

SESSION LAWS

14568

SE. K. K.
OF

WYOMING TERRITORY

PASSED BY THE

ELEVENTH LEGISLATIVE ASSEMBLY,

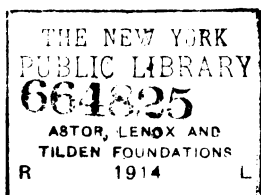
CONVENED AT CHEYENNE,

ON THE

FOURTEENTH DAY OF JANUARY, 1890.

PUBLISHED BY AUTHORITY.

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TERRITORIAL.

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	{ William Daley.....	Rawlins.
	{ James G. Rankin....	Rawlins.
Poor Asylum Building Commission.....	{ N. Baldwin.....	Lander.
	{ J. F. Ludin.....	Lander.
	{ E. Amoretti.....	Lander.

CERTIFICATE.

TERRITORY OF WYOMING, }
SECRETARY'S OFFICE. }

CHEYENNE, April 9, A. D. 1890.

I do hereby certify that the laws, resolutions and memorials contained in this volume, passed by the legislative assembly at the eleventh session thereof, begun and held at Cheyenne, January 14, A. D. 1890, have been by me examined and compared with, and found to be correctly printed from the enrolled acts, resolutions and memorials now on file in this office, and that the same are published under the authority of the United States and the territory of Wyoming.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the territory the date above written.



JOHN W. MELDRUM,
Secretary of Wyoming Territory.

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ERATA.

Page 23, chapter 7, section 3, line 34 and 35, read “affect” instead of “effect.”

Page 28, chapter 14, third sub-division, section 1, read “county” instead of “country.”

Page 47, chapter 29, section 7, line 15, read “loans” instead of “loads.”

Page 53, chapter 35, section 1, line 9, read “of” instead of “or” before the word “any.”

Page 65, line 1, read “level” instead of “levee.”

Page 65, section 9, line 9, read “use” instead of “rise.”

Page 65, section 13, line 5, read “property” instead of “prosperity.”

Same page and section, line 8, read “proceed” instead of “proceeds.”

Page 91, chapter 52, section 3, line 6, read “specified,” before the words “in section.”

Page 105, chapter 58, section 2, line 14, read “asylum” before the word “until.”

Page 109, chapter 60, section 11, line 4, read “or” before the word “food.”

Page 198, chapter 86, section 3, line 2, read “alteration” instead of “alter-nation.”

1890.

LAWS OF WYOMING.

ELEVENTH LEGISLATIVE ASSEMBLY.

LAWS OF WYOMING

PASSED BY THE

Eleventh Legislative Assembly

CHAPTER 1.

ELEVENTH LEGISLATIVE ASSEMBLY — ADDITIONAL EMPLOYES.

AN ACT to Provide for Additional Employees of the Eleventh Legislative Assembly of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. The council and house of representatives of the eleventh legislative assembly of Wyoming are each hereby authorized to elect and employ the following officers: One assistant chief clerk at five dollars (\$5.00) per day; one assistant engrossing and enrolling clerk at five dollars (\$5.00) per day; one janitor at three dollars (\$3.00) per day; and one page at two dollars (\$2.00) per day. Authority to employ.

SEC. 2. Provision shall be made in the appropriation bill of the present session for the payment of such officers out of the territorial treasury as aforesaid. Payment of salaries.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved January 21, 1890.

CHAPTER 2.

APPROPRIATIONS—TERRITORIAL PRISONERS.

AN ACT Appropriating Moneys Otherwise Unappropriated to the Use of the Territorial Penitentiary Commissioners to Cover a Deficiency.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Deficiency. SECTION. 1. That the sum of six thousand dollars (\$6,000), or as much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated to meet the deficiency in the fund provided for paying the expenses of keeping and transporting territorial prisoners during the fiscal year ending March thirty-first, eighteen hundred and ninety.

In force. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 29, 1890.

CHAPTER 3.

CITY ATTORNEYS.

AN ACT to Provide for the Appointment of City Attorneys.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Appointment SECTION. 1. That the city attorney in and for each of the incorporated cities and towns of the Territory of Wyoming, wherein such officers are provided for by law, or by any ordinance of any city or town, shall hereafter be appointed by the mayor of such city or town, by and with the advice and consent of the city council.

Partial repeal SEC. 2. That so much of section two hundred and twelve of the Revised Statutes of Wyoming as amended by an Act entitled: "An Act to Provide for the Appointment of City Marshals," approved March 7, 1888, relating to the appointment of a city attorney as well as all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed."

In force. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 10, 1890.

CHAPTER 4.

EXEMPTION OF CERTAIN FIREMEN FROM JURY DUTY.

AN ACT Exempting Certain Firemen from Jury Duty and Repealing Section Twelve Hundred and Twenty-Seven of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

SECTION 1. Hereafter the first thirty active members upon the roll of any hose, hook and ladder or other fire company in any incorporated city or town, or at any military post or depot within three miles of any incorporated city or town within this territory, shall be exempt from serving on any jury whether drawn as a juror or summoned as a talesman; *Provided*, That this exemption need not be allowed unless the secretary of such company shall transmit to the county clerk prior to the time when the proper officers shall select the names from which to draw jurors a verified list of all persons in such company who are exempt from serving as jurors and it shall be the duty of the county clerk to file said verified list in his office and within ten days after receiving such list to transmit a certified copy thereof to the clerk of the district court in his county who shall file the same in his office. Exemption

SEC. 2. That section twelve hundred and twenty-seven of the Revised Statutes of Wyoming be and the same is hereby repealed. Repeal.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved February 13, 1890.

CHAPTER 5.

TERRITORIAL OFFICIAL REPORTS.

AN ACT to Amend Sections Four and Five of An Act Entitled "An Act Providing for Reports of Territorial Officers and Boards of Public Institutions, and for Other Purposes," Approved March 8, 1888.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

SECTION 1. That section four of an act entitled "An Act Amendment Providing for Reports of Territorial Officers and Public Institu-

Reports. tions" approved March 8, 1888, be amended and re-enacted so as to read as follows: "Section 4. Biennially on or before the first day of November immediately preceding the meeting of the legislative assembly, each and every territorial officer (except those mentioned in the last preceding section) and each and every commission or board of a territorial institution, shall report in writing to the governor of the territory, the condition of his department or its institution, as required by law, covering the period since the last report and up to and including the thirtieth day of September. The reports thus required to be made shall be made in triplicate, one copy to be filed in the office of the governor, one copy for the use of the council and one copy for the use of the house of representatives."

Amendment. SEC. 2. That section five of an act entitled "An Act Providing for Reports of Territorial Officers and Boards of Public Institutions and for Other Purposes," approved March 8, 1888, be amended and re-enacted so as to read as follows: "Section 5. **Governor or legislature may request.** The governor or either house of the legislative assembly may, when in the opinion of either of them the public interest demands the same, require any territorial officer, commission or board of a territorial institution to communicate in writing any information concerning any subject pertaining to such office, commission or board as the case may be."

In force. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 13, 1890.

CHAPTER 6.

MORTGAGES AND DEEDS OF TRUST.

AN ACT to Amend and Re-enact Section Thirty-One of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment. SECTION 1. Section thirty-one of the Revised Statutes of Wyoming is hereby amended and is re-enacted to read as follows: "Section 31. Any mortgage or deed of trust shall be discharged upon the record thereof by the register of deeds in whose custody it shall be, when there shall be recorded in his office a certificate or deed of release executed by the mortgagee, trustee or beneficiary, his assignee or his legally authorized representative, acknowledged or proved and certified as hereinbefore prescribed to entitle conveyances to be recorded specifying that such mortgage or deed of trust has been paid or otherwise satisfied or discharged and the register of deeds shall make a reference to such release upon the margin of the record of the mortgage or deed of trust."

Release.

SEC. 2. The preceding section as hereby amended shall apply to all mortgages and deeds of trust heretofore as well as those which may be hereafter executed and the release or discharge of any deed of trust heretofore made in accordance with said section, by the trustee named in said deed of trust or his successor, is hereby legalized and declared to be as binding upon all parties in interest as though such release or discharge had been made after the passage of this act. Trustee.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved February 13, 1890.

CHAPTER 7.

CORPORATIONS—AMENDMENT.

AN ACT to Amend and Re-enact Sections Five Hundred and Nineteen, Five Hundred and Twenty and Five Hundred and Twenty-Two of the Revised Statutes of Wyoming, Relating to Corporations.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That sections number five hundred and nineteen of chapter one, of title seven of the Revised Statutes of the Territory of Wyoming be and the same is hereby amended and re-enacted to read as follows: "Section 519. Any corporation or company heretofore formed, either by special act or under the general law, and now existing, or any company which may be formed under this chapter, may increase or diminish its capital stock by complying with the provisions of this chapter to any amount which may be deemed sufficient and proper for the purposes of the corporation and may also extend its business to any other branch named in section five hundred and one and may also change its corporate name, subject to the provisions and liabilities of this chapter. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital and any existing company heretofore formed under the general law, or any special act, may come under and avail itself of the privileges and provisions of this chapter, by complying with the following provisions and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties and liabilities of this chapter."

Amendment.
May change their capital stock.
May extend their business
May change their name.

SEC. 2. That section number five hundred and twenty of chapter one of title seven of the Revised Statutes of the Territory Amendment.

**Application
for meeting.**

**Notice of
meeting.**

**Notice shall
state object of
meeting.**

Amendment.

Meeting.

**Certificate of
proceedings
shall be filed.**

of Wyoming be and the same is hereby amended and re-enacted to read as follows: "Section 520. Whenever the owner or owners of a majority of the shares of the capital stock of any company shall desire to call a meeting of stockholders, for the purpose of enabling the company to avail itself of the privileges of this chapter, or for increasing or diminishing the amount of its capital stock or for extending or changing its business, or changing its name, such owner or owners shall make application in writing to the president or other chief officer of the company for the time being, to call a meeting of the stockholders of the company, which application shall state the purpose or purposes for which such meeting is desired. It shall thereupon be the duty of the officer of the company to whom such application is made to publish a notice to be signed by him in a newspaper in the county wherein is situated the principal office of the company in this territory, if any shall be published therein, at least four successive weeks and to deposit a written or printed copy thereof in the postoffice addressed to each stockholder at his usual place of residence, at least fifteen days previous to the day fixed for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital stock and the business to which the company would be extended or changed, and stating one or more names proposed for a change as the case may be and a vote of at least two-thirds of all the shares of the stock lawfully issued and outstanding shall be necessary to an increase or diminution of the amount of its capital stock, or the extension or change of its business, or change of its name, as aforesaid, or to enable the company to avail itself of the provisions of this chapter."

SEC. 3. That section five hundred and twenty-two of chapter one, of title seven of the Revised Statutes of Wyoming be, and the same is hereby amended and re-enacted to read as follows: "Section 522. If at any time and place specified in the notice provided for in the preceding sections of this chapter, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock lawfully issued and outstanding by the corporation they shall organize by choosing one of the stockholders chairman of the meeting and also another stockholder for secretary and proceed to a vote of those present in person or by proxy, and if on canvassing the votes, it shall appear that a sufficient number of the votes have been given in favor of increasing or diminishing the amount of capital stock, of extending or changing the business or name of the corporation, or for availing itself of the privileges and provisions of this chapter, a certificate of the proceedings showing a compliance with the provisions of this chapter, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavits of the chairman and the secretary of said stockholders meeting, and such certificates shall also be acknowledged by such chairman and secretary and filed and recorded as required by the first section of this chapter, and when so filed and recorded, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate and business extended or changed or corporate name changed as aforesaid, and

the company shall be entitled to the privileges and provisions and be subject to the liabilities of this chapter as the case may be, *Provided*, That when only the corporate name is changed the said certificate may show compliance with the provisions of this chapter respecting the change of name and also state the original name and the new name; *Provided further*, That such change of name shall not in any manner effect suits pending in which any such corporation shall be a party nor shall such change effect causes of action nor the liabilities, nor vested and accrued rights and privileges of such corporation nor the rights of persons in any particular, and upon the filing of any such certificate such corporation shall cause to be published in some newspaper in or nearest the county in which its principal office is located, a notice of such change of name or change of organization for four successive weeks.”

Proviso.

Notice shall be published of change.

SEC. 4. This act shall take effect and be in force from and after its passage.

In force.

Approved February 13, 1890.

CHAPTER 8.

CAPITOL BUILDING COMMISSION.

AN ACT to Authorize the Capitol Building Commission to Rent a Portion of the Capitol to Laramie County.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the capitol building commission be, and is hereby authorized and empowered to rent for a term of not to exceed two years at any one time to the county of Laramie the rooms designated as the supreme court room, supreme court judge's room, clerk of the supreme court room, and such other rooms and vaults in the territorial capitol that may not be necessary for territorial purposes.

Authority to rent.

SEC. 2. That the amount of rental agreed upon by said commission and said county, shall be paid by said county quarterly into the territorial treasury; that the territorial treasurer shall credit the same to the capitol building fund.

Rental.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal.

SEC. 4. This act shall take effect and be in force from and after its passage.

In force.

Approved February 18, 1890.

CHAPTER 9.

LEGISLATIVE ASSEMBLY.

AN ACT Providing for the Time of Meeting of the Members of the Twelfth and all Future Legislative Assemblies, the Appointment of Territorial Officers and Repealing Section Number Fourteen Hundred and Thirty-One of the Revised Statutes, Wyoming Territory.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Time of convening.

SECTION 1. The twelfth legislative assembly of the territory shall convene at the capital of the territory in regular session on the second Tuesday in January, A. D., 1891, and thereafter the legislative assembly of the territory shall convene at the capital of the territory in regular session on the second Tuesday in January of every second year after the year eighteen hundred and ninety-one

Term of territorial officers.

SEC. 2. All territorial officers hereafter appointed and whose term of office begins March 31, 1890, shall be appointed for a term of one year or until their successors shall be appointed, confirmed by the legislative council and shall qualify, and all appointments of territorial officers made after the expiration of said term of one year shall be for the term of two years next ensuing or until their successors shall be appointed, confirmed by the legislative council and shall qualify.

Repeal.

SEC. 3. Section fourteen hundred and thirty-one of title twenty-five, Revised Statutes of Wyoming, and all acts and parts of acts inconsistent with this act are hereby repealed.

In force.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 18, 1890.

CHAPTER 10.

PROBATE COURTS.

AN ACT entitled "An Act to Amend Chapter One of Title Thirty-Seven of the Revised Statutes of Wyoming of Eighteen Hundred and Eighty-Seven."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment.

SECTION 1. That section nineteen hundred and seventy of the Revised Statutes of Wyoming of eighteen hundred and eighty-

seven be and the same is hereby amended and re-enacted so that the same shall read as follows: "Section 1970. The several probate courts of this territory shall each provide and keep a seal, and shall be a court of record, and the judge of such probate court shall be the clerk of his own court; all process required to be issued shall bear date when issued, and shall be signed by the judge and ex-officio clerk of such court, and be attested with the seal thereof."

Seal.
Court of record.

SEC. 2. This act shall take effect and be in force from and after its passage.

In force. ,

Approved February 18, 1890.

CHAPTER 11.

MINORS.

AN Act to Prohibit Selling, Giving or Furnishing Tobacco in Any of its Forms to Minors and Providing a Punishment Therefor.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That hereafter no person or persons in this territory shall sell, buy for, give to or furnish, either directly or indirectly, any cigar, cigarette or cigarette paper, or any tobacco in any of its forms to any person under the age of fifteen years.

Protection.

SEC. 2. That if any person or persons in this territory shall violate any of the provisions of this act, he, she or they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding ten dollars and the costs of the prosecution.

Penalty.

SEC. 3. This act shall take effect and be in force from and after its passage.

In force.

Approved February 24, 1890.

CHAPTER 12.

STOCK INDEMNITY TAX.

AN ACT to Repeal Section Forty-Two Hundred and Thirteen of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Repeal. SECTION 1. Section forty-two hundred and thirteen (4213) of the Revised Statutes of Wyoming is hereby repealed.

In force SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1890.

CHAPTER 13.

CLERKS OF DISTRICT COURTS.

AN ACT Providing for the Appointment of Deputy Clerks of the District Courts, Regulating the Giving of Their Bonds and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Deputy. SECTION 1. The clerk of the district court in each district in this territory shall have authority, by and with the consent of the judge of said district, to appoint one or more deputy clerks in each county in his district wherein a court is required by law to be held, and every such deputy clerk shall take and subscribe a like oath of office with his principal, and may perform all the duties of the clerk in the name of the principal; and the subscription of such deputy to all certificates, certificates of acknowledgment, decrees, orders, and processes shall have the same force and effect as if done by the principal, and the clerk shall be liable for all acts of such deputy done under color of his appointment.

Appointment of deputy shall be recorded. SEC. 2. Such appointments shall be entered on the journal of the court and shall hold good until revoked; and both appointment and revocation may be made as well in vacation as in term time.

Bond. SEC. 3. Every clerk of a district court, whether heretofore or hereafter appointed shall give a bond to the Territory of Wyoming in such sum not less than ten thousand dollars, as the judge of said

court shall direct, which bond shall be for the faithful accounting of all moneys which shall come into his hands as such clerk and for the faithful discharge of all the duties of his office.

SEC. 4. Every deputy clerk of a district court, whether heretofore or hereafter appointed, shall give a bond to the Territory of Wyoming in such sum not less than five thousand dollars as the judge of such court shall direct, which bond shall be for the faithful accounting of all moneys which shall come into his hands as such deputy clerk and for the faithful performance of all the duties of his office. Deputy shall give bond.

SEC. 5. The bonds required by the two preceding sections may be taken in term time or in vacation and shall be forthwith entered at large on the journal of the court and in all cases shall be approved by the presiding judge and shall be by him filed with the territorial auditor. Approval of bond.

SEC. 6. A certified copy of any such bond made by the territorial auditor under the seal of his office shall be prima-facia evidence of the obligation and conditions thereof. Copy of bond.

