the legislature should come in, as they have tried, and pass a law that all saloon licenses should be paid into the county treasury, then where would your cities be?

Mr. SMITH. I said if you leave them in it would be sufficient.

Mr. CHAIRMAN. The question is on the amendment to strike out six and insert eight. All in favor of the motion will say aye; contrary no. The ayes have it; it is so ordered.

Mr. BROWN. I have an amendment to offer. Strike out all of the last sentence of Sec. 7, and insert as the last part of Sec. 6 the following: "Every person in the state over twenty-one years of age, and not more than fifty years of age, shall be required to pay to the state a poll tax of two dollars, for the support of the common schools thereof."

Mr. FOX. I am in favor of his section as it stands, because I think it belongs to the county.

Mr. POTTER. There might be some question as to whether it should go to the district schools, and it seems to me that the words county school purposes are better.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Albany. All in favor of the motion will say aye; contrary no. The noes have it; the amendment is lost. Sec. 9.

Mr. HAY. In order to bring this up I move to strike out "three" and insert "five."

Mr. CLARK. That is just the motion I was going to make. Up in Uinta county we are so rich in children and poor in property that three mills would close the schools half the year in Evanston and Almy, would not be sufficient to hold school more than half the year.

Mr. BROWN. I believe if the people want to give their money away for the support of their school district they have a right to do it.

Mr. TESCHEMACHER. In my district nine-tenths of the tax paid for schools is paid by four corporations, these four corporations are represented by another man and myself, and we haven't any children to be sent to school, the people who get the benefit of the school district pay one-tenth, and this one-tenth makes the other nine-tenths pay whatever they please.

Mr. POTTER. We are going to authorize the state to maintain a system of common schools, if there is anything we believe in spending money for it is to keep up the schools, and we ought not to have a limitation on that. We ought to leave that to be acted upon by the legislature.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 9. All in favor of the motion will say aye; contrary no. The ayes have it; the motion is ordered stricken out.

(Reading of Sec. 10.)

Mr. FOX. I move to strike that out. My reason for making that motion is that in the educational file there is a provision that all moneys shall be held as perpetual funds, never loaned out, but to be invested in some bonds.

Mr. COFFEEN. I believe it is time to say a word in defence of the committee who formulated this file. They have canvassed almost all the points that have been brought up so far. The purpose of this file is to reach one certain point, correct one certain abuse, more than anything else. It is that whatever profit is made on public funds shall accrue to the fund on which it is made. We have arranged that a profit may be made, and whatever is made, instead of being used as a corruption fund to help elect the treasurer, shall go to the fund from which it is derived. There is not a dollar to be made on state funds to be used for private gain or purpose. This is intended to reach that case, and I ask you therefore to consider very carefully this important question. You cannot give it the consideration the committee has, it would require more time than we have at our disposal. We must rely upon our com-

mittee to do some things. All these things have been inserted here with a purpose. And I think you will see there is a safeguard in every provision.

Mr. HAY. The gentleman from Sheridan thinks this is a very important question, and I agree with him in this particular case, particularly as to the object that is sought to be accomplished by the section now under discussion, but the objection I have had to it was that I feared very much that it will relieve the treasurer from his bond. The law says they shall deposit their money in a bank, and having put it there as required by law, if the bank should fail I think they would be relieved of their bounds. That seems to me to be common sense. I think Sec. 11 covers this as much as we can cover it.

Mr. POTTER. I think I have given this matter some consideration. I have looked at it very carefully since this file was printed, and I think part of it is all right. I believe in prohibiting the treasurer from reaping a profit on public funds, that part of it is all right. But it says here it shall be deposited in a national bank, or in a bank incorporated under the laws of this state. Now in some places there will be no such bank, and they would have to send the money out of the county. Then you say they shall furnish security. I think you would find some trouble in getting a bank to give a bond, and I have some doubt about the authority of a national bank to give a bond or other security on a deposit of money with them. I am exceedingly doubtful about it. Of course while the bank could not sign it, the directors could sign it. But that would not be the bond of the bank. But the greatest question with me is with reference to the liability of the treasurer. We all know under our present law the treasurer is liable for the money, although the bank should fail, and his bond is liable. But under this provision you take away from the state that recourse, because you say to the treasurer, you shall not keep your money in your safe, but you shall deposit it in a bank, and if he deposits that money in a bank the treasurer is not liable on his bond, and you must then go upon the other security that is given for the money. You might as well take no security from the treasurer, because he has no control whatever of the money, except as far as paying it out on warrants is concerned, he is simply a machine, having no responsibility, to the state or county whatever. It strikes me that would be the effect of this section. This is an exceedingly important question. And I would ask the committee to consider it very carefully.