SEC. 7. The bonds executed by the clerks and their deputies in pursuance of this act may be sued upon in the name of the Territory of Wyoming for the use of any person injured by any breach thereof, and in case judgment be for the defendant in such action judgment for costs shall be rendered against the person for whose use suit is brought and in case such person be a non-resident of the territory, security for costs may be demanded and required as in other cases. Bond may be sued upon

SEC. 8. Sections eight hundred and forty-seven, eight hundred and forty-eight, eight hundred and forty-nine, eight hundred and fifty, eight hundred and fifty-one, eight hundred and fifty-two and eight hundred and fifty-three of the Revised Statutes of Wyoming are hereby repealed, but this repeal shall not in any manner effect any liability or action on any bond heretofore taken. Repeal.

SEC. 9. This act shall take effect and be in force from and after its passage. In force.

Approved February 24, 1890.

CHAPTER 14.

ATTACHMENTS.

AN ACT Concerning Attachments in Civil Actions in the District Courts.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section twenty eight hundred and sixty-nine of the Revised Statutes of Wyoming be and the same is Amendment.

Causes.

hereby amended and re-enacted to read as follows: "Section 2869. In a civil action for the recovery of money the plaintiff may at or after the commencement thereof, have an attachment against the property of the defendant upon the grounds herein stated:

First—When the defendant or one of the several defendants is a foreign corporation or a non-resident of Wyoming, or is about to become a non-resident thereof, or,

Second—Has absconded with intent to defraud his creditors, or,

Third—Has left the country of his residence to avoid the service of a summons, or,

Fourth—So conceals himself that a summons cannot be served upon him, or,

Fifth—Is about to remove his property or a part thereof out of the jurisdiction of the court with intent to defraud his creditors, or,

Sixth—Is about to convert his property or a part thereof into money for the purpose of placing it beyond the reach of his creditors, or,

Seventh—Has property or rights in action which he conceals, or,

Eighth—Has assigned, removed, disposed of, or is about to dispose of his property, or a part thereof with the intent to defraud his creditors, or,

Ninth—Has fraudulently or criminally contracted the debt, or incurred the obligation, for which suit is about to be or has been brought.

In force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1890.

CHAPTER 15.

SEALS OF DISTRICT COURTS.

AN ACT to Provide for Seals of District Courts.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

County shall provide seal.

SECTION 1. The several counties of Wyoming in which a district court is now or may hereafter be held shall provide said court with a seal upon which shall be graven the number of the district, the name of the county and the word "Wyoming," with some appropriate design substantially as follows: "..... District Court, County, Wyoming."

Seal shall be attached to official papers

SEC. 2. The clerk of the district court, or his deputies in the several counties of the district, shall be the custodians of the seal of

said court and the seal shall be kept in the office of the clerk of the district court in the respective counties and shall be attached to all writs, orders or other instruments that the clerk of the district court or his deputy is now or may hereafter be required or permitted to sign or certify to in his official capacity.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved February 27, 1890.

CHAPTER 16.

CITY AND TOWN CLERKS.

AN ACT Authorizing Clerks of Incorporated Cities and Towns to Administer Oaths on Certain Occasions.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Each clerk of an incorporated city or town is hereby authorized to administer oaths to persons verifying claims against such incorporated city or town, and to administer oaths to persons acting as judges or clerks of elections held for electing officers of such city or town, and such clerk in adding his jurat to any oath administered by him shall attach the official seal of such city or town to such jurat. Authorized to administer oaths.

SEC. 2. This act shall take effect and be in force from and after its passage. In force

Approved February 27, 1890.

CHAPTER 17.

CIVIL ACTIONS—JUSTICES' COURTS.

AN ACT to Amend and Re-enact Section Thirty-Four Hundred and Forty-one of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section thirty-four hundred and forty-one Amendment.

Trial.

(3441) of the Revised Statutes of Wyoming be and the same is hereby amended and re-enacted so as to read as follows: "Section 3441. If upon the return of process or the appearance of parties in any civil cause or proceeding or upon any criminal examination either party, his agent or attorney shall make affidavit that the justice before whom the same is pending is a material witness for said defendant, without whose testimony he can not safely proceed to a trial thereof, or that from prejudice, bias or other cause he believes such justice will not decide impartially in the matter; or if the justice is near of kin to the plaintiff, then, in such case, the said justice shall transfer said suit and all other papers appertaining to the same to some other justice of the same or adjoining precinct against whom no such objection has been raised, who may thereupon proceed to hear and determine the same in the same manner as it would have been lawful for the justice to have done before whom the said cause or proceeding was commenced; *Provided*, That in criminal examinations no costs shall be required from the defendant upon such change of place of trial."

Proviso.

In force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1890.

CHAPTER 18.

RAILROAD COMPANIES.

AN ACT Relating to the Purchase, Consolidation, Lease, Sale and Aiding Railroads in Certain Cases, and Ratification of Prior Sales and Consolidations.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Consolidation.

SECTION 1. Any railroad company now or hereafter incorporated pursuant to the laws of this territory, or of the United States, or of any state or territory of the United States, may at any time, by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this territory; and any company owning or operating a railroad within this territory may extend the same into any other state or territory, and may build, buy, lease, or may consolidate with, any railroad or railroads in such other state or territory, or with any other railroad in this territory, and may operate the same, and may own such real estate and other property in such other state or territory as may be necessary or convenient in the operation of such road; or any railroad company may sell or lease the whole or any part of its railroad or branches

within this territory, constructed or to be constructed, together with all property and rights, privileges and franchises pertaining thereto, to any railroad company organized or existing pursuant to the laws of the United States or of this territory or of any other state or territory of the United States; or any railroad company incorporated or existing under the laws of the United States or of any state or territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this territory, and may build branches from any point on such extension to any place or places within this territory; and the railroad company of any other state or territory, or of the United States, which shall so purchase or lease a railroad or any part thereof in this territory, or shall extend or construct its road or any portion or branch thereof in this territory, shall possess and may exercise and enjoy, as to the control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises possessed by railroad corporations organized under the laws of this territory, including the exercise of the power of eminent domain. Such purchase, sale, consolidation with, or lease may be made or such aid furnished upon such terms and conditions as may be agreed upon by the directors or trustees of the respective companies; but the same shall be approved or ratified by persons holding or representing a majority in amount of the capital stock of each of such companies, respectively, at any annual stockholders' meeting or at a special meeting of the stockholders called for that purpose, or by approval in writing of a majority in interest of the stockholders of each company, respectively; *Provided*, That nothing in the foregoing provisions shall be held or construed as curtailing the right of this territory or of the counties through which any such road or roads may be located, to levy and collect taxes upon the same and upon the rolling stock thereof in conformity with the provisions of the laws of this territory upon that subject; and all roads or branches thereof in this territory, so consolidated with, purchased or leased, or aided or extended into this territory, shall be subject to taxation and to regulation and control by the laws of this territory, in all respects the same as if constructed by corporations organized under the laws of this territory; and any corporation of another state or territory, or of the United States, being the purchaser or lessee of a railroad within this territory, or extending its railroad or any portion thereof into or through this territory, shall establish and maintain an office or offices in this territory at some point or points on its line, at which legal process and notice may be served as upon railroad corporations of this territory; *Provided further*, That before any railroad corporation organized under the laws of any other state or territory or of the United States shall be permitted to avail itself of the benefits of this act, such corporation shall file with the secretary of the territory a true copy of its charter or articles of incorporation.

Proviso.

Foreign.

Legalized.

SEC. 2. Any consolidation by sale or otherwise, or any lease or agreement to sell, consolidate with or lease the whole or any part of any railroad and its branch lines, organized under the laws of this territory, with the franchises appertaining thereto to any railroad company organized or existing under the laws of the United States or of this territory or any other state or territory, or any consolidation between such companies organized under the laws of the

United States or of this territory or any other state or territory, and a corporation organized under the laws of this territory, heretofore executed by the proper officers of the companies, parties to such sale, lease or consolidation or contract, is hereby legalized and made in all respects valid and binding from the date of its execution.

In force.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1890.

CHAPTER 19.

AFFIDAVITS.

AN ACT Entitled an Act to Amend Twenty-Six Hundred and Twelve of the Revised Statutes of Wyoming of 1887.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment. SECTION 1. That section twenty-six hundred and twelve of the Revised Statutes of Wyoming, of 1887, be amended and re-enacted so that the same shall read as follows; "Section 2612. Before whom made. An affidavit may be made in or out of this territory, before any person authorized to take depositions and must be signed by the person who makes it; the officer before whom the same was taken shall certify that it was sworn to before him and subscribed in his presence and the certificate of the officer, signed officially by him, shall be evidence that the affidavit was duly made; that the signature of the officer was made by himself and that he was such officer."

In force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1890.

CHAPTER 20.

PLEADINGS.

AN ACT to Repeal Section Twenty-four Hundred and Ninety-Six (2496) of the Revised Statutes of Wyoming and to Allow the Verifications of Pleadings by Attorneys or Agents in All Cases.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section twenty-four hundred and ninety-six of the Revised Statutes of Wyoming be and the same is hereby repealed. Repeal.

SEC. 2. That hereafter any pleading required by the code of civil procedure of the Territory of Wyoming or under the rules of the district courts of Wyoming may in all cases be verified by the agent or attorney of the party or parties by or for whom said pleading is made. Verified.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved March 1, 1890.

CHAPTER 21

WILD ANIMALS.

AN ACT to Encourage the Destruction of Predatory Wild Animals, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. For the purpose of encouraging the destruction of coyotes and gray and black wolves, mountain lions and bear within the Territory of Wyoming, the county commissioners of the various counties in said territory are hereby authorized and required to make payment out of the general fund of their respective counties the sums of money as herein designated, viz: For each coyote so destroyed, seventy-five cents, and for each gray or black wolf so destroyed, three dollars, for each mountain lion so destroyed, six dollars, and for each bear so destroyed, six dollars. Bounty.

SEC. 2. The person so engaged who may desire the com- Affidavit.

- pensation above named shall present to the county clerk of the county in which the animal or animals were killed the entire skin of each animal or animals together with all the paws attached, accompanied by an affidavit stating that he is a citizen of Wyoming Territory and that the animal or animals from which the skin or skins were taken were killed in this territory and within the county where the claim is made and that said animal or animals
- County clerk.** were not killed before the passage of this act. It shall thereupon be the duty of the county clerk to give the person who shall produce the evidence hereinbefore required a certificate stating the number of animals of each kind killed and to what sum the person is entitled under this act, which certificate shall be filed with the clerk of the board of county commissioners as a claim against such county, to be by him presented at their next meeting at which time the board of county commissioners may order a warrant drawn upon the county treasurer as in other cases.
- Duty of clerk.** SEC. 3. It shall be the duty of the county clerk in the presence of two other officers of the county who shall attend as witnesses at the request of the county clerk to punch a hole at least one-half inch in diameter in each ear and each paw and to lay the certificate and affidavit of the killing of the animal or animals before the board of county commissioners with the name and date when such claim was made. No county clerk shall issue a certificate for any skin of any animal which may be presented bearing any mark or hole in either ears or paws or any other mark showing that a bounty has been paid on said animal.
- No fees.** SEC. 4. The respective counties in the territory shall furnish all necessary blank affidavits and certificates required to carry into effect the provisions of this act and all affidavits required to be made shall be sworn to before the county clerk of the county in which such claim is presented, or before a deputy clerk of said county and no costs, fees or charges shall be made or collected therefor.
- Penalty.** SEC. 5. Any person or persons offering for the purpose of obtaining said bounty the skin of any coyote, gray or black wolf, mountain lion or bear that had been killed prior to the passage of this act or that was killed outside of the boundaries of this territory shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than twenty-five dollars and of not more than fifty dollars for each such offense together with all costs attending upon such suit, one half of such fine to be paid to the informer and the other half into the general school fund of the county wherein such conviction was obtained.
- Disallowance.** SEC. 6. That nothing contained in this act shall be construed to prevent the board of county commissioners from disallowing any claim should it appear in any way to have been fraudulently obtained.
- County officers.** SEC. 7. The different duties herein provided for to be performed by the different county officers are duties to be by them performed in addition to the duties defined by the Revised Statutes of Wyoming.
- In force.** SEC. 8. This act shall take effect and be in force from and after its passage.
- Approved March 1, 1890.

CHAPTER 22.

PUBLIC WARRANTS.

AN ACT to Amend and Re-enact Section Thirteen Hundred and Fifteen of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section thirteen hundred and fifteen of the Revised Statutes of Wyoming be and the same is hereby amended and re-enacted as follows: "Section 1315. All territorial, county, school district, town, city or other public warrants issued after June first, eighteen hundred and ninety, for any salary or salaries, fee or fees, or for or on account of any public indebtedness, claim or demand, whatever, which indebtedness, claim or demand shall have accrued on any public contract, transaction or liability, entered into or arising after the first day of June, eighteen hundred and ninety, shall draw interest upon the amount expressed in such warrant or warrants at the rate of six per centum per annum from the date of the presentation thereof for payment at the treasury or other place where the same may be payable, until there is money in the treasury for the payment thereof, and it shall be unlawful to allow or pay any rate of interest upon such warrant or warrants, except as herein specified and expressed, and every territorial or county treasurer or municipal officer duly authorized to act as treasurer, to whom such warrant or order is presented for payment, provided he has not sufficient funds in the treasury to pay the same, shall endorse thereon the words "not paid, for want of funds" and sign and date the same officially."

SEC. 2. This act shall take effect and be in force from and after June first, 1890.

Approved March 1, 1890.

CHAPTER 23.

BAILABLE OFFENSES.

AN ACT Defining what are Bailable Offenses Under the Laws of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. All offenses shall be bailable under the laws of

Wyoming, by sufficient sureties, except capital offenses, when the proof is evident or the presumption great; *Provided*, That no person shall be admitted to bail after an indictment has been found against him charging a capital offense.

In force. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1890.

CHAPTER 24.

SHERIFFS AND COUNTY CLERKS.

AN ACT Entitled "An Act Fixing the Compensation and Salaries of Certain County Officers and for Other Purposes."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the persons and officers in this act mentioned shall be entitled to receive for their services the compensation herein allowed, and none other, except as expressly provided by law.

Salary of officers.

SEC. 2. There shall be allowed and paid to the sheriffs of the several counties of this territory, salaries and allowances as follows: In counties having an assessed valuation, according to the next preceding annual assessment, of not more than one million dollars, the annual salary of twelve hundred dollars. In counties having an assessed valuation, according to the next preceding annual assessment, of not less than one nor more than two million dollars, an annual salary of fifteen hundred dollars. In counties having an assessed valuation of more than two million dollars and not exceeding five million dollars, according to the next preceding annual assessment, an annual salary of eighteen hundred dollars. In counties having an assessed valuation of more than five million dollars, according to the next preceding annual assessment, an annual salary of two thousand dollars. Said salaries shall be paid monthly by warrants issued as provided by law, by the proper authorities of the county for which such sheriff renders service as such, and shall be full compensation for all services rendered, except as otherwise herein provided; *Provided further*, That this shall not apply to counties whose board of county commissioners meet quarterly, at which time said salaries shall be paid. Sheriffs shall have charge of the jails in their respective counties, and of the prisoners therein confined, and shall be paid sixty cents per day for the keeping, boarding and maintenance of each prisoner lawfully confined in such jail by the public authorities of the territory, for the time such prisoner is actually kept, boarded and maintained therein; and all

Fees of sheriff.

bills for the keeping, boarding and maintenance of such prisoners, shall be proved, audited, allowed and paid in the same manner as other bills against the county. He shall not be charged rent for any building owned by the county and occupied by him as a residence. In all civil cases pending in any of the courts of this territory, the sheriff who may be called upon to perform any official duty in respect to such causes, shall collect in advance from the party for whom the services are to be rendered, the following fees or charges for such services; *Provided*, That in cases where it is impracticable to determine in advance the precise amount of such fees or charges, the sheriff shall receive from the party requiring his services, a deposit of money sufficiently large to cover the fees or charges for the services to be rendered, and should the sum so deposited be ascertained to be greater than the proper amount of such fees or charges, such excess to be immediately returned by the sheriff to the party making the deposit, upon the ascertainment of the true amount: For serving and returning any writ, process, order or notice, except as herein otherwise provided, for the first person served, fifty cents, and for each additional person served, fifteen cents; for serving order of attachment, order of arrest, order for the delivery of property, or order of injunction, seventy-five cents; for executing writ of possession, two dollars; for making levy under execution, or any other process when a levy is required, one dollar; making return upon execution or other process where no property is found, fifteen cents; making return of not found, upon any process requiring service thereof upon an individual, for each person returned not found, ten cents; for commission on moneys collected on execution or other final process where the same is collected without a sale of property, for the first five hundred dollars, two per cent, for the second five hundred dollars, one per cent, and for all over one thousand dollars, one-half of one per cent; where the collection is made upon a sale of property, the commissions allowed shall be as follows: On the first five hundred dollars, three per cent; on the second five hundred dollars, two per cent, and upon all over one thousand dollars, three-fourths of one per cent. Such commission shall in all cases be deducted by the sheriff making the collection and no deposit therefor shall be required of the party requiring the sheriff's services; *Provided*, That for all fees and expenses of the sheriff for making the levy and advertisement of real property for sale (except commissions), the sheriff may require a deposit of the party for whose benefit the property is sold, for preparing and causing to be published advertisement of sale, one dollar; for executing deed, when necessary to be made by sheriff upon sale of any real property (including acknowledgment), three dollars; for executing the writ of habeas corpus, one dollar; for executing order of commitment, fifty cents. The sheriffs shall be liable to their respective counties for the aforesaid fees and charges. They shall each keep a book wherein shall be set down an exact and detailed statement of all the services rendered by them in such civil causes, and the amount of the fees and charges for such services, such statement also to show the title of cause in which, and the name of the party for whom, such services were rendered. On the first Monday of each month, the said sheriffs shall file in the office of the county clerk of their respective counties, a transcript of said book, verified by the affidavit of the sheriff to the effect that the same sets forth truly all the services

rendered in such civil causes, the full and true amount of the fees and charges therefor, the names of the parties for whom such services were rendered, and the exact and full amount of money which has come into the hands of such sheriff for such services rendered in the preceding month. And said sheriff shall also, on the first Monday of each month, deposit with the county treasurer of their respective counties, to the credit of the district court fund, one-half of the amount of such fees and charges for services rendered in the preceding month; the said sheriffs retaining to their own use, the other one-half of such fees and charges as compensation in addition to the salary hereinbefore provided for. The said county treasurer shall receipt in duplicate to the said sheriffs for such sum so deposited, one of which receipts shall be immediately filed by the sheriff in the office of the county clerk, and the other thereof retained by said sheriff.

Mileage and
expenses of
sheriff.

SEC. 3. The sheriffs of the several counties in this territory shall be entitled to receive from the party for whom the service is rendered in civil causes pending in any of the courts of this territory, the traveling expenses incurred by the sheriff in executing any writ or process, or in performing any official duty with respect to such causes, the sum of fifteen cents per mile for each mile actually and necessarily traveled in going to and returning from the place of residence, the same to be paid to the sheriff by the party requiring the services, in advance if demand be made therefor; such amounts so to be paid to the sheriff, not to be reported, but to be retained by him. In any case, when in the execution of his duties, it shall become necessary for any sheriff to take, store or keep, maintain or subsist any property; he shall be entitled to receive a reasonable allowance to cover all the actual and necessary expenses of so taking, storing, keeping, maintaining or subsisting the same, such allowance shall be made and finally fixed by the proper court or judge thereof, upon affidavit made by such sheriff, or his deputy, or under sheriff, showing in detail all items of such expenses, and that the same were actually and necessarily incurred in the execution of his duties in the particular case, and such court or judge may require other and further evidence to sustain the claim before allowing the same; and, *it is further provided*, That the said sheriff, before incurring any such expense, may require of the party for whose benefit the same is to be incurred, a deposit of a sum sufficiently large to meet the same; and, *it is further provided*, That the whole of such allowance shall inure to the benefit of the sheriff and he shall not be chargeable therewith.

Requisition.

SEC. 4. When a sheriff, or any other person, as the agent of the territory, executes any requisition issued by the governor of this territory for the reclamation of any fugitive from justice, there shall be allowed and paid for such service by the county where such fugitive is required for trial, the sum of five dollars per day for the time actually and necessarily employed in going after and returning such fugitive, together with the actual and necessary expenses of such service, to be shown by the affidavit of the person performing such service; *Provided, however*, That no compensation shall be allowed to any agent or other person for executing a requisition, unless such requisition was issued upon the advice and request in writing of the county and prosecuting attorney or of the board of county commissioners of the county where the fugitive is to be returned for trial.

SEC. 5. The sheriff of each county shall, in addition to the compensation hereinbefore allowed, receive from the county or territory, as the case may be, his necessary and actual traveling expenses while engaged in the performance of his official duties, on behalf of the county or territory, and hereafter it shall be the duty of every sheriff to immediately, after having received a warrant for the arrest of any person within his county, proceed and execute said warrant by promptly arresting or attempting to arrest the person named therein. Every sheriff who shall fail or refuse to comply with the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars.

Traveling
expenses of
sheriff.

Execution
of warrant.

SEC. 6. There shall be allowed and paid to the county clerks of the several counties in the territory, salaries as follows: In counties having an assessed valuation of not more than one million dollars, according to the next preceding annual assessment, an annual salary of seven hundred and fifty dollars. In counties having an assessed valuation of not less than one million nor more than two million dollars, according to the next preceding annual assessment, an annual salary of one thousand dollars. In counties having an assessed valuation of over two million and less than five million dollars, according to the next preceding annual assessment, an annual salary of twelve hundred and fifty dollars. In counties having an assessed valuation of over five million dollars, according to the next preceding annual assessment, an annual salary of fifteen hundred dollars. Such salaries shall be payable monthly by the proper county in the manner required by law, and shall be full payment for all services rendered as county clerk; *Provided*, That this shall not apply to counties whose board of county commissioners meet quarterly, at which time said salaries shall be paid. As ex-officio register of deeds he shall collect from the party requesting the services to be rendered, the following fees and charges for the services hereinafter named, to-wit: For recording any deed, mortgage, or other instrument, when said instrument contains less than one hundred words, fifty cents; and when said instrument contains more than one hundred words, fifty cents for the first one hundred words and ten cents for each subsequent one hundred words contained therein; for each entry in index, five cents; for abstracting deed, fifteen cents; when required to make five entries or less in abstract record, for each additional entry, three cents; for furnishing abstract (including certificate and seal), when said abstract contains five conveyances or less, one dollar and fifty cents; for each additional conveyance or entry, ten cents; for making search of record where no certificate is given, twenty-five cents; for making copies of records, fifty cents for first one hundred words and ten cents for each additional one hundred words; for each certificate and seal, twenty-five cents; for each certificate of magistracy under seal, fifty cents; for taking acknowledgment, twenty-five cents for first person and fifteen cents for each additional person, the same to include the certificate and seal; for releasing mortgage or other lien on record, fifty cents; for issuing and recording marriage licenses, two dollars; for approving bond or undertaking, including justification of sureties, seventy-five cents; for filing each paper required by law, to be filed but not recorded, fifty cents. The county clerk and ex-officio register of deeds shall be liable to their respective counties for the aforesaid fees and charges. They shall each keep a book in their

Salaries of
county clerk.

Fees of reg-
ister of deeds.

respective offices, wherein shall be accurately kept an accurate account of all moneys coming into their hands for such services, and wherein the services rendered by them as ex-officio register of deeds are fully and accurately stated; and on the first Monday of each month they shall deposit with the county treasurer of their respective counties, one-half of the amount of all the fees and charges for services rendered by them as such ex-officio register of deeds during the next preceding month, retaining the other one-half thereof to their own use as compensation, in addition to the salary hereinbefore provided. The said county treasurer shall execute and deliver to said county clerk duplicate receipts for the same so paid in, one of which shall be filed by the said county clerk in his office and the other to be retained by him.

Deputy
county clerk.

SEC. 7. Whenever the board of county commissioners of any county of this territory shall deem that a necessity exists for the appointment of any deputy or deputies to enable the county clerk or the ex-officio register of deeds to properly discharge the duties of his office, they shall so certify by a minute entered of record in the journal of their proceedings, and by said minute they shall fix the number of deputies to be so employed, the officer to assist whom they shall be employed, the time for which such deputy or deputies shall be employed, and the compensation to be paid to any such deputy; *Provided*, That no such deputy shall receive as such compensation a sum in excess of sixty dollars per month, and thereupon the county clerk and ex-officio register of deeds may appoint some suitable person or persons as such deputy or deputies. The compensation of such deputies shall be paid by the counties for which they are appointed, in the manner that other salaries are paid.

Deputy sher-
iff.

SEC. 8. Whenever the board of county commissioners of any county of this territory shall deem that a necessity exists for the appointment of any deputy or deputies to enable the sheriff to properly discharge the duties of his office, they shall so certify by a minute entered of record in the journal of their proceedings, and by said minute they shall fix the number of deputies to be so employed, the time for which such deputy or deputies shall be employed, and thereupon the sheriff shall appoint some suitable person or persons as such deputy or deputies; *Provided*, That such deputy or deputies shall receive, in counties having an assessed valuation, according to the next preceding annual assessment, of not more than one million dollars, an annual salary not to exceed nine hundred dollars. In counties having an assessed valuation, according to the next preceding annual assessment, of not less than one nor more than two million dollars, an annual salary not to exceed one thousand dollars. In counties having an assessed valuation of more than two million dollars and not exceeding five million dollars, according to the next preceding annual assessment, an annual salary not to exceed eleven hundred dollars. In counties having an assessed valuation of more than five million dollars, according to the next preceding annual assessment, an annual salary not to exceed twelve hundred dollars. The compensation of such deputies shall be paid by the counties for which they are appointed, in the manner that other salaries are paid.

Repeal.

SEC. 9. Sections eleven hundred and eighty-two, eleven hundred and eighty-three and eleven hundred and eighty-four of the Revised Statutes of Wyoming, and all other acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC 10. This act shall take effect and be in force from and after the first Monday in the month of January in the year of our Lord one thousand eight hundred and ninety-one, in so far as it may effect the county officers of any organized county of this territory; but in so far as it may relate to county officers of any county organized after the passage of this act, it shall be in full force and effect from and after its passage.

Approved March 3, 1890.

CHAPTER 25.

INCORPORATION OF TOWNS.

AN ACT to Amend and Re-enact Sections Four Hundred Forty-Eight, Four Hundred Forty-Nine, Four Hundred Fifty, Four Hundred Fifty-One and Four Hundred Fifty-Two, of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section four hundred forty-eight of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Section 448. Such survey, map and census, when completed and verified as aforesaid, shall be left at some convenient place within such territory for examination by those having an interest in such application, for a period of not less than twenty days, and the same shall be filed in the office of the county clerk of the county in which said territory is situated; and twenty days notice of the intended application for such incorporation shall be given by posting notices thereof in three public places in such territory, which notices shall set forth the boundaries of such territory, the time of making such application and the place where such survey, map and census may be examined."

Amendment.

Notice to incorporate.

SEC. 2. That section four hundred and forty-nine of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Section 449. Such application shall be by petition, subscribed by the applicant, and also by not less than thirty electors residing within such territory; and such petition shall set forth the boundaries thereof, the quantity of land embraced therein according to the said survey, and the resident population therein contained according to the said census, and state the name proposed for such city or incorporated town; and the said petition shall have attached thereto the affidavits of not less than three of the said electors, verifying the facts therein alleged, and it shall be presented to the board of the county commissioners of the county in which such territory is located, at the time stated

Amendment.

Petition.

in the notice of such application, or as soon thereafter as the board can receive and consider the same. Such petition shall be accompanied by a copy of the notice given as required by the last preceding section, and by an affidavit showing that the provisions of said section have been fully complied with."

Amendment.

• **C o u n t y
c o m m i s s i o n -
e r s .**

SEC. 3. That section four hundred and fifty of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Section 450. The board of the county commissioners shall hear all the parties interested in such application, who shall appear and ask to be heard, and it may adjourn such hearing from time to time. If such board, after hearing the parties, shall be satisfied that all the requirements of this chapter in respect to such application have been fully complied with, and that such territory contains the population required by section four hundred forty-five it shall make an order appointing three inspectors, who shall at once call an election of all the qualified electors residing within the territory embraced within said limits as described and platted, to be held at some convenient place within said limits, the notice for which shall be given by publication in some newspaper published within said limits, if any there be, for three successive weeks, and by posting notices in five places within said limits. If there be no newspaper within said limits, then such notice shall be given by posting in eight public places within the same; said posting and the first publication to be not less than three weeks preceding such election. Such notice shall specify the place and time of such election; it shall contain a description of the limits of said proposed town or city. Said inspectors shall act as judges and clerks of the election, and shall qualify as required by law for judges and clerks at city and town elections, and shall report the result of the ballot to the said board of the county commissioners, which report shall be filed with the county clerk aforesaid. The ballots used at said election shall be 'for incorporation' or 'against incorporation.'"

Amendment.

**Election to
incorporate.**

**When com-
plete.**

Amendment.

**Election of
officers.**

SEC. 4. That section four hundred and fifty-one of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Section 451. If a majority of the ballots cast at such election be in favor of such incorporation, the county clerk shall, immediately on the report of the said inspectors being filed in his office, give notice of the result by publication in a newspaper, or if no newspaper be published in the county, by posting in five public places within the limits of the proposed city or town, and a copy of such notice with proper proof of its publication, shall be filed in the office of the said county clerk with the papers in the case. When the above requirements are complied with and officers are elected and qualified for such city or town as hereinafter provided, the incorporation thereof shall be complete, whereof notice shall be taken in all judicial proceedings."

SEC. 5. That section four hundred and fifty-two of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Section 452. When the incorporation of such city or town is completed, the inspectors mentioned in section four hundred and fifty of this act shall give notice, for two consecutive weeks, of the time and place of holding the first election of officers thereof by publication in a newspaper, or if none be published within the limits of such city or town, by posting in five public places within the limits of the same. At such election the

qualified electors of such city or town shall choose officers thereof. Said inspectors shall act as judges and clerks of the election, and otherwise it shall be conducted and the officers elected thereat shall be qualified in the manner prescribed by law for the election and qualification of city and town officers. In the receiving and canvassing of votes, the inspectors shall be governed by the laws then existing, so far as the same are applicable, for the election of city and town officers."

SEC. 6. Nothing herein contained shall be construed so as to affect any proceedings for the incorporation of any city or town commenced prior to January first in the year eighteen hundred and ninety, and any such proceeding may be completed and the city or town proposed to be incorporated under such proceedings shall be completed in all respects under the law as in force before the enactment of this act, and as if this act had not been passed. Completion of proceedings.

SEC. 7. This act shall take effect and be in force from and after its passage. In force.

Approved March 3, 1890.

CHAPTER 26.

DEFENDANT IN VACATION.

AN ACT to Amend and Re-enact Section Thirty-Two Hundred and Twelve of the Revised Statutes of Wyoming, Relating to the Surrender by Surety of a Defendant in Vacation.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Section thirty-two hundred and twelve of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 3212. When the surety desires to deliver up the defendant in vacation the surrender shall be made of such defendant to any judge of the court, before which he shall have been recognized to appear, or to the sheriff of the proper county; or if no indictment has yet been found against such defendant, but he is recognized to appear before the court or await the action of the grand jury as the result of a preliminary examination before a justice of the peace, the surrender may be made to any justice of the peace of the proper county. All such surrenders shall be made in the court house of the proper county, and upon such surrender being made it shall be lawful for the judge or justice of the peace, as the case may be, to make out, sign and deliver to the sheriff or some constable of the county a warrant for the commitment of such defendant to the jail of the county, unless he shall immediately enter into a recognizance with sufficient sureties according to the original recognizance, which recognizance said Amendment.
Surrender by su ety.

judge or justice of the peace shall take and approve and return to the clerk of the court to which the defendant was originally recognized, to be proceeded on the same as in the case of the original recognizance; *Provided*, That in case the defendant has been indicted the clerk of the court may take and approve the recognizance in the same manner as is provided in section thirty-two hundred and twenty of the Revised Statutes of Wyoming.

In force. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1890.

CHAPTER 27.

USELESS TERRITORIAL PROPERTY.

AN ACT to Provide for the Condemnation and Sale of Useless Territorial Property and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Sale. SECTION 1. It shall be the duty of the territorial auditor, treasurer and attorney general as a board to condemn such safes, horses, harness or other personal territorial property that may have become useless to the territory, and sell the same either by public or private sale as they may deem to the best interests of the territory. Said board shall select its own chairman and secretary and shall report to the governor at or before the end of each fiscal year.

Proceeds. SEC. 2. The proceeds of such sale or sales shall be remitted to the territorial treasurer for the benefit of the general fund.

In force. SEC. 3. This act shall take effect and be in force on and after its passage.

Approved March 3, 1890.

CHAPTER 28.

FUNDING COUNTY INDEBTEDNESS.

AN ACT to Amend and Re-enact Section One of "An Act Authorizing the Redemption of County Indebtedness," Approved March 2, 1888.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section one of "An Act Authorizing the Redemption of County Indebtedness," approved March 2, 1888, is hereby amended and re-enacted to read as follows: "Section 1. The board of county commissioners of any county may issue negotiable coupon bonds of their county for the purpose of paying redeeming, funding or refunding the principal and interest of any indebtedness of their county when the same can be done at a lower rate of interest and to the profit and benefit of the county. Said bonds shall be issued as near as practicable in denominations of one thousand dollars each but bonds of the denominations of five hundred dollars and one hundred dollars may be issued when necessary. Said bonds shall bear interest at a rate not exceeding six per cent per annum to be paid on the first day of January and the first day of July in each year at the office of the county treasurer or at such bank in the city of New York as may be designated by the board of county commissioners at the option of the holder thereof. Such bonds shall be redeemed by the county in the following manner: Ten per cent of the total amount issued shall be paid in ten years from the date of issue and ten per cent of the total amount annually thereafter until all of said bonds are paid, making the last bonds redeemable twenty years from the date of issue. But said bonds or any part thereof may at the option of the county issuing the same be redeemed at any time after five years from the date of their issue; *Provided*, Such time and option be stated upon the face of each bond and each bond shall be redeemed in the order it is numbered. The total amount of bonds issued at any time under the provisions of this act together with the existing indebtedness of such county shall not exceed four per centum of the total assessed valuation of the property in such county as determined by the last assessment for county and territorial purposes preceeding the issuance of such bonds."

Amendment.

Issue bonds.

SEC. 2. In case any county shall, in pursuance of the provisions of this act, desire to fund, refund, pay or redeem any of its outstanding indebtedness such county may call in such of its warrants as are to be so redeemed by advertisement for two weeks in the official newspaper of the county and such advertisement shall notify the holders that interest will cease in twenty days after the date of such notice.

Warrants.

SEC. 3. This act shall take effect and be in force from and after its passage.

In force.

Approved March 5, 1890.

CHAPTER 29.

MUTUAL LOAN AND BUILDING ASSOCIATIONS.

AN ACT to Provide for Certain Corporations.

*Be it enacted by the Council and House of Representatives of the Territory of Wyoming:*Building
and loan as-
sociations.

✓ **SECTION 1.** Whenever any number of persons not less than five desire to be incorporated, as a building and loan association for the purpose of accumulating the savings and funds of its members and lending them only the funds so accumulated, they may make and execute articles of incorporation in accordance with section five hundred and one of the Revised Statutes of this territory, concerning the formation of corporations, and when they have complied with the requirements of said section and shall have filed their certificate with the secretary of the territory and otherwise as required by the general incorporation act, the persons who have so executed said certificate in duplicate with their associates and successors, shall be a body politic and corporate with the powers given to other corporations as to suing, adopting a common seal and acquiring real and personal property by the general incorporation laws of Wyoming and shall continue in existence until the stock, by payment of dues, interest and other charges shall attain a par value.

Powers.

✓ **SEC. 2.** Such incorporations when formed, are authorized and empowered, to levy, assess and collect from its members, such sums of money, by rates of stated dues, fines, interest on loans, and premiums bid by members for the right of precedence in taking loans, as the corporation by its by-laws may adopt; also to acquire, hold, encumber and convey all such real estate and personal property as may be legitimately pledged to it on such loans or may otherwise be transferred to it the regular course of its business.