Mr. FOX. It is the absurdity of the proposition that strikes me. Would it not be very absurd to require a national bank to give you a bond when you went to make a deposit? It doesn't look reasonable on the face of it. That when you want to de-

posit a thousand dollars they must furnish you a bond. A state or a county treasurer is in the same category. Why should they be required to give them a bond any more than a private individual?

Mr. COFFEEN. I want to discuss this question a moment. In the first place you practically lock it up so he cannot use it for anything except according to law, and you have taken that much out of circulation, if you strike this out. So much for that. In the second place this says whenever practical it shall be deposited in a national bank or a bank incorporated under the laws of this state. Those who have charge of this fund are to be the judge as to the practicability of depositing it in any organized bank. Then we are told something about security. That was discussed by the committee also. A national bank cannot give security as such, but the individuals composing that bank can readily give a bond, necessary for every purpose in the case. As to the liability, if the security is good, and they will be as good judges of the character and quality of the security as we are, there can be no loss to the county, or the town, or the state, for it is secured by that in addition to the possible liability of the treasurer. I believe it is better to have it stand as it is, so the money will not be locked up, but get into circulation where it is needed, and help the people along.

Mr. HAY. Speaking as a banker, I am in favor of this proposition. I would like to see some regulation that would take the deposits out of politics as it were, out of the ring that it is in. The treasurer gets his political influence because he promises his deposits somewhere, in a certain place, and I don't believe it will be any more safe in that way, because he often deposits it in a private bank and has that private banker as a principal bondsman. But this does not strike me as just right, and a little dangerous in regard to the treasurer's bond, but if the lawyers of the convention are satisfied that it does not release that security, I believe the other difficulties can be got rid of.

Mr. RINER. I would like to ask Mr. Coffeen a question. What is the object of requiring a bank to give the treasurer indemnity, when the state takes a bond from the treasurer? What interest can the state have in the personal security of the treasurer? The treasurer may require as a condition of making the deposit that he be given a bond indemnifying him personally against loss, but that is a personal matter with him. If he gives the state a bond it seems to me that section 11 covers the question. If the purpose is to require two bonds to the state then I don't believe the language is sufficient.

Mr. HAY. That is the intention, so that in case there should be any loss by reason of his having deposited as this

requires in the hands of a national or state bank, that after having done that, his bond is released, and the state would have some security.

Mr. CHAIRMAN. The question is on the motion to strike out Sec. 10. All in favor of the motion will say aye; contrary no. The noes have it; the motion is lost. Any further amendments to Sec. 10?

Mr. BROWN. I would suggest this amendment to Sec. 10. I think if this section as it stands does not relieve the treasurer of his bond that it ought to. When you compel a man who gives a bond, and who undertakes to be responsible for the care of money, when you compel him to deposit in a bank, you are taking away from him the care of the money which he is giving a bond to preserve, and it would be an outrage to compel him to be responsible under the circumstances. Now I think that whole matter can be reached. And I was about to suggest an amendment to the section as follows: "May be deposited in a bank, or such other place as the legislature may by law prescribe." Leave the matter in the hands of the legislature to regulate as best they can.

Mr. COFFEEN. The amendment before us is to leave to the legislature to attend to, and do and regulate one of the most important things we have attempted to do. In my judgment if you will study these words here, and notice the evils to be corrected, to secure to the state or county the profits that may accrue, to stop the corruption that may come from allowing the treasurer the benefit of the use of the public moneys. I believe you will hesitate a moment before you do this. The state ought to have security. That will be given under this. And the money will be safe even if the treasurer should be relieved of his bond. He is only relieved to the extent of the deposit in any event. And by this method we will keep the money in circulation, which is a very good and proper thing, one much required and needed in these times of scarcity of currency in this territory.

Mr. MORGAN. I want to offer a substitute for this section. "All interest and other profit arising or accruing from any state, county, city, town or school district fund, shall accrue to the fund from which it is derived, and the diversion of any part thereof by any one shall be deemed a felony, and shall be punished as provided by law."

Mr. HAY. I want to say in regard to that that the treasurer will lock the money in the vault, he is not going to risk the money out anywhere for the sake of having it earn interest for the state. He will lock it up in the vault, and thereby take it out of circulation.

Mr. ELLIOTT. I will say first that this section had more attention paid to it by the committee than all the rest of it put together. Every question that has been suggested here

was discussed very carefully in the committee. We found there existed what we considered a great public evil; we found that the treasurer of the state and different counties and school districts had been using the public funds for their own benefit, and we wanted in some way to provide against that, and we decided upon this section as the best possible section that could be drawn for this purpose. The idea of putting the words "whenever practicable" was that in some counties perhaps there might be no national banks, or banks organized under the laws of this state, and thus it would be impossible for the money to be deposited there. And it would have to be sent out of the county, which would be improper, to have it sent to another county for deposit, but the main idea is that when the money is used at all, if it is taken out of the hands of the treasurer, that whatever interest may accrue shall accrue to the benefit of the fund to which it belonged. Now the proposition submitted by Mr. Morgan will accomplish nothing whatever. No treasurer is going to risk his bond by depositing money in any bank unless he is going to get something for it. They do it now because they themselves get the benefit from it, but when you say that the interest that may be derived from it shall accrue to the fund to which it belongs, then you ask them to take all the risk for the benefit of the state, and no man is going to run that risk for the benefit of the state.

Mr. MORGAN. I withdraw my substitute.

Mr. CHAIRMAN. Any further amendments? Sec. 11.

Mr. BAXTER. I move to insert after the word "money" in the second line, the words "or other public funds."

Mr. CHAIRMAN. It is moved to amend by inserting after the word "money" the words "or other public funds." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended. Section 12.

Mr. POTTER. In order to avoid any misunderstanding I move to insert the words "of state" after the word "secretary."

Mr. CHAIRMAN. Gentlemen, you have heard the amendment. Are you ready for the question. All in favor of the motion will say aye; contrary no. The ayes have it; it is so amended. Sec. 13.

Mr. BAXTER. I move to amend by adding to the last line the words "and such other duties as may be prescribed by law."

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

Mr. BROWN. I would change these sections. I would strike out all of Sec. 14 after the words "prescribed by law,"

and make the latter part of the section a part of Sec. 13. I don't believe the machine shops should be assessed along with the rails and rolling stock. I believe every county should assess the property in that county. I would like to see that section separated.

Mr. HAY. There is one thing about this I don't like. It says that it shall be distributed "in proportion to the number of miles of railway laid in such counties, cities, towns, etc." If that means that a city which has a large amount of railroad property not connected with the road bed shall go in at the mileage assessments, I want that changed before it is passed. It might have four or five hundred thousand dollars worth of property and only two miles of railroad in that town, and if under this proposition it would only get the benefit of those two miles of road then I want this changed.

Mr. BROWN. I desire to call attention to these two sections, as they now are. They are inconsistent with each other. You say in one section that the board shall assess "all property" and in the other "all property except as herein provided shall be assessed in each county, city, town, in which it is situated, in the manner prescribed by law." Now there is another thing I want to call attention to in Sec. 14. The language is: "The franchise, roadway, road bed, rails, and rolling stock, and all other property used in the operation of all railroads and other common carriers operated in the state." Now this carries with it all the machine shops, all the round houses, or rolling mills, and everything else that the company owns of that kind, because it is all used by that company in operating their road. I don't think you want the value of these shops at Cheyenne distributed all along the line of this road among the various counties. I don't think we want it just that way.

Mr. ELLIOTT. I move this be referred back to the committee.

Mr. CHAIRMAN. It is moved and seconded that Secs. 14 and 13 be referred back to the committee. All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The section is so referred.

Sec. 18. Any amendments?

Mr. RINER. I would like to ask the committee if it proposes to tax Masonic property, and property that belongs to the Knights of Pythias and other organizations of that kind.

Mr. ELLIOTT. It does.

Mr. RINER. Then I want to make an amendment. I don't believe they ought to be taxed, and in order to bring the matter up, I will offer this amendment: To strike out the word "of" after the word "institution" in the fifth line and strike out the words "public charity" and insert "charitable."

Mr. FOX. I would like to ask a question. It says "places for actual religious worship." Now most of those places have parsonages connected with them. I would like to know whether they would be exempted under this?

Mr. COFFEEN. In order to cover this matter of church parsonages, I move to insert after the word "worship" the words "church parsonages."

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 question is now on the amendment to strike out the words "of" and "public charity" and insert the word "charitable."

Mr. COFFEEN. Just a word here. I shall oppose this amendment unless we shall include such societies as the Knights of Labor under this provision. I see no reason why the Knights of Labor should not have their rooms exempt, as well as the Masons, or the Odd Fellows, or both. If you will insert the Knights of Labor I am perfectly willing that this should go up.