Taxation of
shares.

✓ **SEC. 3.** The shares of stock of mutual loan and building associations shall be assessed at their cash value, but only the unredeemed shares of such stock shall be taxed and these shall be listed to the individual owners thereof.

Benefit
building loan
and trust as-
sociations.

✓ **SEC. 4.** Whenever any number of persons not less than five desire to be incorporated as a benefit, building, loan and trust association, for the purpose of accumulating the savings and funds of its members, and lending the same to its members and others, they may make and execute certificates of incorporation in accordance with section five hundred and one of the Revised Statutes of Wyoming, concerning the creation and regulation of corporations and shall have filed one of said duplicate certificates with the secretary of the territory and the other with the county clerk of the county within which the principal office and place of business is located, and fully comply with the requirement of section five hundred and two of the Revised Statutes of Wyoming, the persons who have so executed said certificate, with their associates and

successors, shall be a body politic and corporate with powers conferred on corporations by the general incorporation statutes of Wyoming.

✓ SEC. 5. Corporations formed under the provisions of section four of this act, may issue the stock thereof in series, and with such number of shares in each series as may suit the convenience of the corporation and as may be provided by the by-laws, *Provided*, That each series shall have its equitable share and participation in the profits and accumulations of the corporation according to the amount paid thereon. Stock.

✓ SEC. 6. Such corporation, may issue a certain number of its shares as full paid stock to be called series "A," and the moneys arising from such full paid stock shall be used and retained by the corporation as a perpetual fund for purposes of loans and investments; *Provided*, That the full paid stock of any association formed under this act shall not be issued for a less amount than fifty thousand dollars. Full paid stock.

✓ SEC. 7. Corporations formed under section four of this act shall have power to loan the funds of the association accumulated for that purpose to the members of the association and to others when thought advisable, taking notes secured by mortgage or trust deed; to buy in real estate where sold on forfeiture or otherwise; to make a debt secured thereby; to sell or otherwise encumber such real estate as the interests of the corporation may require; to buy real estate, erect buildings thereon for sale to the members of the association or others; and generally to use the funds of the associations for loans on real estate or the purchase thereof, as the interests of the corporation may seem to require and as may be provided by the by-laws, and to raise money for these purposes, may levy, assess and collect from the members whose stock is not full paid, such sums of money by rates of stated dues, fines premiums on loans, and interest on loans, as may be provided by the by-laws, and shall have and exercise all other powers incident to, and proper to be exercised to carry into effect the general purposes of the corporation. Powers.

✓ SEC. 8. So much of the earnings of the association as may be necessary shall be set apart for the payment of expenses, including salaries to officers, servants and employes, and also the board of directors shall set aside annually or semi-annually, as may be required, from the earnings of the association, a sufficient sum to provide for any losses that may have occurred in the meantime, and the residue of the earnings and profits shall be transferred to the members borrowing and non-borrowing, ratably, according to the amount paid on the stock of such members, and to be paid to the members at such time and in such manner as the association by its by-laws shall provide. Earnings.

✓ SEC. 9. The shares of stock of an association formed under said section four of this act, shall not be subject to taxation, but all moneys accumulated by the association and all property owned by it shall be assessed to the corporation as like property is assessed to individuals and such assessment shall be made in the county where the principal office and place of business of such corporation is located. Taxation of property.

SEC. 10. This act shall take effect and be in force from and after its passage. In force.

Approved March 7, 1890.

CHAPTER 30.

ADMITTANCE OF PRISONERS TO BAIL.

AN ACT to Amend and Re-enact Section Thirty-Two Hundred and Four of the Revised Statutes of Wyoming Relating to the Admittance of Prisoners to Bail.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment. SECTION 1. That section thirty-two hundred and four of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 3204. When any person charged with the commission of any bailable offense shall be confined in jail, whether committed by warrant under the hand and seal of any judge or justice of the peace or by the sheriff or coroner, it shall be lawful for any judge of the supreme court or of the district court within his district, or any justice of the peace within his county, to admit such person to bail by recognizing such person in such sum and with such sureties as to such judge or justice of the peace shall seem proper, conditioned for his appearance before the proper court to answer the offense wherewith he may be charged, and for taking such bail the judge or justice of the peace may by his special warrant, under his hand and official signature, require the sheriff or jailor to bring such accused before him at the court house of the proper county, or some other place named by him, at such time as in such warrant the judge may direct; *Provided, however,* That if such accused shall have been committed to jail in default of bail after a preliminary examination before a justice of the peace, no justice of the peace other than the one who committed such accused shall afterwards admit him to bail in any less sum than that fixed by the committing justice at the time of such commitment; and *provided, further,* That if an indictment has been found against such accused he shall not be admitted to bail by a justice of a peace, but he may be admitted to bail either by the judge of the court before which he will have to appear to answer or by the clerk of the court as provided by section thirty-two hundred and twenty of the Revised Statutes of Wyoming."

Who may admit to bail.

In force. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1890.

CHAPTER 31.

BANKS.

AN ACT to Amend and Re-enact Section Two of An Act Entitled "An Act to Provide for the Organization, Management and Control of Banks and Loan and Trust Companies," Approved March 9, 1888.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section two of an act to provide for the organization, management and control of banks, banking institutions, savings banks, and loan and trust companies, approved March 9, 1888, be and the same is hereby amended and re-enacted as follows: "Section 2. The capital stock of each bank and banking association organized under this act, shall be subscribed for as full paid stock, and no such association shall organize with a capital stock less than ten thousand dollars (\$10,000) in a town or city of less than one thousand inhabitants; not less than twenty-five thousand dollars (\$25,000) in a town or city containing from one thousand and to two thousand inhabitants; not less than fifty thousand dollars (\$50,000) in a town or city containing from two thousand (2,000) to five thousand (5,000) inhabitants, and not less than one hundred thousand dollars (\$100,000) in a town or city containing over five thousand (5,000) inhabitants, and fifty per cent of such stock shall be fully paid in before any such association shall be permitted to transact any business; *Provided*, The foregoing provisions of this section shall apply to all savings banks and loan and trust companies organized under this act, and the balance of said stock shall be fully paid up from time to time, as the by-laws of such company may direct, not later than six months from the date of its organization. After its organization and before such association shall commence business, its board of directors shall cause a statement in writing to be prepared, showing that its capital has been fully subscribed, and that the amount herein required has been actually paid in, and that the law has been fully complied with as to its organization, which statement shall be sworn to by its president and secretary and filed in the office of the auditor of the territory; whereupon the said auditor shall issue a certificate in writing and under his official seal, showing that such association has complied with the laws of the territory in its organization and is authorized to carry on a banking business."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1890.

Amendment.

Capital stock.

Auditor.

In force.

CHAPTER 32.

TOWNS.

AN ACT to Amend and Re-enact Subdivision Eleventh of Section Four Hundred and Sixty-Eight, Chapter Twelve, of the Revised Statutes of the Territory of Wyoming Relative to the General Incorporation of Towns.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment. SECTION 1. That subdivision eleventh of section four hundred and sixty-eight, chapter twelve, of the Revised Statutes of the Territory of Wyoming relative to the general incorporation of towns, be and the same is hereby amended and re-enacted so as to read as follows: "*Eleventh*—To license, regulate or prohibit gambling houses and the sale of intoxicating liquors, and to prohibit and suppress bawdy houses, disorderly houses, houses of prostitution and houses where lewd persons assemble for dancing, desecration of the Sabbath day, commonly called Sunday, and all kinds of public indecencies within the limits of the town or within one mile thereof."

Powers.

n force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1890.

CHAPTER 33.

WATER WORKS FOR TOWNS AND CITIES.

AN ACT Authorizing Cities and Towns to Provide a Water Supply for Protection from Fires and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Water works. SECTION 1. The city or town council of any incorporated city or town within this territory shall have power to grant to any corporation organized under the laws of Wyoming for this purpose, the right to construct, maintain and operate a system of water works within the corporate limits of such city or town, and for that purpose the corporation acquiring such right or franchise to con-

struct such water works shall have the right to the use of the streets and alleys within the corporate limits, to put down and operate all pipes, fire plugs, hydrants and other appliances necessary to the complete operation of such works, subject, however, to the supervision and control of the corporate authorities of such city or town, but the right of franchise so granted shall not be for a period of more than twenty (20) years at any one time.

SEC. 2. The council of any incorporated city or town may enter into a contract with such corporation, to furnish and supply such city or town with water for protection from fire, the sprinkling of streets, and for such other purposes as may be necessary to the health and safety of such city or town, upon such reasonable terms as may be agreed upon and assented to by said corporate authorities, said contract to be for a period of not longer than ten (10) years at any one time, and as may be agreed upon by the parties to said contract. Council may contract for use of water.

SEC. 3. The council shall have full authority and power to grant to such corporation the right and authority to collect and receive all water rents and charges due from consumers of water. Collection of water rents.

SEC. 4. The council shall require the corporation to whom they grant such right or franchise to construct and maintain water works, to fix and establish a schedule of prices to be taxed and charged for the use of water to consumers within the corporate limits of such city or town, and, upon presentation of said schedule, it shall be the duty of the council to so revise and amend said schedule of prices that the charges fixed shall not be unreasonable or oppressive. The council in fixing and establishing the water rates shall take into consideration the cost of construction of the water plant and so adjust the rates to be charged upon such a basis that equity will be done to all parties. The schedule of prices so revised and agreed upon by the council shall be the price or prices that the corporation shall be entitled to charge and receive for the use of water within such corporate limits; *Provided*, That the schedule of prices so fixed shall not be subject to revision of teneer than once in two (2) years, without the permission of the corporation constructing said water works. Charges for use of water.

SEC. 5. The corporation constructing such water works, shall have the right to extend the same beyond the corporate limits of the city or town, and the jurisdiction of such city or town, for the purpose of maintaining and protecting the same from injury and the water from pollution, shall extend over the entire territory occupied by such works. Extension of water works.

SEC. 6. Any council so granting such franchise or privilege to any corporation to construct and maintain water works, shall make said grant upon the express condition that the city or town shall have the right and privilege of purchasing such water works and the franchise so granted with all appurtenances, within twenty (20) years from the date of the franchise, upon such reasonable terms as may be agreed upon between the two contracting parties. Purchase of water works.

SEC. 7. The corporation to which such right or franchise shall be granted is hereby authorized and empowered to acquire by appropriation all surplus water in any stream, and to purchase prior water rights, and to hold and use the water so acquired for the purposes of such corporation; and it shall also be empowered to obtain the right of way and lands necessary for reservoirs for such water system; and to obtain such right of way and lands. The provisions Powers of corporation.

of the laws of Wyoming relative thereto shall apply as fully in the condemnation thereof as if such provisions were set forth in this act.

Franchise.

SEC. 8. The corporate authorities of any city or town within this territory shall not grant a franchise as provided by this act, until the question shall have been first submitted to the voters of such city or town and by them approved by a majority of all the votes cast at such election.

Election.

SEC. 9. Any city or town council wishing to avail itself of the provisions of this act, shall pass an ordinance calling an election and submitting the question to the voters of such city or town as to whether such city or town shall grant a franchise for the construction of water works, which election shall be controlled and governed by the provisions of the law now in force for the holding of elections in cities and towns for the selection of officers thereof.

Ordinances.

SEC. 10. Such council shall have authority and power to pass all ordinances necessary to carry the provisions of this act into effect.

Rights and powers of councils.

SEC. 11. The powers hereby conferred upon city and town councils shall not be held to take from such councils any rights or powers now conferred upon them by the laws of this territory.

Franchises heretofore granted.

SEC. 12. All franchises heretofore granted by the proper corporate authorities of any city or town in this territory for the supplying of water to any city or town within this territory are hereby declared to be legal and valid.

In force.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 8, 1890.

CHAPTER 34.

FEES OF COUNTY CLERKS AND REGISTER OF DEEDS.

AN ACT to Repeal an Act Entitled "An Act to Amend and Re-enact Section Eleven Hundred and Eighty-Four (1184) of the Revised Statutes of Wyoming, Relating to Salary and Fees of County Clerk and ex-Officio Register of Deeds," Approved March 9, 1888.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Repeal.

SECTION 1. That an act entitled "An Act to Amend and Re-enact Section Eleven Hundred and Eighty-Four (1184) of the Revised Statutes of Wyoming, Relating to Salary and Fees of County Clerk and ex-Officio Register of Deeds," approved March 9, 1888, be and the same is hereby repealed.

In force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1890.

CHAPTER 35.

JURIES.

AN ACT to Amend and Re-enact Section One of an Act Entitled "An Act to Repeal and Re-enact Chapter One (1) of Title Forty (40) of the Revised Statutes of Wyoming Relating to Juries," Approved March 7, 1888, in Such Manner as to Limit the Exemption from Jury Service to Male Citizens Over the Age of Sixty Years.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section one of an act entitled, "An Act to Repeal and Re-enact Chapter One (1) of Title Forty (40) of the Revised Statutes of Wyoming Relating to Juries," approved March 7, 1888, be and the same is hereby amended and re-enacted so as to read as follows, to-wit: "Section 1. All male citizens residing in any of the counties of this territory and being able to read and write the English language and having the qualifications of electors and being of sound mind and discretion and not being judges or clerks or any of the courts of this territory, sheriffs, coroners, jailors or subject to any bodily infirmity disqualifying them for service as jurors and who have not been convicted of a criminal offense punishable by imprisonment in the penitentiary are and shall be competent persons to serve on all grand and petit juries within their counties; *Provided*, That persons over sixty years of age, ministers of the gospel, county officers, licensed attorneys, practicing physicians, dentists, registered pharmacists, officers and employes of the government of the United States and all firemen and militiamen, provided militiamen shall be exempt only when engaged in actual service, now or hereafter exempt by law from jury service, shall not be compelled to serve as jurors."

Amended.

Jurors.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as the same effect the provisions of this act, provided that nothing in this act contained shall in any wise invalidate or interfere with the legality or regularity of the drawing, summoning, impanelling or serving of any grand or petit jury or jurors prior to the taking effect of this act, but until the taking effect of this act the provisions of law which will be repealed by the taking effect of this act shall have the same force and effect as if this act had not been passed.

Repeal.

SEC. 3. This act shall take effect and be in force from and after the first day of July in the year of our Lord one thousand eight hundred and ninety.

In force.

Approved March 8, 1890.

CHAPTER 36.

APPEALS FROM JUSTICES OF THE PEACE.

AN ACT Relating to the Manner of Taking Appeals from Justice Courts and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Any final judgment of a justice of the peace in a civil action, except as otherwise provided, may be taken to the district court of the county in which the same shall have been rendered in one of the two following ways:

1. By appeal.

2. By proceedings in error in accordance with the provisions of chapter twelve, division seven of title thirty-eight of the Revised Statutes of Wyoming.

SEC. 2. The party appealing shall within twenty days after the rendition of the judgment file in the office of the justice by whom such judgment shall have been rendered a notice in writing of his intention to appeal. Before the justice shall allow an appeal he shall require the appellant, or his agent, to make an affidavit that such appeal is made in good faith and not for the purpose of delay, and that he verily believes injustice has been done him by the verdict or judgment, and shall require the appellant to pay all justices' and constables' costs for official services, but not the costs of witnesses, or subsistence or care of property attached or levied upon. The affidavit shall be made and said costs shall be paid within twenty days after the rendition of the judgment. The justice shall be entitled to one dollar and fifty cents for his transcript and allowance of appeal, to be prepaid.

SEC. 3. Upon the filing of the notice and affidavit and the payment of the costs, as provided for in the preceding section, the justice shall allow the appeal, and shall immediately make a certified transcript of his docket entries and of the bill of costs, and shall within ten days after the allowance of the appeal transmit the same together with all the original papers filed in the case, including the undertaking in stay of execution in cases where such undertaking shall be filed, to the clerk of the district court to which the appeal may be taken.

SEC. 4. The clerk of the district court, on receiving such transcript and papers, shall file the same and docket the appeal. He shall receive such fees therefor as are allowed in other cases.

SEC. 5. The plaintiff in the court below shall be plaintiff in the district court. Pleadings shall be filed in the district court in the same manner as if the action were there originally begun. The plaintiff's petition shall be filed on or before the third Saturday, the answer or demurrer by the defendant on or before the sixth Saturday and the reply or demurrer by the plaintiff on or before the eighth Saturday after the docketing of the appeal. The pleadings

shall be subject to the rules provided in the code of civil procedure and the case shall stand for trial in like manner as if having been originally commenced in the district court. The judgment rendered by the district court upon the final determination of the case shall include also the costs in the justice court.

SEC. 6. If the plaintiff shall appeal from any judgment rendered against him and shall fail to file his petition in the district court, as provided herein, the district court may, upon motion of the appellee, render judgment against such appellant for the amount of the judgment rendered against him in the justice court, together with interest accrued thereon and for costs of suit and may award execution thereof as in other cases. Failure to file petition.

SEC. 7. The district court may in its discretion allow amendments to the record in furtherance of justice, but when the appeal shall be dismissed by reason of any irregularity in taking or consummating the same, the clerk of the district court shall certify to the justice of the order of dismissal and shall remit with such order all the papers returned by the justice, except the transcript and undertaking, and shall also certify his fees in the case, which shall be added to the costs in the case before the justice and collected with the other costs. The justice may thereupon issue execution as if no appeal had been taken. Dismissal of appeal.

SEC. 8. No appeal to the district court from the final judgment of a justice of the peace in any case shall operate as a stay of execution unless the party appealing shall, after the rendition of such final judgment, enter into an undertaking to the adverse party with at least one good and sufficient surety, to be approved by such justice, in a sum not less than fifty dollars in any case nor less than double the amount of the judgment and costs, conditioned: Filing of undertaking.

1. That the appellant will prosecute his appeal without unnecessary delay.

2. That the party appealing will abide by the decision of the district court in such case and will satisfy any judgment that may there be rendered against him on account of such appeal, and, in all cases where said undertaking shall be filed after the justice of the peace has filed his transcript in the district court, the said justice shall forthwith transmit said undertaking to the clerk of the district court, and said undertaking shall be by the clerk of the district court filed with the other papers in said cause.