Mr. HAY. I am opposed to this amendment. I am heartily in sympathy and belong to some of the organizations mentioned, but I believe this opens the door for a great deal of abuse. The Masonic order may have a temple, and rent the rooms for a large amount of money, which they usually do, and the tax on this class of property is usually very light any way, and if we put this sort of thing in here it opens the door for a great deal of abuse.

Mr. RINER. I don't think Mr. Hay understands this section. The purpose I want to reach is that lodge property should be exempted from taxation. If they have a building out of which they are deriving a revenue then that property should be taxed just the same as any other property. What I mean is that property used purely for the purposes of the institution should be exempted from taxation. This gives the legislature the power to exempt it, and that is what I want.

Mr. BURRITT. I would have this stop at the word "taxation" in the third line, leaving it to the legislature as to exempting these other institutions from taxation.

Mr. BROWN. I am opposed to this amendment, and I believe this entire thing should stop at "taxation." It is very improper it seems to me to insert in a constitution a proposition exempting agricultural fairs and other things of that kind from taxation. If I happen to hold a thousand or fifteen hundred dollars worth of stock in a fair association organized under the laws of the territory, although it may not be paying me any profit now, I should certainly not have gone into it if I had not expected it to do so at some time. I don't ask any charity of Wyoming, and if I belong to a Masonic society and

have a part ownership by way of stock, I don't ask any charity from the territory of Wyoming, and I am willing to pay for it, and when I get so poor I can't pay I will sell, and if I have got stock in a religious institution I am willing to pay for that, and I am opposed to exempting agricultural fairs, Masonic and Knights of Labor property, and houses of religious worship and everything else. I am opposed to loading down this constitution with a lot of provisions for exemptions, saying that the legislature may do this, when if you leave them out, the legislature may do it anyway. Now there are certain things that the United States law requires this state to exempt. The property of the United States for instance, and the state cannot tax itself. I move to strike out all after the word "taxation" in the third line.

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. RINER. I move to strike out "places of burial not used or held for private or corporate profit" and insert "public cemeteries."

Mr. BURRITT. I offer an amendment to the amendment. Add after the words "public cemeteries" the words "and such other property as the legislature may by general law provide."

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.

(Reading of Sec. 16.)

Mr. BURRITT. To give this convention a chance to be consistent, I move to strike out in the second line the words "to which only it shall be applied."

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 noes have it; the motion is lost. Sec. 17.

Mr. HAY. I move to strike out "legislative assembly" and insert "legislature."

Mr. HARVEY. I move to strike out the whole section, to find out what it means.

Mr. GRANT. It means just what it says.

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

Mr. POTTER. It seems to me there is no provision whatever in this revenue bill, and it is one which we ought to have. In the first place there seems to be some question about any provision being made for the taxation of personal property, and I think we ought to have a general proviso with reference

to uniformity of taxation, and simply for the purpose of bringing this matter up, I move an amendment as follows: "All taxes shall be uniform upon the same class of subjects, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just and fair taxation upon all property, real and personal." I don't think that will conflict with the other provisions, and I believe something of that kind is necessary. This might be inserted as the first part of Sec. 14, I think.

Mr. COFFEEN. I would like to suggest if you will say in the section all property "real and personal," I think it will cover the question raised.

Mr. POTTER. I want to have a provision that taxation shall be uniform upon the same class of subjects.

Mr. COFFEEN. I think this reads "all taxes shall be uniform on the same class of subjects," now if that read on the same class of property, I do not think I should object to it so much. But by using the word subjects, one subject might be in more than one kind of business, and therefore you bring it in conflict with what has already been passed here by a pretty strong majority. I trust the motion will not prevail. I think it can be fully covered by the words "real and personal."

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

Mr. POTTER. There are one or two members here who consider every amendment I offer as some dastardly scheme. Mr. Coffeen always thinks so. And I don't want him to deny it, for he does, but this is a very necessary thing in my judgment, you don't find a single constitution without it, and in spite of my dangerous character, I think I have got proper judgment in this matter.

Mr. BROWN. I move the committee now rise and report back this bill with the amendment suggested by Mr. Potter. And that the two sections be referred back to this committee.

Mr. BURRITT. I desire to say a word upon that matter. This limitation of public indebtedness file which comes up with this, and is really on the same subject, had better go back to the committee also, for revision, as there are several provisions that will have to be amended so the two will not conflict, I therefore move it be referred back.

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; it is so referred.

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

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that this 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. ELLIOTT. I move the report of the committee be adopted.

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

Mr. GRANT. I move we now take a recess until 7:30 this evening.

Mr. PRESIDENT. It is moved and seconded that we take a recess until 7:30 this evening. All in favor of the motion will say aye; contrary no. The ayes have it; the convention will now take a recess.

EVENING SESSION.

Wednesday evening, Sept. 25.

Mr. PRESIDENT. The convention will please come to order.

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

Mr. PRESIDENT. It is moved and seconded that we 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 prevails. Will Mr. Johnston take the chair?

Mr. CHAIRMAN. Gentlemen, we have before us for consideration a portion of File 26, on limitation of public indebtedness. Sec. 1 will be read. Are there any objections to Sec. 1? If not Sec. 2 will be read.

Mr. BROWN. I move to strike out Sec. 2.

Mr. GRANT. This is to prevent the legislature from erecting any public building or contracting any other debt without first submitting it to a vote of the people.

Mr. BROWN. It seems to me it goes a great deal further.

Mr. RINER. I move to amend Sec. 2 by inserting after the word "debt" in the first line "in excess of the taxes for the current year."

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

Mr. HAY. It seems to me under this section, if the secretary of state wants to buy fifty cents worth of stationary, and goes down town and buys it, and takes the bill to the audi-

tor, that the territory is going into debt. Under this you could not buy anything.

Mr. BURRITT. I would call Mr. Hay's attention to the fact that Mr. Riner's amendment covers that point.

(Reading of Sec. 3.)

Mr. HAY. That provision I want to explain was to take care of cities and counties that have an indebtedness in excess of two per centum of its last assessed valuation, of which Laramie county and the city of Cheyenne furnish an example.

Mr. GRANT. I want to say in regard to this provision, that the limitation by congress is four per centum on the assessed valuation. Any city that has a floating indebtedness when this constitution goes into effect, that floating indebtedness can be bonded up to four per cent, which is the present limit. But after that bonded indebtedness is paid off they cannot exceed two per cent of the assessed valuation.

Mr. CHAIRMAN. Are there any amendments to Sec. 3? If not Sec. 4 will be read.

Mr. GRANT. That section is subject to the same amendment as Mr. Riner made before.

Mr. RINER. I move to insert after the word "debt" in the first line the words "in excess of the taxes for the current year."

Mr. CHAIRMAN. It is moved and seconded that Sec. 4 be amended so as to read "no debt in excess of the taxes for the current year." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. Any other alterations or amendments? If not Sec. 5 will be read.

(Reading of Sec. 5.)

Any amendments or alterations to Sec. 5?

Mr. JEFFREY. I am in favor of the general provisions of this section, but there is one question that I want to get the sense of this convention upon. That is, whether it is well to limit the indebtedness that may be incurred for building water works or sewers, to four per cent? If a city or town needs water works or sewers, and has not a sufficient amount of money to build a proper system, this four per cent indebtedness might be of no more benefit than none at all, and the only thing that troubles me is whether this section would not defeat that object and prevent the citizens of some city or town from providing itself with a proper system of water works, which is a very necessary thing. I offer the following amendment: After the word "therein" strike out all that follows it in the third line and insert, "debts contracted for the purpose of building water works and sewerage are exempt from the provisions of this section."

Mr. RINER. I am opposed to the proposed amendment. The sewerage systems of this city and most all others are

largely laid by special assessment upon the street fronts, and there is nothing in this that will prevent a city from taking that action. I think the four per cent limit is plenty high enough for general purposes. There is nothing here that prevents a special assessment by a municipality for the purpose of laying a sewer pipe or a water pipe. No matter how high you put this limit they will levy a special tax for that purpose, and for that reason I believe in cutting this down.

Mr. JEFFREY. I would like to ask Mr. Riner just one question that will settle this matter so far as I am concerned. Don't the legislature have to authorize the other cities and towns to make this special assessment and levy?