SEC. 9. Upon the approval and filing of such undertaking all proceedings in the justice court in the way of enforcing the judgment shall be stayed and the justice shall recall any execution which may have been issued upon the judgment, and the costs of such execution shall abide the event of the suit. Stay of execution.

SEC. 10. Sections thirty-four hundred and eighty-six, thirty-four hundred and eighty-seven, thirty-four hundred and eighty-eight, thirty-four hundred and eighty-nine, thirty-four hundred and ninety, thirty-four hundred and ninety-one, thirty-four hundred and ninety-two and thirty-four hundred and ninety-three of the Revised Statutes of Wyoming; and also an act entitled, "An Act to Amend and Re-enact Section Thirty-Four Hundred and Eighty-Eight (3488) of the Revised Statutes of Wyoming, Relating to Appeals in Justice Courts," approved March 9, 1888, are hereby repealed. Repeal.

SEC. 11. This act shall be in force from and after its passage. In force.
Approved March 8, 1890.

CHAPTER 37.

PETITION IN ERROR IN SUPREME COURT.

AN ACT to Amend and Re-enact Section Thirty-One Hundred and Twenty-Nine (3129) of the Revised Statutes of Wyoming, Relating to the Printing of Abstracts in Cases of Petitions in Error.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment.

Printing
record.

SECTION 1. That section thirty-one hundred and twenty-nine (3129) of the Revised Statutes of Wyoming be amended and re-enacted so as to read as follows: "Section 3129. In the case of a petition in error wherein the amount or value exceeds five hundred dollars, exclusive of costs, the plaintiff shall, within ninety days after the filing thereof in the supreme court of the territory, file in the case with the clerk of the court, ten printed copies of an abstract of so much of the record to be reviewed as will show the errors complained of, the expense of the printing to be taxed as part of the costs, and if the plaintiff fail so to file the printed copies, the case shall be dismissed, unless the filing thereof shall be dispensed with, or the time for the same shall be extended, as hereinafter in this section provided. The court, or any member thereof may before the expiration of said ninety days and upon satisfactory proof that the plaintiff is a convict or poor person, or that he is a party to whom the printing would be a hardship, dispense with the same, and in all other instances the court or any member thereof, may upon sufficient cause shown, dispense with or extend the time for filing said copies."

In force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1890.

CHAPTER 38.

BILL OF EXCEPTIONS AND STAY OF EXECUTION.

AN ACT to Amend and Re-enact Sections Twenty-Six Hundred and Forty-Nine and Section Thirty-One Hundred and Thirty-Six of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment.

SECTION 1. That section twenty-six hundred and forty-nine

of the Revised Statutes of Wyoming be amended and re-enacted so as to read as follows, to-wit: "Section 2649. When the decision is not entered on the record, or the grounds of objection do not sufficiently appear in the entry, or the exception is to the opinion of the court on a motion to direct a non-suit, to arrest the testimony from the jury or, for a new trial for misdirection by the court to the jury, or because the verdict, or if a jury was waived, the finding of the court, is against the law or the evidence, the party excepting must reduce his exception to writing and present it to the court, or to the judge thereof in vacation, within the time given for allowance. If true it shall be the duty of the court, if presented in open court, or the judge of the court before whom the cause was tried, if presented in vacation, to allow and sign it, whereupon it shall be filed with the pleadings as a part of the record, but not spread at large upon the journal. If the writing is not true the court or the judge in vacation shall correct it, or suggest the correction to be made and it shall then be signed as aforesaid."

Bill of exceptions.

SEC. 2. That section three thousand one hundred thirty-six of the Revised Statutes of Wyoming be amended and re-enacted so as to read as follows, to-wit: "Section 3136. No proceeding to reverse, vacate or modify a judgment or final order rendered in the probate court or district court, except as provided in the fourth subdivision of this section and in sections thirty-one hundred and thirty-eight and thirty-one hundred and thirty-nine shall operate to stay execution until the party against whom such judgment or final order was made shall file in the office of the clerk of the court wherein such judgment or final order was rendered a written undertaking with sureties to be approved by the court or the judge thereof, or by the clerk of said court as follows:

Amendment.

Stay of execution.

1. When the judgement or final order sought to be reversed directs the payment of money, the written undertaking shall be in such sum as shall be fixed by the court or the judge thereof to the effect that the plaintiff in error will pay the condemnation money and costs, if the judgment or final order be affirmed in whole or in part, or if the proceedings in error be dismissed.

2. When it directs the execution of a conveyance or other instrument, the undertaking shall be in such sum as may be prescribed by the court or the judge thereof, to the effect that the plaintiff in error will abide the judgment or final order if the same be affirmed, or if the proceedings in error be dismissed and pay the costs.

3. When it directs the sale or delivery of possession of real property, the undertaking shall be in such sum as may be prescribed by the court or the judge thereof, to the effect that during the possession of such property by plaintiff in error he will not commit nor suffer to be committed any waste thereon and that if the judgment be affirmed or his proceedings in error be dismissed he will pay the value of the use and occupation of the property from the date of the undertaking until the delivery of the possession, pursuant to the judgement and all costs. And when the judgment is for the sale of mortgaged premises and the payment of a deficiency arising from the sale the undertaking must also provide for the payment of such deficiency.

4. When it directs the assignment or delivery of docu-

ments they may be placed in the custody of the clerk of the court in which the judgment or final order was rendered, to abide the judgment of the reviewing court or the undertaking shall be in such sum as may be prescribed as aforesaid, to abide the judgment and pay costs if the judgment be affirmed or the proceedings in error be dismissed. The undertaking provided by this section shall operate as a stay of execution for the period of ninety days from the date the same is filed in the office of the clerk of the court wherein the judgment or final order was made whether any proceedings to reverse, vacate or modify such judgment or final order shall have been taken or not, and if within said period of ninety days the plaintiff in error shall have commenced his proceedings in error by filing his petition in error and transcript of the final record of the case in the supreme court as provided by section thirty-one hundred and thirty-four, then said undertaking shall operate as a stay of execution in such cause until said cause is finally determined by the supreme court."

In force.

SEC. 3. This act shall take effect and be in force from and after the date of its passage.

Approved March 8, 1890.

CHAPTER 39.

LIVE STOCK.

AN ACT to Repeal and Re-enact Chapters One and Three of Title Fifty of the Revised Statutes of Wyoming and "An Act to Amend and Re-enact Section Forty-One Hundred and Three of the Revised Statutes of Wyoming, Approved March 7, 1888." (Chapter Forty-Nine, Session Laws, 1888.)

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment. SECTION 1. That chapters one (1) and three (3) of title fifty (50) of the Revised Statutes of Wyoming and chapter forty-nine (49) of the session laws, eighteen hundred and eighty-eight (1888), entitled, "An Act to Amend and Re-enact Section Forty-One Hundred and Three (4103) of the Revised Statutes of Wyoming" be and the same are hereby repealed and re-enacted so as to read as follows:

Stock owner. SEC. 2. Every person who owns neat cattle, horses, mules, asses, sheep or goats is a stock owner.

Live stock. SEC. 3. Neat cattle, horses, mules, asses, sheep and goats are live stock.

Live stock on the open range shall be branded. SEC. 4. Every stock owner who allows his live stock to range upon the open range or without an enclosure, or who allows his

live stock to mingle with other live stock, shall have and adopt a brand, which shall be recorded in the office of the county clerk in each county in which said live stock ranges.

SEC. 5. No stock owner shall adopt or use any brand unless previously recorded. Brand.

SEC. 6. No stock owner shall adopt or use any brand recorded to another in the same county. Brand.

SEC. 7. No brand shall be recorded in any county and neither shall any title vest thereto until the same shall have been accepted by the brand committee of the county. Brand.

SEC. 8. The brand committee shall consist of the county clerk and two stock owners of the county with judgment and experience in brands. The two members of the brand committee who are stock owners shall be appointed by the county commissioners and their term of office shall be the same as that of the county commissioners appointing them. Brand committee.

SEC. 9. The brand committee shall have authority to decide finally whether a brand offered for record does or does not conflict with any previously recorded brand. Repetition of brand.

SEC. 10. When it is found that the brand applied for does not conflict with other brands previously allowed or recorded, the brand shall be awarded to such applicant. Allowing of brand.

SEC. 11. A majority of the brand committee may act, and a decision of the majority of the brand committee shall be the action of the committee. Brand committee.

SEC. 12. The county clerk shall file all brands offered for record, and if the brands are accepted by the brand committee, the ownership and right thereto shall date from the filing thereof. Filing of brand.

SEC. 13. The county clerk shall record all brands accepted by the brand committee, and none others, in a record kept for that purpose. County clerk.

SEC. 14. Every stock owner allowing his live stock, over six months old, to run at large or mingle with live stock other than his own, shall brand his live stock with his brand, recorded as hereinbefore provided. Branding stock at large.

SEC. 15. Any recorded brand may be conveyed to another by a bill of sale executed by the vendor; but said conveyance shall not be complete nor shall the title to said brand vest in the vendee until said bill of sale shall have been filed for record in the county where said brand is recorded. Brands may be sold.

SEC. 16. Any person driving live stock through any county in Wyoming is a stock drover. Stock drover.

SEC. 17. Every stock drover must have all live stock driven by him branded. If he turns loose for grazing purposes any of such live stock, he shall lay before the brand committee of the county a statement of the brands on such live stock and if in the judgment of a majority of such committee, such brands conflict with any brand previously recorded in that county, the owner of said live stock shall brand them with a brand that the committee shall consider different from all brands then recorded. Stock drover to brand stock.

SEC. 18. The brand committee shall reject any brand offered which will in any way conflict with any recorded brands, or which would by any addition or change, or otherwise mislead, or be ordinarily mistaken for a recorded brand. Conflicting brands.

SEC. 19. Every stock drover shall keep his live stock separate and distinct from other live stock; and if by any chance his live

stock becomes mixed with other live stock the stock drover shall forthwith separate the same.

Stock on home range. SEC. 20. It shall be unlawful for any person to drive live stock away from its home range without authority from the owner of said live stock.

Stock drover. SEC. 21. Every stock drover shall prevent his live stock from trespassing upon the property of another and from injuring any irrigating ditch or any public works.

Slaughtered cattle. SEC. 22. No person shall purchase or slaughter any head of neat cattle until the same is distinctly branded. Every person engaged in slaughtering neat cattle shall keep a record of all cattle so slaughtered, naming the person of whom such cattle were purchased, his place of residence, the age, sex and brands of the neat cattle so slaughtered, which record shall at all times be open for the inspection of any person.

Hides of cattle. SEC. 23. Every butcher slaughtering neat cattle shall keep the hides of such cattle at his place of slaughtering for a period of not less than twenty days after such slaughter and such hides shall be subject to inspection of any person.

Exhibiting hides. SEC. 24. All persons other than butchers who occasionally slaughter neat cattle for beef shall exhibit the hide or hides of such beef at the time and place the beef is offered for sale, and all such persons shall keep the hide or hides of such animals slaughtered for a period of twenty days subject to inspection by any person; *Provided*, That if the hide or hides be sold before the expiration of the twenty days hereinbefore required, a receipt for said hide or hides must be produced, and said receipt shall enumerate the brands upon the said hide or hides.

Record of hides. SEC. 25. All first purchasers of hides shall keep a record of all hides of neat cattle purchased by them, which record shall state the name or names of the person or persons from whom they were purchased, his or their place of residence and all brands on said hides, which record shall at all times be open for inspection of any person.

Inferior stallion. SEC. 26. No mustang or other inferior stallion over the age of twenty-four (24) months shall be permitted to run at large, nor shall any stallion over the age of twenty-four (24) months be permitted to run at large within three (3) miles of any town, city or village. It shall be lawful for any person to castrate or cause to be castrated, any such animal or animals found running at large contrary to the provisions of this section.

Inferior stallions defined. SEC. 27. Stallions possessing one-fourth mustang or bronco blood shall be deemed mustang or inferior stallions. Any person who shall find any stallion running at large as described in the next preceding section may take up such animal and keep the same in some secure enclosure and take good care of such animal, and it shall be the duty of such person to immediately notify the owner of such animal, if such owner is known, and if said owner is unknown to said person to immediately give notice by publication in some newspaper in the county in which such animal shall have been taken up for a period of four successive weeks and which notice shall contain a full description of all marks and brands, if any there be, on such animals, and that unless the owner of such animal make claim for the same within six weeks from the date of its first publication, said animal will be castrated. The notice shall be signed by the person or persons having taken up the same. Said

notice, keeping and caring for such animal shall be paid for by the owner of such animal and until paid the person taking up the same shall have a lien upon such animal for his or their claims, and in case of said owner refusing or failing to pay for such notice, keeping and caring for, within a reasonable time, the person having such claims shall be entitled to recover the same in the same manner as an agistor's lien.

SEC. 28. If any person shall castrate any stallion and it shall on proper evidence before a competent court be proven to the satisfaction of said court that such animal was not of a class of stock prohibited from running at large by the next two preceding sections, said persons shall be liable for damages to the amount of treble the value of said animal so castrated and costs of suit. Unlawfully castrating stallion.

SEC. 29. Dogs running live stock against the wish of the owner of such live stock, may be killed in cases where the live stock has been injured or is threatened with injury thereby; and the person killing any such dog shall not be liable to the owner thereof, where the vicious character of the dog or the damage or danger of damage is shown; *Provided, however,* That when live stock is trespassing upon property, the owner thereof may use dogs to drive and keep off live stock from said property. Dog-.

SEC. 30. Any person violating or failing to comply with any of the provisions of this act shall be imprisoned in the county jail not exceeding sixty days, or shall be fined not exceeding one hundred dollars, or both. Penalty.

SEC. 31. This act shall take effect and be in force from and after its passage. In force.

Approved March 8, 1890.

CHAPTER 40.

FIRE INSURANCE COMPANIES.

AN ACT to Require Fire Insurance Companies Organized Under the Laws of Other States, and Doing Business in Wyoming, to Pay a Duty or Rate for the Support of Fire Companies Composing the Fire Department of Any City or Town.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. There shall be paid on the first days of July and January of each year, to the treasurer of any incorporated city or town, for the use, support and benefit of the fire companies composing the fire department of any such city or town, by every underwriter who shall effect any fire insurance and by any person who shall act as agent for any fire insurance company, association or underwriter whatever, in any such city or town, a duty or rate Support to fire companies.

of one per centum upon the amount of all premiums which during the year, or a part of a year ending on the next preceding first day of July or January, shall have been received by such underwriter or agent, or by any other person for him, or shall have been agreed to be paid upon any insurance effected or agreed to be effected, or promised by him as such agent or otherwise, against loss or injury by fire in any such city or town.

Bond of agent. SEC. 2. No person shall in any such city or town as underwriter, agent or otherwise, effect or agree to effect, or procure to be effected, any insurance upon which the above duty or rate is required to be paid, until he shall have executed and delivered to such treasurer a bond in the sum of five hundred dollars, with such sureties as such treasurer shall approve, conditioned that he will render to such treasurer on the first days of July and January in each year, a just and true account, verified by his affidavit, of all premiums which during six months immediately preceding such report, shall have been received by him, or any other person for him, or agreed to be paid for any insurance against loss or injury by fire in any such city or town, which shall have been effected or agreed to be effected by him, and that he will semi-annually, on the first days of July and January in each year, pay to the said treasurer one per centum upon the full amount of such premiums for the use, support and benefit of such fire departments as aforesaid.

Moneys. SEC. 3. All moneys so paid to the treasurer of any such city or town, under the provisions of this act, shall, within fifteen days after having been paid to the said treasurer of such city or town be paid by said treasurer to the treasurer of the fire department of such city or town, taking his receipt therefor.

Penalty. SEC. 4. Every person who shall effect or agree to effect any fire insurance in any such city or town without having executed and delivered such bond, or who shall wilfully omit or refuse to pay such duty or rate, shall be deemed guilty of a misdemeanor, and for each offense shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding six months, or both, in the discretion of the court. Said duty or rate may also be recovered of such fire insurance corporation, company or association, or its agents or both, by action in the name and for the use of such fire department, as for money had and received for its use, support and benefit as aforesaid.

Application. SEC. 5. The requirements of this act shall apply only to such cities and towns as have an organized fire department of at least one engine, or hose company, with not less than ten active members, having at least one good fire engine or hose cart and not less than five hundred feet of sound rubber, leather or other hose, kept in an engine house, fit and ready at all times for actual service, and at least one hook and ladder company with not less than twelve active members, having a good hook and ladder truck. And in case of a paid or partly paid fire department, the buildings, machinery and material hereinbefore enumerated and the necessary men, teams and equipments so as to constitute an active and properly equipped department, ready for service at all times.

In force. SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 10, 1890.

CHAPTER 41.

SCHOOL LANDS.

AN ACT to Provide Rules and Regulations for the Leasing of School Lands in the Territory of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

SECTION 1. No lease is to be made for a period exceeding five years and all leases shall be subject to cancellation within six months next after the territory becomes a state, as provided by the act of congress, approved August 9, 1888. Leasing.

SEC. 2. Leases will be divided into two classes, namely: Classes.
Agricultural and grazing.

SEC. 3. The value of lands to be leased shall be ascertained as set forth in the following blank form of application for lease: Application.

TERRITORY OF WYOMING,.....County,

Post office of applicant.....

Date.....18.....

To the Honorable Board of County Commissioners of
.....County:

GENTLEMEN:—I desire to lease the land described in this application, and I agree to pay the sum of five per centum of the value established by the board as annual rental in advance.

No. of Acres.	Subdivision of Section	Section	Township.	Range.	Price per Acre.	Value of Improvements.	Name of Occupant or owner of Improvements.

Applicant will answer briefly the following questions, and the answers will be considered a part of the application:

For what purpose is the land wanted?

Is any person living on the land?

If so, who and how long?

Are there improvements of any description on the land?

If so, give name of owner and description of improvements.

State value of same on each government forty-acre tract, and describe them.

Is there any timber on the land?