Mr. BURRITT. I second the motion of Mr. Jeffrey, but am opposed to so much of that motion as refers to sewerage. The matter of sewerage can be got around, but that rule cannot be made to apply to a system of water works. Suppose a city has to go twenty miles to get a supply of water, how are you going to assess the property then? Take the city of Buffalo, the contract for its water supply will run out in three years, and at the end of that time, they may have to go back into the mountains to secure a supply somewhere, and if our city should increase in its assessable property at double the ratio it has for the last four years, we would not be able to raise enough money on a four per cent indebtedness to get the water out of the mountains and past Fort McKinney. In the matter of water works I don't think that there should be any limit, but that should be left to the people. When they want water they want it bad, and the tax payers should be able to say whether they are willing to contract a debt to build its water works. Estimates made of bringing water to the city of Buffalo from a suitable place in the mountains fixed the cost at about forty thousand dollars. Under this we wouldn't be able to get that water half way.

Mr. CHAIRMAN. Gentlemen, the question is on Mr. Jeffrey's amendment to strike out all after "therein" in the third line, and adding "debts contracted for the purpose of building water works and sewerage are exempt from the operation of this section." All in favor of this amendment will say aye; contrary no. The noes have it; the motion is lost.

Any other alterations or amendments?

Mr. BURRITT. I move to amend by striking out the words "water works" and adding "debts contracted for supplying water to any such city or town are exempted from the operation of this section."

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

Are there any further amendments or alterations to Section 5?

The clerk will read Sec. 6.

Mr. BURRITT. I would like to know how the state could become the subscriber to the capital stock of corporations by a two-thirds vote of the people.

Mr. BROWN. I move to strike out the words "nor shall" in the fifth line and insert after the word "state" the words "shall not," so this latter clause will be a new sentence altogether.

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 secretary will read Sec. 8. Any alterations or amendments to Sec. 8? The chair hears none. The secretary will read Sec. 9. Any amendments to Sec. 9?

The chair hears none.

Mr. FOX. I move when this committee arise they report back this file with the recommendation that it do pass as amended.

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 file for our consideration is Sec. 13 of the revenue bill.

(Reading of Sec. 13.)

Mr. FOX. Do I understand that the operation of this assessment of railroad taxes shall not apply to school districts? It has always been the custom to apportion the railroad mileage to the school districts which possessed the same. In our county the school district at Sherman had so many miles of railroad it got taxes from; the school district down at Tie Siding the same; school district No. 1 had thirteen miles and a half of railroad tax which was added to the school district assessment which I think is right. I think it is proper that the school districts should have it, shops and all.

Mr. ELLIOTT. As I understand it, the shops and yards are now added in with the general mileage and divided among the counties. The object was that the school district should have the benefit not only of the mileage but the shops as well.

Mr. RINER. Here you take away and destroy everything that your state board of equilization can do. You say in cities and towns and school districts they shall not assess, you say that where a line of railroad is in a school district that the state board of equilization shall have nothing to do with it. That we have got to have a separate assessment in each school district. After the territorial board gets through with the mileage that the county assessors take it up and assess it again. In this school district they will assess it at nine thous-

and dollars a mile, another district ten thousand dollars a mile, and another the sum of fifteen thousand dollars a mile, and so it goes on indefinitely, and there is no equilization about it. It ought to be assessed equally for school purposes in every school district. What a mile of railroad is worth in one place it is worth in another, and that is what the board is for, that it may be equilized all over the territory.

Mr. GRANT. Take the school district of Cheyenne. There might be only seven or eight miles of railroad track in this district, and you could not get the benefit of these shops, and the depot buildings, and everything of that kind.

Mr. RINER. I think that the shop property should be assessed by the state board. The shops in Albany county should be assessed and pay taxes in that county upon the same basis as they pay taxes in this county.

Mr. HAY. There is one point that has bothered me a good deal. For instance, the railroad company has four hundred thousand dollars worth of property in this county, one hundred thousand in Albany and one hundred thousand in Carbon county, and so on. This makes six hundred thousand in these three counties. That six hundred thousand is added to the road bed, and divided in each county on their mileage basis, so that in a county where there is four hundred thousand dollars worth of property it gets nothing for its shops at all, except its proportionate share according to the mileage, the same as one having only one hundred thousand dollars worth of shops, and it is not just.

Mr. BROWN. Take out the shops, depots and rolling mills.

Mr. HAY. How would it do to leave out everything not on the right of way?

Mr. GRANT. I would call attention to the fact that it has been decided by the courts that where there are thirty or forty acres of ground about, that it is a part of the right of way, depot grounds are a part of the right of way.

Mr. BROWN. The only way is to except a particular class of property, the machine shops, rolling mills and depots, but the rolling stock, I think, should apply to the school districts.

Mr. RINER. I would like to take that section and amend it as suggested by Judge Brown.

Mr. CHAIRMAN. The secretary will read the section as amended.