If so, what kind and quality?

If it can be irrigated state source and conditions.

If so, how many acres and on what government forty-acre tract situated?

Does it contain stock water?

If so, give a full description of the same.

Is any portion of it natural hay land?

If so, how many acres and on what government forty-acre tract situated?

Describe the general character of the land, locate buildings, fences and other improvements with tracings of streams, springs, etc., on section diagram.

If the information given herein shall not be satisfactory to the board of county commissioners, they shall have the right to appoint a board of appraisers, or in any other manner to ascertain the true value of the land. The expenses accompanying such ascertainment of the true value, to be paid by the applicant, who must deposit with the board of county commissioners, with this application, the sum of twenty dollars to cover such expenses; but in case the information shall be deemed sufficient, then the twenty dollars shall be refunded if the applicant shall perfect the lease within thirty days after notice of acceptance of application; but a failure to perfect the lease within the thirty days shall work a forfeiture of the twenty dollars to the school fund of the county.

Name of applicant.....

I,....., do solemnly swear (or affirm) that the answers to questions in foregoing application are true to the best of my knowledge and belief so help me God.

Subscribed and sworn to before me this day of..... A. D. 18.....

Rental.

SEC. 4. The rental value shall be five per centum per annum of the ascertained and appraised value of lands and all fractional parts of a year shall be paid for at the rental value as for a whole year.

Resident to have preference.

SEC. 5. The resident or occupant possessing or controlling, in any way, the land, to have the preference right to lease at the rental value, which shall be established.

Settlers.

SEC. 6. In cases where more than one person are settled or living on the section, each shall have the preference right to the quarter section sub-division, more or less, on which he is residing prior to January 1, 1889.

Board to determine rights of settlers.

SEC. 7. In cases where legal sub-division lines could not apply in determining prior rights of settlers on any section, or in all cases of conflicting interests on the same, it shall be the duty of the board of county commissioners to act as a board, or appoint three persons, who shall be absolutely disinterested, to act as a board to settle and define the rights and interests of all the settlers who may desire to lease. The board may require the services of the county surveyor in all such cases and the decisions of the boards of arbitrators shall be final after filing the proceedings in the office of the county clerk.

Failure of occupant to rent.

SEC. 8. In case the occupant, resident or person controlling the land, fails, refuses or neglects to lease, according to the rental value established, then such land shall be placed on the same

levee with those lands unoccupied or unclaimed by possessory right.

SEC. 9. Parties claiming possessory rights who fail, neglect or refuse to lease at the rental value established, shall have sixty days to move away and to remove their improvements, consisting of houses, barns, fences, etc., etc.; but all water rights of every description, consisting of dams, reservoirs, ditches, flumes, etc., etc., shall not be disturbed, removed, destroyed or in any way impaired in value. And, in case such person, claiming possessory rights, shall neither lease, nor vacate the premises, and give up the land, open, free and untrammelled, but shall continue to rise and utilize the same either directly or indirectly, it shall be the duty of the county board of commissioners to immediately take the proper legal steps to have said party or parties removed from the lands, and compel them to pay the established rental value, with all expenses accruing by reason of such suits; such rental value to be collected for a whole year and not for any fraction of that period; such rental value and expenses to be a lien upon the houses, barns, fences, etc., etc.

SEC. 10. In case there shall be more than one applicant for the leasing of any of the lands at the established rental value then the lands shall be subject to lease to the highest bidder, upon due notice by letter to the parties in interest, that such public leasing shall take place on the first Tuesday of the succeeding month, at 12 o'clock noon, at the office of the board of county commissioners, *Provided*, That notice must be given the parties in interest at least twenty days prior to the public leasing.

SEC. 11. It shall be the duty of the respective boards of county commissioners upon receipt of the rules and regulations for their government in the leasing of the school lands to immediately advertise in one or more weekly county papers, once each week for four consecutive weeks that all the school lands in their respective counties will be leased by them upon application; and the board will furnish all necessary blanks. All applications must be filed with the county board on or before 12 o'clock, noon, on the first Tuesday in each month, and be by the board considered and acted upon as soon as the rental value shall have been determined and established, which should be without unnecessary delay thereafter.

SEC. 12. It shall be the duty of the respective boards of county commissioners to cause to be printed immediately the rules and regulations governing the leasing of the school lands and immediately have such rules and regulations conspicuously posted up in at least three prominent places in the court house; and also to furnish the respective school boards of each school district with at least three copies of such rules and regulations, to be posted up in at least three prominent places in each school district.

SEC. 13. In case any person claiming possessory rights over any school lands, shall fail, refuse or neglect to lease the lands at the established rental value, he shall have the right to sell his improvements to the person leasing such lands, within the sixty days given for removing such prosperity. But in case such person claiming possessory rights, shall neither remove his property, nor sell to the party leasing them, it shall be the duty of the board of county commissioners to proceed by law to dispossess said party and collect the annual rental with damages and expenses—

such rental value, damages and expenses to become a lien on the houses, barns, fences, etc., etc., on the lands.

Form of lease. SEC. 14. The following are the forms of leases to be used and none other:

LEASE OF AGRICULTURAL AND GRAZING LANDS.

This indenture; entered into this.....day of.....
.....in the year of our Lord one thousand eight hundred and
....., by and between the board of county commis-
sioners of.....county, Wyoming Territory, party of
the first part, and.....of the county of.....
....., in the said territory, part....of the second part, wit-
nesseth:

WHEREAS, said part....of the second part hath made appli-
cation to lease certain of the.....lands of said territory for
agricultural purposes, by virtue of the act of congress approved
August 9, 1888, in such cases made and provided, said lands lying
and being in the county of....., in said territory, and
being described as follows, namely:

Acres.	Part of Section.	Section.	Township.	Range.

AND WHEREAS, said described lands have been duly
appraised at.....per acre and the total value thereof found to
be the sum of.....dollars; and,

WHEREAS, said part....of the second part, in pursuance of
said statutes, ha....executed the bond required thereby, and is now
here ready to deliver the same, with a satisfactory surety thereto;

NOW THEREFORE, this indenture witnesseth, that the said
party of the first part, for and in consideration of the covenants and
agreements hereinafter mentioned, to be kept and performed by the
said part....of the second part,executors and administrators,
has demised and leased to the said part....of the second part, the
lands described as aforesaid, to have and to hold the said above des-
cribed premises, with the appurtenances, unto the said part....of
the second part,executors and administrators and assigns, until
January 1, 189., from the.....day of.....in the
year of our Lord one thousand eight hundred and.....,
and the said part....of the second part, in consideration of the leas-
ing of the premises aforesaid, by the said party of the first part to
the said part....of the second part, do....covenant and agree with
the said party of the first part, to pay unto the board of county
commissioners the sum of.....dollars annually, in
advance, as yearly rental. And the said part....of the second part
further covenant with the said party of the first part that, as
.....desires this lease for agricultural and grazing
purposes,will, within.....from the date
hereof, take possession of the lands hereby demised, and cultivate
so much thereof as may be suitable for farming, and improve the
same for such purposes. It is further covenanted and agreed by

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and between the parties aforesaid that if the rent above named, or any part thereof, shall be behind or unpaid on the day of the payment whereon the same ought to be paid as aforesaid, or if default shall be made in any of the covenants or agreements herein contained, to be kept by the said part....of the second part,executors and administrators, it shall and may be lawful for the said party of the first part, at its election, to declare said term ended, and into the said premises or any part thereof to re-enter. In case of default in and of any of the covenants herein contained, upon thirty days' notice by the party of the first part to the part....of the second part that the said term has been declared ended, the said part....of the second part agree..to surrender the peaceful possession of said premises to the party of the first part; and in default of the peaceful surrender of said premises, the part.... of the second part agree.. to pay to the party of the first part, as liquidated damages, double of the amount of the rental for one year, to be recovered from the part.... of the second part and securities. In witness whereof said party of the first part hath caused these presents to be attested and sealed by the board of county commissioners of aforesaid county, and the county clerk; and the part.... of the second part hath hereunto set.....hand..and seal.. on this, the day and year first herein above written.

.....[SEAL.]
Chairman board of county commissioners.
.....
:SEAL.:
.....
.....[SEAL.]
Clerk of the county.

The annual payments shall be made at the times as follows, to-wit:

	Month.	Day.	Year.	By whom received for B'd of County Commis'rs.	Date.
First Payment.					
Second Payment.					

ASSIGNMENT.

..... the within named lessee, for and in consideration of the sum of..... dollars, do hereby assign, transfer and sell allright, title, interest or claim in and to the following described tract or parcel of land to-wit: The..... unto.....of county of.....Territory of and to..... heirs and assigns. It is expressly understood that this assignment in no way releases the within lessee and bondsmen from their liabilities to the county of..... under.....bond, or by force of any law, to the injury of the interests of the county aforesaid.

Given under.....hand.. and seal.. this
day of....., A. D. 18....

.....[SEAL.]
.....[SEAL.]
.....[SEAL.]

LEASE OF GRAZING LANDS.

This indenture, entered into this day of
.....in the year of our Lord one thousand eight
hundred and....., by and between the board of
county commissioners ofcounty, Territory
of Wyoming, party of the first part, and.....
of the county of.....in the said territory, part...
of the second part;

WHEREAS, said second part... hath made application to
lease certain of the lands of said territory
for grazing purposes by virtue of the act of congress, approved
August 9, 1888, in such case made and provided, said lands lying
and being in the county of..... in said territory
and being described as follows, namely:

Acres.	Part of Section.	Section.	Township	Range.

AND, WHEREAS, said described lands have been duly
appraised and the total value thereof found to be the sum of
.....dollars; and,

WHEREAS, said part... of the second part, in pursuance
of act of congress, ha.... executed the bond required thereby and
is now here ready to deliver the same, with a satisfactory surety
thereto;

NOW, THEREFORE, this indenture witnesseth that the said
party of the first part, for and in consideration of the covenants
and agreements hereinafter mentioned, to be kept and performed
by the said part...., of the second part, executors and
administrators, has demised and leased to the said party of the
second part, the lands described as aforesaid. To have and to hold
the said above described premises, with the appurtenances unto the
said part.... of the second part...., executors and administrators
and assigns, until January 1, 189.., from the day
of..... in the year of our Lord one thousand
eight hundred and and the said part...., of
the second part, in consideration of the leasing of the premises
aforesaid, by the said party of the first part to the said part.... of
the second part do.... covenant and agree with the said party of
the first, to pay unto the said board of county commissioners of
..... county, Wyoming, at the office of said
board the sum of dollars annually, in advance
as yearly rental. And the said part.... of the second part further
covenants with the said party of the first part that the second party
at the expiration of the time of this lease mentioned, will yield up

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the said premises to the said party of the first part, and that neither he..... the said, nor legal representatives, will permit any loss, nor commit or cause to be committed, any waste in, to or upon said premises, or any part thereof, nor use the same except for grazing purposes; and will not cut or waste, or allow to be cut or wasted, any timber or standing trees that may now be upon said described premises. And it is expressly understood and agreed, by and between the parties aforesaid, that if the rent above named, or any part thereof, shall be behind or unpaid on the day of the payment whereon the same ought to be paid as aforesaid, or if default shall be made in any of the covenants or agreements herein contained, to be kept by the said part... of the second part, executors and administrators, it shall and may be lawful for the said party of the first part, at its election, to declare said term ended, and into the said premises, or any part thereof, to re-enter. In case of default in any of the covenants herein contained, upon thirty days notice by the party of the first part.... to the part.... of the second part that the said term has been declared ended, the said part.... of the second part agree.. to surrender the peaceful possession of said premises to the party of the first part; and in default of the peaceful surrender of said premises, the part.... of the second part agree.. to pay to the party of the first part, as liquidated damages, double the amount of the rental for one year, to be recovered from the part... of the second part and sureties. In witness whereof, said party of the first part hath caused these presents to be attested and sealed by the board of county commissioners of aforesaid county, and the county clerk; and the part.... of the second part hath hereunto set hand... and seal... on this, the day and year first herein above written.

.....[SEAL.]
Chairman board of county commissioners.
.....
:SEAL.:
.....

.....[SEAL.]
Clerk of the county.
.....Wyoming.
....., A. D. 18...., of
..... the sum of.....
dollars, the same being the annual
payment on the within lease.

.....
County treasurer.
.....Wyoming.
Received Wyoming.....
A. D. 18...., of..... the sum of
..... dollars, the same being the
..... annual payment on the within lease.

.....
County treasurer.
.....Wyoming.
Received Wyoming.....
A. D. 18...., of..... the sum of
..... dollars, the same being the
..... annual payment on the within lease.

.....
County treasurer.
.....Wyoming.

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ASSIGNMENT.

..... the within named lessee, for and in consideration of the sum of..... dollars, do.... hereby assign, transfer and sell all right, title, interest or claim in and to the following described tract or parcel of land, to-wit:

The..... unto of..... county, of Territory of and to heirs and assigns. It is expressly understood that this assignment in no way releases the within lessee and bondsmen from their liabilities to the county of under bond, or by force of any law, to the injury of the interests of the county aforesaid.

Given under hand... and seal.. this..... day of A. D. 18....

..... [SEAL.]
..... [SEAL.]
..... [SEAL.]

Form of bond

SEC. 15. The following form of bond shall be executed in double the amount of the annual rental value, and be filed with and become a part of the leases:

BOND OF LESSEE OF SCHOOL LAND.

WHEREAS, did, on the..... day of....., A. D., 18...., make application to "the board of county commissioners" of..... county, Wyoming, to lease, for the benefit of the school fund of said county, the following described land, situated in..... county, Territory of Wyoming, until January 1, 189..., at and for the yearly rental of the sum of..... dollars per annum, payable in advance, "that being not less than five per cent of the appraised value thereof," to-wit:

Acres.	Part of Section.	Section.	Township.	Range.

Containing, according to United States survey, acres, be the same more or less;

NOW THEREFORE, know all men by these presents, that we, as principal, and..... as sureties, of the county of..... and Territory of Wyoming, are held and firmly bound unto the county of..... in the sum of..... dollars, lawful money of the United States, to be paid unto the county aforesaid, which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals on this, the..... day of....., one thousand eight hundred and..... The condition of the above obligation is such that if the above boun-

den....., executors, administrators or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements, and each and every of them and every part thereof, on.....part to be performed, which are contained in a certain indenture of lease, bearing even date with the above application, entered into between the board of county commissioners of the county of..... Wyoming, party of the first part, and the said.... part.... of the second part, covering the above described lands and shall not permit any loss, nor commit nor cause to be committed, any waste in, to, or upon said premises or any part thereof, and will not cut or waste, or allow to be cut or wasted, any timber or standing trees that may now be upon said described premises and shall surrender said premises at the expiration of the term of said lease, then the above obligation shall be void; else to remain in full force and virtue.

Witness:

.....[SEAL.]
.....[SEAL.]

SEC. 16. At the expiration of any lease, the lessee shall have the preference right to re-lease at the then established rental value; *Provided*, He shall have lived up to all the obligations and requirements of the expiring lease.

SEC. 17. All leases shall be made in duplicate, one to be kept ^{Filing of} on file in the office of the county commissioners and one to be fur- ^{leases.} nished the lessee.

SEC. 18. The board of county commissioners of each county shall keep a record of all the proceedings connected with the lease- ^{Record of} ing of the school lands, separate and apart from the ordinary pro- ^{proceedings.} ceedings of the board; and such record shall be open at all times to the inspection and examination of any taxpayer.

SEC. 19. All money received under this act shall become a ^{Money to go} part of the general school fund of the several counties. ^{to school fund}

SEC. 20. The board of county commissioners, within their ^{Com mis-} respective counties, may make such rules and regulations for ^{soners may} carrying out the provision of this act, as are not in conflict with ^{make rules} said act. ^{and regula-} ^{tions.}

SEC. 21. This act shall take effect and be in force from and ^{In force.} after its passage.

Approved March 10, 1890.

CHAPTER 42.

TREE CULTURE.

AN ACT to Encourage the Planting and Growing of Timber.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That it shall be lawful for the board of county ^{Bounty.}

commissioners in any county in this territory to offer a bounty to any person in said county who shall hereafter plant one or more acres of land with forest trees and properly cultivate the same for five years in any sum not to exceed ten dollars for five years for each acre so planted and cultivated; *Provided*, That trees so planted shall not be at a greater distance than ten feet apart each way and shall be kept in a live, thrifty, growing condition for at least five years after being planted before said bounty shall be due and payable; and, *provided further*, That the provisions of this act shall not apply to lands held as timber culture entries under any of the timber laws of the United States.

Proof. SEC. 2. Any person claiming the bounty under this act shall make proof before the county commissioners that he has complied with section one of this act and that the trees planted by him are in a healthy and growing condition.

County commissioners. SEC. 3. Upon satisfactory proof of the compliance with this act the board of county commissioners may issue to the person entitled thereto a warrant upon the county treasurer as in other cases for the amount due under the offer made by the board.

Offering of bounty. SEC. 4. The board of county commissioners desiring to offer the bounty herein provided for shall do so by resolution to be made of record and giving notice in some newspaper published in the county three weeks prior to the first day of April of each year, said resolution and notice to state the amount of bounty offered for each acre planted and cultivated.

In force. SEC. 5. This act shall take effect and be in force after its passage.

Approved March 11, 1890.

CHAPTER 43.

ACCIDENT IN MINES—CORONER'S INQUEST.

AN ACT to Amend and Re-enact Section Sixteen Hundred and Fifty of the Revised Statutes of Wyoming, and Section Eighteen Hundred and Seventy-Nine of the Revised Statutes of Wyoming, as Amended and Re-enacted by an Act Approved March 9th, 1888.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment. SECTION 1. Section sixteen hundred and fifty of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 1650. Whenever, by reason of any explosion, or any other accident, in any coal mine or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the persons having charge of such mine or colliery to give a notice thereof forthwith to the territorial

Coal mine.

inspector of coal mines, and if any person is killed thereby to the coroner of the county, who shall give due notice of the inquest to be held. If the coroner shall determine to hold an inquest the said inspector shall be allowed to testify and offer such testimony as he shall deem necessary to thoroughly inform the said inquest of the causes of the death, and the said inspector shall have authority at any time to appear before said coroner and jury and question or cross question any witness, and in choosing a jury for the purpose of holding such inquest it shall be the duty of the coroner to empanel at least one experienced miner on such jury. It shall be the duty of the said inspector, upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the future safety of the men, and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident and make a record thereof, which he shall file as provided for, and to enable him to make the investigation he shall have the power to compel the attendance of persons to testify, and to administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred in the same manner as costs of coroners inquests are paid by law."