Mr. BURRITT. I move that it be adopted in lieu of Sec. 13, and I would also suggest that there be added to it the words "such other duties as may be prescribed by law," which was unintentionally left out.

Mr. CHAIRMAN. All in favor of the adoption of Sec. 13 will say aye; contrary no. The ayes have it; the section as amended is adopted.

Sec. 14. Any addition to it.

Mr. FOX. I move the adoption of Sec. 14.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of the adoption of Sec. 14 will say aye; contrary no. The ayes have it; the section is adopted.

Mr. HAY. I move when this committee arise it report back the substitute for Files 7, 26, 27, 41, 54, 55, with the recommendation that it be adopted as one of the articles of the constitution, as amended.

Mr. CHAIRMAN. Gentlemen, you have heard the motion that when this committee arise they report back the substitute for Files 7, 26, 27, 41, 54 and 55, with the recommendation that it be adopted as a part of the constitution. All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails.

Mr. POTTER. It seems to some of us, in order to expedite business tonight, there was one file perhaps that we ought to take up for discussion, and that is the preamble and bill of rights, and I now move we take that file up next.

Mr. CHAIRMAN. Gentleman, it is moved and seconded that the bill of rights be now taken up. Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; the motion prevails. The secretary will read the first section.

Mr. TESCHEMACHER. I move to strike out the words "the state." It seems to me we are the people of Wyoming when we ordain this, and we establish the constitution, that makes us a state.

Mr. BAXTER. I don't see any propriety in using it, as long as we say of Wyoming.

Mr. CHAIRMAN. It is moved and seconded that the words "the state" in the first line be stricken out. Are you ready for the question? All in favor of the motion will say aye; contrary no. The noes have it; the motion to strike out is lost. Any further amendments?

Mr. RINER. In the last line I move to strike out "children" and insert "posterity."

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. Any further amendments?

(Reading of Secs. 1, 2, 3 and 4.)

Mr. HARVEY. I move to strike out all after the word "debt" in the first line. It seems to me entirely misleading.

Mr. POTTER. I think the last clause ought to be connected with the question of debt.

Mr. CLARK. The only part of this I don't like is the presumption of fraud. Who is to raise that presumption, or what is to raise that?

Mr. CHAIRMAN. The question is on striking out all after the word "debt." Are you ready for the question? All in favor of the motion will say aye; contrary no. The ayes have it; it is so ordered.

Mr. TESCHEMACHER. I move to strike out in Sec. 6 in line two the clause "or in any manner destroyed."

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. BROWN. In Sec. 10, line two, I move to strike out "or" and insert "and."

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. BROWN. In the fourth line I move to strike out "desired" and insert "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. COFFEEN. I wish to call attention to the last line of Sec. 14. "Nor shall any cruel or unusual punishment be inflicted." To some people hanging might be considered an unusual form of punishment. This might prevent any such punishment for crime. I therefore move to strike it out.

Mr. BAXTER. I think that the proper construction of that is that unusual means something unheard of, some punishment that the law does not contemplate. If the legislature should provide for punishment by electricity or something else, I have no idea there would be any objection to it under this.

Mr. CHAIRMAN. The question is on the motion to strike out "unusual" in the third line of Sec. 14. 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.

Mr. RINER. I wish to call the attention of the committee to the word "unless" in the first line of this section. It should be "except."

Mr. CHAIRMAN. If there is no objection it will be so amended.

Mr. TESCHEMACHER. What is "vindictive justice?"

Mr. HOYT. That was a humanitarian section. It does not mean anything definite. But was an indication toward humane methods.

Mr. HARVEY. I move to strike out "vindictive justice." The other seems to cover it.

Mr. CHAIRMAN. Gentlemen, you have heard the motion. All in favor of striking out "vindictive justice" will say aye; contrary no. The ayes have it; the motion prevails.

Mr. RINER. In the fourth line of Sec. 18. I don't believe he is a competent juror, or ought to be. I don't see how you are to bind him to do his duty in any way. I think that ought to be a disqualification. I move to strike it out.

Mr. BAXTER. I am opposed to striking that out. There are undoubtedly men on this floor who have some acquaintances on whose integrity and truth they rely the same as a man who does believe in the existence of a God. I have no special sympathy with that idea, but I say that you do find men, and good men too, who don't know whether they believe in a God or not, but I say if you take those men and put them on a jury they are as liable to tell the truth as any other man, and I don't think it ought to be stricken out. If a man is competent to serve in every other way I fail to see why he should not be allowed to. And I don't believe his belief in God will help it a bit.

Mr. HOYT. I believe in God, and I believe the vast majority of people believe in the Supreme Being, but if a man shall find it impossible to accept that belief, he is not therefore necessarily disqualified. I do not believe he will be any more apt to tell the truth on account of any religion. Whether he believes or not, he may be just as truthful, just as moral in all the relations of life, as another man who is deemed the best in the church. Let us accept a man for what we know him to be. Accept his statement as truth whether he believes or not. This is the broadest declaration ever put before any people. I hope to be proud of our constitution in every particular, but especially proud of it on account of its breadth and freedom from all prejudice.

Mr. HAY. It is simply impossible for all men to say that they are able to accept the doctrine of an over-ruling Providence. I don't think that it has anything to do with their truthfulness at all. And truthfulness is what is wanted in a court.

Mr. RINER. In my judgment the whole section is rather peculiarly worded. My idea is not that a man who does not believe in the existence of God would be less competent to testify as a witness, but if he is sitting as a juror in a capital case, what is the effect upon it? Should he be competent? That is where the danger comes in, in that case, and I don't believe he ought to be allowed to sit in such a case. I see by merely striking that out would not reach the question desired, but I should criticise the section as a whole with that in.

Mr. BAXTER. While he proposes to strike out this proposition here as to serving as a juror, he proposes to allow the same person who shall not be competent to serve as a juror,

to fill any position of trust or profit in the state. He may be elected governor, he may pass upon the rights, nay, even the lives, of other men, in our courts, he is not disqualified, but he is disqualified from testifying, from giving his evidence, on a difference between two of his neighbors, or from sitting as a juror in passing on that difference. It seems to me he is inconsistent. He should not be eligible to anything within the gift of the people. Does he mean to say that. I believe we should take the man for what we know him to be without any reference to what he professes to believe.

Mr. HAY. I move to amend Mr. Riner's motion by striking out from "juror" down to "because."

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. BAXTER. I move to strike out the last clause of Sec. 28. "On property it shall be advalorem."

Mr. CHAIRMAN. Gentlemen, it is moved and seconded that the last clause of Sec. 28 be stricken out. 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. HAY. I notice in the Washington constitution a provision as follows: "The provisions of this constitution are mandatory, unless by express words they are declared otherwise." I move to insert a similar provision here as Sec. 38.

Mr. HARVEY. Are not all these mandatory? Does not the use of the word "shall" make them mandatory?

Mr. HAY. As it seems unnecessary, I withdraw my motion.

Mr. BURRITT. I move when this committee rise they report back this file with the recommendation that it do pass.

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. BURRITT. I move this committee do now rise and report.

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

(Report of committee of the whole.)

Mr. PRESIDENT. What is your pleasure, gentlemen?

Mr. BURRITT. I move the report of the committee of the whole as read be adopted.

Mr. PRESIDENT. It is moved and seconded that the report of the committee of the whole as read be adopted. Are you ready for the question? All in favor of the motion will

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

Mr. TESCHEMACHER. As the engrossing committee have a great deal to do, and as the file on preamble and bill of rights is but slightly amended I would like to ask if it may not be considered as the engrossed file as printed.

Mr. PRESIDENT. It is moved and seconded that the printed file, preamble and bill of rights, be considered as the engrossed copy. 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 file will be so considered.

Mr. CHAPLIN. I move we take a recess until 9 o'clock tomorrow morning.

Mr. PRESIDENT. Gentlemen, you have heard the motion. Are you ready for the question? All in favor of taking a recess until 9 o'clock tomorrow morning will say aye; contrary no. The ayes have it; the motion prevails.

TWENTY-SECOND DAY.

MORNING SESSION.

Thursday, Sept. 26, 1889.

Convention assembled at 9 o'clock.

President Brown in the chair.

Mr. PRESIDENT. Convention come to order.

Prayer.

Mr. PRESIDENT. The secretary will call the roll.

(Roll call.)

(Reading of the journal.)

Mr. PRESIDENT. Are there any corrections to be made to the journal? The chair hears none, and it will stand approved as read, Mr. Secretary.

Presentation of petitions, propositions and memorials. Are there any to be presented this morning? Are there any reports of committees? In cases where propositions have been referred to committees, and the originals not returned again, the secretary would ask that they be returned so that they can be all filed away, and a record kept of them, and if the gentlemen of the convention who have any of these propositions in their possession will return them within the next day or two, it will help us out.