SEC. 2. That section eighteen hundred and seventy-nine (1879) of the Revised Statutes of Wyoming, as amended and re-enacted by an act approved March 9th, 1888, be and the same is hereby amended and re-enacted to read as follows: "Section 1879. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means, or the cause of whose death is unknown, or who have died by violence. When the coroner is notified that the dead body of any person supposed to have died by unlawful means, or the cause of whose death is unknown, or who died by violence has been found within the limits of his county, it shall be his duty to summon forthwith three citizens of the county, to appear before him at the time and place named, to act as jurors at the inquest, who shall receive two dollars each per day and ten cents per mile for each mile necessarily and actually traveled while engaged upon said inquest. The coroner shall also, when necessary, furnish means of transportation for the jury and witnesses to and from the place of inquest and for the removal of the dead body, and for any necessary expenses actually incurred, as provided in this section, and for the subsistence of the coroner, jurors and witnesses, and for forage of animals. The claimants shall present their accounts in duplicate, attested by the coroner or acting coroner, as the case may be, to the board of the county commissioners of the county, and if found that said inquest was necessary and in accordance with law, and the account is correct and just the same shall be paid in warrants properly drawn upon the order of the county commissioners."

Amendment.

Coroner's inquest.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

R peal.

SEC. 4. This act shall take effect and be in force on and after its passage.

In force.

Approved March 11, 1890.

CHAPTER 44.

UNION SOLDIERS IN THE PUBLIC SERVICE.

AN ACT Concerning the Employment of Honorably Discharged Union Soldiers and Sailors in the Public Service of the Territory of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Employment.

SECTION 1. In and upon each public department and work of the territory and cities and counties thereof, honorably discharged union soldiers and sailors shall be preferred for appointment and employment provided they possess the proper and necessary qualifications to the discharge of the duties and responsibilities of the position for which they apply and are equal to or superior to all other applicants for such positions. Loss of limb or physical impairment which does not in any way incapacitate in the discharge of duties shall not disqualify.

Appointment

SEC. 2. Each official or person having power of appointment in the public service as herein set forth are charged with the faithful compliance with the duties herein prescribed.

In force.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1890.

CHAPTER 45.

LIABILITY OF COUNTY FOR TERRITORIAL TAXES.

AN ACT to Amend and Re-enact Section Three Thousand Eight Hundred and Thirty-Six (3836) of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Amendment.

SECTION 1. That section three thousand eight hundred and thirty-six (3836) of the Revised Statutes of Wyoming be and the same is hereby amended and re-enacted so as to read as follows:

Taxes.

"Section 3836. Each county in the Territory of Wyoming is responsible to the territory for the amount of tax levied for territorial

purposes and no allowance or credit shall be given in any county for any part thereof remaining uncollected."

SEC. 2. This act shall take effect and be in force from and after its passage. In force.

Approved March 11, 1890.

CHAPTER 46.

COUNTY OFFICERS.

AN ACT Entitled "An Act Fixing the Compensation and Salaries of Certain County Officers, and for Other Purposes."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the persons and officers in this act mentioned shall be entitled to receive for their services the compensation herein allowed, and none other as expressly provided by law. Justices of the peace.

SEC. 2. Justices of the peace shall be entitled to receive the following compensation and fees: In precincts where the population thereof exceeds two thousand and does not exceed three thousand they shall be paid a salary of twenty-five dollars per month for all services rendered in criminal causes. In precincts where the population exceeds three thousand they shall be paid a salary of fifty dollars per month. In all cases where a salary is provided for a justice of the peace no fees shall be paid him for any services rendered in a criminal cause, but the same fee shall be allowed and paid to said justice of the peace in civil causes as are hereinafter specified, justices of the peace in precincts where no salary is allowed and payable, shall be allowed and paid for all services rendered in all civil and criminal causes as hereinafter specified, but all fees in justices courts in civil business or causes shall be paid by the parties for whom the services are rendered, to-wit: For making entry upon justices' docket, required by law and not herein otherwise provided for, fifteen cents; for entering an order of dismissal, of adjournment, of continuance, of summons for a jury or other order, per folio of one hundred words, fifteen cents; for entering any judgment or satisfaction thereof, or transfer of judgment per folio, fifteen cents; for taking acknowledgment of deed or other instrument of writing, fifty cents for one person and twenty five cents for each additional person acknowledging the execution of the same instrument; for filing each paper, ten cents; for approving bond and undertaking, fifty cents; for administering each oath, ten cents; for trial before justice or jury, one dollar; for issuing any writ, order or process requiring service, except a subpoena, fifty cents, for issuing subpoena, twenty-five cents; all names

included in one precept shall be put in one subpoena unless the party otherwise request. For rendering and entering the final judgment in a cause upon the merits thereof, fifty cents; for taking affidavit, twenty-five cents for each criminal complaint, one dollar; for each criminal warrant, one dollar; for each preliminary examination upon a charge of felony, one dollar and fifty cents; for each preliminary examination upon a charge of misdemeanor, one dollar; for each trial on charge of misdemeanor, one dollar; for taxing cost, twenty-five cents; for certifying appeal and sending appeal papers to district court, one dollar and fifty cents; in all cases where any person shall be arrested charged with any offense, and the court upon hearing or trial thereof shall be of the opinion that there was not probable cause for causing such arrest, and that the complaint was maliciously made, it shall tax the costs of the proceedings to the prosecuting witness, and render judgment therefor against him, which shall be collected in the same manner as other judgments. No more than fifteen dollars justice's costs shall be charged in any criminal cause. For performing the marriage ceremony and making returns thereof the justice of the peace shall receive two dollars; for transmitting papers on change of venue, fifty cents; also for certificate of justice, twenty-five cents; also taking answers of garnishee including affidavit, fifty cents; for issuing writ of restitution, one dollar; also for issuing attachment for contempt, fifty cents.

Assessors.

SEC. 3. There shall be paid to the county assessors of the several counties in this territory, salaries as follows: In counties having an assessed valuation, according to the next preceding annual assessment of less than one million dollars, an annual salary of two hundred dollars. In counties having an assessed valuation according to the next preceding annual assessment, of not less than one million dollars, nor more than two million dollars, an annual salary of three hundred dollars. In counties having an assessed valuation according to the next preceding annual assessment of more than two millions dollars, and not exceeding five million dollars, an annual salary of four hundred dollars. In counties having an assessed valuation, according to the next preceding annual assessment of more than five million dollars, an annual salary of five hundred dollars. In addition to the foregoing salaries, the said county assessors shall receive an amount equal to one-eighth of one mill per dollar upon the equalized value of all property actually assessed by him; *Provided, however*, That he shall not be entitled to said percentage upon the value of any property wrongfully and unlawfully assessed by him; and, *Provided further*, That the assessor, or his deputy shall be paid his actual and necessary expenses of travel in making the assessment, which amount of expenses before being allowed shall be made out in separate items, and must be shown by the affidavit of the assessor, or his deputy, to have been actually paid by him, to be just and correct, and in addition thereto must be accompanied by a receipted voucher for each item of expenditure claimed.

District assessment.

SEC. 4. Whenever a sum of money has been voted by a district the clerk shall, under the supervision of the director, make out and certify, over his official signature, the amount of money voted in his district, and on or before the fourth Monday in May in each year, cause the same to be filed in the office of the clerk of the board of county commissioners. The clerk shall also,

at the same time, notify the county assessor, in writing, of the action of the district meeting. The county assessor shall, at the time of making the county assessment, also assess the property of each district from which he has received notification as aforesaid, and return to the county clerk, at the time of returning the county assessment roll, a separate roll of each district by him assessed, for which services he shall receive three dollars per day for the time actually employed in making such separate assessment roll, which sum shall be paid out of the treasury of each district so assessed; *Provided*, That in no county shall any assessor be paid a sum in any one year in excess of one hundred dollars for making out all the school district assessment rolls for the several districts.

SEC. 5. The coroner of each county shall receive for holding an inquest five dollars per day for each day necessarily and actually employed; for each mile actually and necessarily traveled in going to and returning from place of inquest by the nearest practicable route, fifteen cents per mile; for performing the duties of sheriff, when the sheriff is a party to a cause or proceeding, or otherwise disqualified, the same fees as may be allowed the sheriff.

Coroner.

SEC. 6. The county surveyor shall receive six dollars per day for the time actually and necessarily employed in going from his office to the place where a survey is to be made, making the survey and returning to his office, to be paid by the party at whose instance the survey is made. He shall also receive the following fees: For each copy of plat or certificate of survey, four dollars; for making out a complete report of any survey made by authority of the county commissioners, four dollars, for recording survey, per folio, forty cents; all expenses of chainmen, axmen and other necessary assistance shall be furnished by the person or party for whom the survey was made.

Surveyor.

SEC. 7. The county and prosecuting attorney of the several counties in the territory shall be paid salaries as follows: In counties having an assessed valuation, according to the next preceding annual assessment of less than one million dollars, an annual salary of five hundred dollars. In counties having an assessed valuation, according to the next preceding annual assessment, of not less than one million dollars, nor more than two million dollars, an annual salary of seven hundred and fifty dollars. In counties having an assessed valuation, according to the next preceding annual assessment, of more than two million dollars, and not exceeding five million dollars, an annual salary of twelve hundred dollars. In counties having an assessed valuation, according to the next preceding annual assessment, of more than five million dollars, an annual salary of fifteen hundred dollars. Whenever, in any criminal cause, the prosecuting witness, or the defendant is adjudged to pay the costs, the court shall, tax as costs, the following fees, for the benefit of the county: For drawing indictment, five dollars; for services of prosecuting attorney on the trial of any indictment for a felony, twenty-five dollars; for services of prosecuting attorney on trial of any indictment for a misdemeanor, ten dollars; for services of prosecuting attorney in an action upon a forfeited recognizance or bond, twenty dollars, for services of prosecuting attorney in a case where the action is dismissed, five dollars; for the services of prosecuting attorney in attending an examination of a person charged before a justice of the peace with a public offense, five dollars; for services of prosecuting attorney

Attorney.

on trial of misdemeanor before justice of the peace, five dollars. In cases where the county and prosecuting attorney of any county is called upon to render official services outside of his county, or within his county, at a distance of more than ten miles from the county seat, and away from his own residence, he shall receive his actual expenses in attending to such services in addition to his salary as hereinbefore provided.

Clerk of district court.

SEC. 8. The clerks of the district courts shall be entitled to receive for their services the following fees: Indexing case, ten cents; entering action on appearance docket, ten cents; entering action on trial docket, ten cents; entering action on bar docket, ten cents, for filing each paper required to be filed and noting same on appearance docket, five cents; for every writ, summons or other process not herein expressly named, and sealing the same, fifty cents; for each subpoena (the names furnished in one precept to be included in the same subpoena unless otherwise directed), twenty-five cents; filing bond or undertaking, including justification, fifty cents taking and certifying affidavit, twenty-five cents; entering sheriff's return and venire, twenty-five cents; entering sheriff's return on writ, summons or other process (except venire) ten cents per folio; issuing commission to take deposition, fifty cents; entering appearance for defendant, five cents; calling jury and entering appearance on journal, twenty-five cents; empanelling and swearing jury, twenty-five cents; every issue joined, ten cents; for swearing each talesman, witness or bailiff in court, five cents; taking and entering recognizance, twenty-five cents; for entering each order, rule or plea on journal, twenty-five cents; except where such order, rule or plea contains more than two hundred words, ten cents for each additional hundred words; entering verdict, twenty-five cents; entering judgment not exceeding four folios, fifty cents; taking judgment on execution, twenty-five cents; entering satisfaction of judgment, fifteen cents; making any record required to be made, or copying any record or paper per folio where no fee is allowed, ten cents; certificate and seal, twenty-five cents; each entry on index, five cents; bringing a particular record into court, twenty-five cents; taking depositions ten cents per folio and five dollars for caption certificate and seal and transmission; for each attachment for a witness or other person, twenty-five cents; for taking acknowledgment of deed, power of attorney or other instrument, and certifying and sealing the same, fifty cents for the first person and twenty-five cents for every additional person; for filing, recording and issuing certificate of intent to become a citizen of the United States, one dollar; for final naturalization, including oath and record, and issuing certificate, two dollars; for issuing venire, fifty cents; for issuing certificate of compensation to witness, juror or trier (including seal), ten cents; for receiving, keeping and paying out money in pursuance of law or of any decree or order of court for any amount not exceeding one hundred dollars, two per cent; for any amount over one hundred dollars, one per cent; entering defendant's confession, in criminal causes, twenty-five cents; certifying record of supreme court, fifty cents; for docketing any appeal or bill of exceptions from a justice's court or from a police justice's court, fifty cents; and no more unless the case shall be tried *de-novo*, when he shall receive fees as in other cases after docketing; for certified copy of decree or judgment, ten cents per folio and twenty-five cents for seal; and in no

case shall the clerk demand more than three dollars as fees in advance in any case.

SEC. 9. The county treasurer shall hereafter be the collector of taxes in his county. For his services in collecting the taxes he shall receive the following fees: For the first ten thousand dollars or less, he shall receive eight per cent of the amount collected. For any amount over ten thousand dollars and less than twenty-five thousand dollars, he shall receive five per cent on the amount in excess of ten thousand dollars. For any amount over twenty-five thousand dollars and less than fifty thousand dollars he shall receive two per cent on the amount in excess of twenty-five thousand dollars. For any amount over fifty thousand dollars and less than one hundred thousand dollars, he shall receive one per cent on the amount in excess of fifty thousand dollars. For any amount over one hundred thousand dollars and less than two hundred thousand dollars, he shall receive one half of one per cent on the amount in excess of one hundred thousand dollars. For any amount over two hundred thousand dollars he shall receive one quarter of one per cent. In addition to the percentage allowed as aforesaid for the collection of taxes, the county treasurer shall receive one half of one per cent on all moneys paid out by him as such county treasurer; excepting, however, the moneys paid over to the treasurers of the several school districts and the moneys paid over to his successor in office.

Treasurer.

SEC. 10. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Repeal.

SEC. 11. This act shall take effect and be in force from and after the first Monday in January A. D., 1891, (eighteen hundred and ninety-one) except that in so far as it may relate to county officers of any county organized after the passage of this act, it shall be in full force and effect from and after its passage.

In force.

Approved March 11, 1890.

CHAPTER 47.

WESTON COUNTY.

AN ACT Entitled "An Act to Provide for the Creation of Weston County in Wyoming Territory."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. All that portion of Wyoming Territory bounded and described as in this section set forth, is hereby created and made a county of the Territory of Wyoming, under the name of Weston county, to-wit: Commencing at a point on the east boundary of

Creation.

the Territory of Wyoming, where the twelfth standard parallel north intersects the east boundary line of Wyoming Territory, thence running west along said twelfth standard parallel north, to the one hundred and sixth meridian of longitude west from Greenwich; thence south along said meridian line to the forty-third degree and thirty minutes north latitude; thence east along said latitude to the east boundary of said territory; thence north along said east boundary of said territory to the place of beginning.

Representa-
tion in legisla-
ture.

SEC. 2. For the purposes of representation in the legislative assembly following the passage of this act, the said county of Weston, hereby created, shall be attached to the county of Crook, in said territory, and for judicial purposes shall be included in the first judicial district of said territory; but for all purposes for which a county is organized, except as herein provided, the said county of Weston shall be deemed and held to be one of the counties of the Territory of Wyoming, from and after the passage of this act.

In force.

SEC. 3. This act shall take effect and be in force upon and after its passage.

Approved March 12, 1890.

CHAPTER 48.

BIG HORN COUNTY.

AN ACT to Provide for the Creation of Big Horn County, in Wyoming Territory, and to Amend and Re-enact Sections Forty-Eight (48) and Forty-Nine (49) of Chapter Ninety (90) of the Session Laws of Wyoming Territory of Eighteen Hundred and Eighty-Eight (1888), and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Creation.

SECTION 1. That all that portion of the Territory of Wyoming described and bounded as hereinafter in this section set forth, is hereby created and made a county of the Territory of Wyoming by the name of Big Horn; commencing at a point where the northern boundary line of Wyoming Territory intersects the thirty-third meridian of longitude west from Washington, and running thence south along said meridian to its intersection with the crest of the Rocky Mountains or Continental Divide, separating the waters of the Yellowstone and Snake rivers; thence in a southeasterly direction along the crest of said divide to its intersection with the eleventh standard parallel north; thence east along said standard parallel to its intersection with the crest of the mountain range dividing the waters of Wind river on the south from the waters of Grey Bull and Wood rivers on the north; thence along the crest of said divide between the waters of the last named streams and the crest

of the divide between the waters of Wind river on the south and of Grass creek and Owl creek on the north, to a point on the crest of the said last named divide at the head of the south fork of Owl creek; thence down said Owl creek along the north boundary of the Wind river or Shoshone Indian reservation, to its intersection with the channel of the Big Horn river; thence southerly along the channel of the said last named river to its intersection with the boundary line between the counties of Johnson and Fremont, as now constituted, the same being the line of forty-three degrees and thirty minutes north latitude; thence east along said line of forty-three degrees and thirty minutes north latitude to its intersection with the range line between townships forty-one north and ranges eighty-five and eighty-six west; thence north on said range line through townships forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one, to the crest of the Big Horn mountains, the same being the divide between the waters flowing into the Big Horn river on the west and the waters of Powder river and Tongue river on the east; thence in a northwesterly direction, following the crest of said last named divide, to the forty-fifth parallel of north latitude, being the northern boundary line of Wyoming Territory; thence west along said forty-fifth parallel of north latitude to the place of beginning.

SEC. 2. Section forty-eight of an act passed by the legislative assembly of Wyoming Territory, entitled, "An Act Making Divers Appropriations and for Other Purposes," passed by the tenth legislative assembly of the Territory of Wyoming, be and the same is hereby amended and re-enacted so as to read as follows, to-wit:

Amendment.

"Section 48. Whenever three hundred electors, who are property taxpayers, residing within the limits of any county hereafter to be organized, or within the limits of the county hereby created, shall desire to have the same organized for all purposes of a county government, they shall petition the governor of the territory for that purpose to appoint three electors residing within the county so to be organized for all purposes of a county government, to act as commissioners in organizing the same, each of which shall be mentioned in such petition. To such petition there shall be attached affidavits of two or more reputable electors, residents within said Big Horn county, or any county hereafter to be organized, showing that the persons whose names are signed to such petition are bona fide residents within said Big Horn county, or any county hereafter to be organized, and are electors and property taxpayers therein. Upon the presentation of such petition, with such affidavits attached, the governor shall appoint such commissioners and shall notify them of such appointment; *Provided*, That when any such petition shall be so presented to the governor of the territory, in reference to the said county of Big Horn, hereby created, there shall also be presented to him, before he takes action thereon in appointing such commissioners, proof, by affidavit or otherwise, showing that the counties of Johnson and Fremont, respectively, will have left within their boundaries, respectively, after the complete organization of said Big Horn county, an assessed valuation of property amounting to the sum of sixteen hundred thousand dollars, as shown by the last assessment roll of said counties respectively, after the same shall have been duly examined and equalized by the board of equalization of said Johnson and Fremont counties, respectively; *Provided*

Petition of taxpayers.

Johnson and Fremont counties.

further, There shall also be presented to the governor before he takes action thereon in appointing such commissioners, proof, by affidavit or otherwise, that the taxable property within the said county of Big Horn as shown by the last assessment of property in said district of country embraced within said Big Horn county, amounted to the sum of not less than one million five hundred thousand dollars, after the same shall have been duly examined and equalized as required by law; and, *Provided further*, That the commissioners heretofore named shall not be appointed before the first day of February, A. D., eighteen hundred and ninety-two."

Amended.

Commissioners to organize.

SEC. 3. That section forty-nine of the said act entitled "An Act Making Divers Appropriations and for Other Purposes," be and the same is hereby amended and re-enacted so as to read as follows, to-wit: "Section 49. Said commissioners shall as soon as practicable and within twenty days after receiving notice of their appointment, meet at some suitable place within said Big Horn county, or any other county hereafter to be organized, to be selected by them, and after each shall have taken and subscribed before some officer authorized by law to administer oaths, an oath to the effect that he will faithfully and impartially discharge the duties of the office as prescribed by law, they shall at once proceed to divide the county into precincts, defining the boundaries thereof, as required by law, and establish voting places therein, as is now required by law; they shall also select and appoint three judges of election for each precinct, and shall notify them, respectively, of such appointment. Such judges of election shall be duly qualified electors of this territory, actual bona fide residents within said Big Horn county or of such unorganized county to be organized; such commissioners shall also at the same time call an election to be held for all county and precinct officers for said Big Horn county and for any unorganized county to be organized, and for selecting a county seat for the same, notice of which election shall be given by publication in some newspaper published in said Big Horn county, or in said unorganized county to be organized, if any there be; if not, then by written or printed notice posted in a conspicuous place in each voting place in each precinct. If published in a newspaper, the first publication of said notice shall be at least thirty (30) days prior to the date fixed for such election; if posted, such posting shall be done at least thirty (30) days before the date of such election."

Representation in legislature.

SEC. 4. Until such time as said county of Big Horn shall have selected officers, as provided for by law, and the same shall have duly qualified as such, all such portions of said Big Horn county as at the time of the passage of this act belong to or are a part of some other county, for judicial, revenue and election purposes, and representation in the legislature, including representation in the first legislature of the State of Wyoming, should it be admitted into the union as a state, shall be attached to the counties respectively from which such portions of said Big Horn county are taken, except as hereafter provided by law.

In force.

SEC. 5. For all purposes for which a county exists in this territory, except as hereinbefore provided, said county of Big Horn shall be deemed and held to be one of the counties of the Territory of Wyoming from and after the passage of this act.

Court.

SEC. 6. After the said county of Big Horn shall have duly chosen its officers as provided by law, and the same shall have duly qualified, the said county shall thereafter constitute a portion of the

third judicial district of Wyoming, and a term of court shall be held therein annually, commencing on the first Monday in August of each year.

Approved March 12, 1890.

CHAPTER 49.

GAMING LICENSES.

AN ACT to Repeal Section Fourteen Hundred and Sixty-Five of the Revised Statutes of the Territory of Wyoming, Relative to Licenses.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section fourteen hundred and sixty-five of the Revised Statutes of Wyoming be and the same is hereby repealed. Repeal.

SEC. 2. This act shall take effect and be in force from and after its passage. In force.

Approved March 13, 1890.

CHAPTER 50.

LEGISLATURE.

AN ACT Fixing the Representation of New Counties in the Legislature.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. For the purpose of representation in the next legislative assembly of the territory, and for the purpose of representation in the senate and house of representatives of the first legislature of the State of Wyoming, should the territory be admitted into the union as a state, every county not heretofore organized, the boundaries of which have been heretofore or shall be hereafter defined, shall continue to be and constitute a part of the organized Representation in legislature.

county from which such unorganized county has been or shall be formed, and if any such unorganized county has been or shall be formed from portions of two or more organized counties, then and in such case the respective portions of such unorganized county shall, for the purposes aforesaid, continue to be and constitute portions of the respective organized counties from which the same have been or may be taken.

Repeal. SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

In force. SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 13, 1890.

CHAPTER 51.

VOLUNTARY ASSIGNMENTS.

AN ACT Regulating Voluntary Assignments and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Assignment authorized. SECTION 1. Any debtor or debtors in embarrassed or failing circumstances may make to one or more assignees a general assignment of all his or their property, in trust for the benefit of his or their bona fide creditors; and all assignments hereafter made by such person or persons for such purpose, except as provided for in this act, shall be deemed fraudulent and void. The debtor is insolvent and in embarrassed and failing circumstances within the meaning of this act when he is unable to pay his debts from his own means as they become due.

Insolvent debtor. SEC. 2. All assignments under this act shall be by indenture duly signed and acknowledged before some person duly authorized to take the acknowledgment of deeds, and shall within ten days from the execution thereof be filed with the county clerk and ex-officio register of deeds of the county in which the assignor resides or has his principal place of business, if he be a non-resident of Wyoming, whose duty it shall be to record the same in a book provided especially in which to record assignments.

Execution and filing. The indenture of assignment shall contain a full description of all real estate so assigned, and be accompanied by a schedule containing a particular enumeration and description of all the personal property assigned; and the assignors shall make oath before some person authorized to administer oaths, that said indenture and said schedule contain a statement of all the property, rights and credits belonging to him, or of which he has any knowledge, and that he has not directly or indirectly transferred or reserved any sum of money or article of property for his own use or for the benefit of any other person, and has not acknowledged a debt or

Schedule and affidavit.

confessed a judgment to any person or persons for a sum greater than was justly owing to such person or persons, or with the intention of delaying or defrauding his creditors. No assignment under this act shall convey to the assignee any interest in the property so assigned until such assignment is filed for record and indexed as provided for in this section. All assignments under this act, as soon as the same are filed for record, shall be entered in a general index of assignments, which index book shall be provided especially for indexing assignments.

Index.

SEC. 3. Within fifteen days after the execution of any such assignment, the assignee shall file a certified copy of the assignment and schedule in the office of the clerk of the district court of the county in which the debtor resides or is engaged in business; and shall, before entering upon the execution of the trust, make oath that he will faithfully execute the same, that the property assigned has been actually delivered into his possession for the uses declared in the assignment, and the probable value of the property so assigned. And such assignee shall, at the same time, file with the clerk a written undertaking to the Territory of Wyoming, with at least one sufficient surety, to be approved by the clerk, in a sum double the amount of the value of the property assigned, conditioned for the faithful discharge of the duties of his trust; which bond shall be for the use of any person or persons injured by the wrongful action of such assignee in the premises.

Filing in district court.

Oath and bond of assignee.

SEC. 4. The clerk of the district court shall minute the filing of said copy of indenture and schedule and the undertaking in the proper book provided therefor.

Clerk of court.

SEC. 5. If the assignee fail to comply with the provisions of the foregoing sections, the court or the judge of the district court, or by the clerk thereof, if the judge be absent from the county, may at the instance of the assignor or a creditor, by petition, remove said assignee and appoint some suitable person in his stead, who shall forthwith comply with the requirements above specified, and who shall immediately take possession and control of the property assigned and enter upon the execution of the trust as herein-after provided.

Removal of assignee.

SEC. 6. Immediately after complying with the requirements before mentioned, the assignee or trustee shall give notice of his appointment by publication three weeks successively in some newspaper printed and published in the county, if any there be, and if not, by written notices put up in at least five of the most public places in the county, and by publication of the same in some newspaper printed and published nearest thereto, for the time and in the manner mentioned in reference to publication in the county where the assignor resides or is engaged in business, and said assignee shall within thirty days after entering upon the duties of the trust, make and file, under oath, a full and complete inventory of all the property, real and personal, the rights, credits, interests, profits and collateral securities which shall have come into his hands, or of which he may have obtained knowledge as belonging to the assignor. And it shall further be his duty, whenever any property not mentioned in said inventory comes to his hands, or when he obtains satisfactory information of the existence of such property, to obtain possession of the same and to file an additional inventory thereof under like regulations governing the inventory hereinbefore required.

Notice of appointment.

Inventory.

Appraisers.

SEC. 7. The assignee, after filing the inventory mentioned in the next preceding section, shall, within twenty days thereafter, cause the property mentioned in said inventory to be appraised by two reputable householders of the neighborhood, who, before proceeding to the discharge of such duty, shall take and subscribe an oath that they will honestly appraise the property mentioned in the inventory filed by the assignee, which oath shall be filed together with the appraisement by them made with the clerk of the district court.

**Appraise-
ment.**

SEC. 8. The appraisers shall, in the presence of such assignee, appraise each article mentioned in the inventory at its true value and set down opposite each article, respectively, the value fixed by them in dollars and cents in figures.

**Exemptions
of assignor.**

SEC. 9. If the assignor is a householder in Wyoming, and the head of a family, and claims his right of exemption, said appraisers shall set off to him such chattels as he may select, of like kind and value as are exempt by law from execution. And in the case of a homestead, if the same does not exceed in value the sum of fifteen hundred dollars, the said appraisers shall set off said homestead to the assignor; but if the homestead exceed in value the sum of fifteen hundred dollars, it shall be disposed of under the assignment, and the sum of fifteen hundred dollars shall be paid to the assignor out of the first moneys that come into the hands of the assignee, which money shall be exempt from attachment and execution, and the appraisers shall, in their appraisement, specify what articles of property and the value thereof and describe the homestead they have so set apart; and if they state the value of the homestead to be more than fifteen hundred dollars, they shall certify that the assignor is entitled to receive the sum of fifteen hundred dollars from the assignee.

**Sales by as-
signee.**

SEC. 10. The assignee, as soon as possible after said appraisement is filed, shall proceed to collect the rights and credits of the assignor, and shall, after giving thirty days' notice of the time and place in the manner hereinbefore provided for the publication of notice of appointment by the assignor or trustee, proceed to sell at public auction the property appraised (except such as has been set off to the assignor) to the highest bidder for cash or upon credit, the assignee taking notes with good and sufficient security, waiving relief from valuation or appraisement laws, payable not more than twelve months after date, with interest. A full return under oath shall be made of the sale by the assignee to the clerk of the district court, who shall file the same with the other papers in the case; *Provided*, That said court, or the judge thereof in vacation, may upon the sworn petition of the assignee, or on like petition of a creditor or creditors of the assignor, for good cause shown, extend the time for selling said property or any portion thereof to such time or times as the court or judge may determine will subserve the best interests of the creditors, and may also in like manner extend the credit on sales not exceeding two years. The court may also, on like petition, authorize or ratify private sales of said property, when it is shown that such sales were or will be beneficial to the creditors of the assignor.

**Supervision
of court.**

The court shall exercise a supervising power over the estate of the assignor, and may make all necessary orders in the interest of the creditors for its control and management by the assignee before sale, and shall, after sale, have the power to compel the

assignee to report the money in his hands for distribution, and shall, after the expiration of the time for presenting claims as hereinafter provided, compel distribution, whenever the assets are shown to be sufficient to pay ten per cent dividend upon the indebtedness, and such distribution may be ordered from time to time when on application of any one interested, it is shown by the court or judge thereof that there is sufficient funds in the hands of the assignee to pay said dividend of ten per cent.

Dividends.

SEC. 11. The assignee shall, within six months after entering upon the duties of his trust, make report to the judge of the district court, under oath, setting forth the amount of money in his hands, both from the sale of property and from collections, and the amount still uncollected, and such assignee shall also in such report give a list of all claims of creditors which have been presented to him against the assignor, noting such as he has concluded should be allowed and such as he has determined not to allow.

Assignee's report.

SEC. 12. It shall be the duty of the clerk of such court to spread such list upon the appearance docket of the court distinguishing between such claims as the assignee has determined to allow, and such as he has refused to allow; and in all cases where the assignee has refused to allow any claim, and where any creditor objects to the allowance of the claim of any other creditor or creditors, the judge of such court may order such case or cases to stand for trial at the next term of said court thereafter. And such trial shall be governed in all respects by the rules regulating the trials of similar actions in the district court; and if, after hearing the proofs and allegations on the trial of any such claim, the court be satisfied that it is valid and just, the court shall order the same to be allowed and paid as other similar claims are paid, and shall make such order with respect to costs as the court shall deem just; *Provided*, That the court shall have the power to require issues to be made as to any or all claims, whenever it deems such issues necessary to a proper determination of the rights of the parties.

Allowance of claims.

SEC. 13. Any part of the property assigned on which there are liens or incumbrances may be sold by the assignee subject to such liens and incumbrances; but in case the assignee should be satisfied that the general fund would be materially increased by the payment of such liens or incumbrances, he shall make application by petition to the judge or the court for leave to do so, and abide its order in that behalf. Before the holder of any lien or incumbrance shall be entitled to receive any portion of his debt out of the general fund, he shall proceed to enforce the payment of his debt by sale or otherwise of the property on which said lien or incumbrance exists; and for the residue of such claim, such holder of such lien or incumbrance shall share pro-rata with the other creditors, if entitled so to do by the laws of this territory.

Liens and incumbrances

SEC. 14. When the court shall have confirmed the report made as provided for in section eleven and if no contested claims are standing on the docket as provided for in section twelve, such court shall order such assignee to pay all moneys then in his hands to the clerk of such court, who shall, after deducting therefrom the costs incident to the execution of such trust, including such allowance to the assignee as the court shall deem just, distribute the same among the creditors according to the provisions of this act, taking their respective receipts therefor.

Distribution.

SEC. 15. If any creditor or the assignee, by affidavit or other-

Investigation
of fraudulent
transfers.

wise, shall satisfy the court or judge that the assignor has fraudulently withheld or has fraudulently transferred any part of his property, such court or the judge thereof in vacation may order a warrant to be issued for the arrest of the assignor or the person or persons to whom such fraudulent transfer is believed to have been made, or both of them and such persons alleged to be concerned in such fraud, and have him or them brought before such court or judge, on oath to answer all questions put to him or them pertinent to the alleged fraudulent transactions; and such court or judge shall have power to stay further fraudulent transfers and to subject such property as has been fraudulently withheld or transferred to the operation of the general trust.

Presentation
and filing of
claims.

SEC. 16. Persons filing claims with the assignee shall make oath that they are just and lawful, and that there are no set-offs or counter claims, and no part of the same is for usurious interest, or, if so, what part, and said part shall be deducted from the claims before they are allowed. And the assignee is hereby authorized to administer oaths to creditors in reference to the validity and justice of their claims. The claims of all creditors shall be presented to the assignee for allowance prior to the expiration of six months from the date of first publication required in this act, and no creditor who fails to file his claim as is above provided shall be entitled to any dividends from the estate of the insolvent debtor; *Provided*, That for good cause shown and upon such terms as the court shall deem just and proper, the court may in cases where no injury would result to the assignee or other creditors, extend the time for the filing of any such claim beyond the period above limited, or may permit such filing by order of the court or the judge at a time later than the time aboved limited, but in no case shall such extension be permitted or allowance to file made after final distribution of the estate of the insolvent debtor.

Compound-
ing doubtful
claims.

SEC. 17. Under direction of the court or judge thereof, with reasonable notice to persons interested, such notice to be prescribed by the judge or court, an assignee may compound or compromise any debt or claim belonging to the assignor, which cannot be otherwise recovered without endangering the recovery of such claim or debt. And the judge or court at any time may, on reasonable notice to the parties interested, authorize the assignee to sell such rights in action of the insolvent debtor as it may deem proper and in such manner and upon such terms as to it may seem best.

Notice of
distribution.

SEC. 18. Final distribution shall not be made until the expiration of six months from the first publication of the notice required in the sixth section of this act, nor until the publication of notice of final distribution as herein provided. The assignee shall give notice of final distribution by publication in some newspaper published in and of general circulation in the county of the residence or place of business of the debtor for four weeks successively, immediately preceding such distribution.

Final report
and discharge
of assignee.

SEC. 19. It shall be the duty of the assignee at the expiration of one year after entering upon the duties of his trust or at the next term of such court thereafter to make out a final report to such court, and upon the hearing and determination thereof, if the court be satisfied with and approve the same, he shall order the assignee to be discharged from his trust; *Provided*, Such court may for good cause shown grant further time to said assignee to file his final account.

SEC. 20. The judge of the district court may, in term time or in vacation, upon the petition of any creditor or the assignor, remove an assignee under this act for good cause shown and appoint his successor; and shall whenever a vacancy occurs by death, resignation or removal of such assignee from this territory, have power to fill such vacancy, and shall order any assignee thus removed to surrender all property in his hands belonging to such trust to such successor and that he forthwith pay to the clerk of such court all moneys in his hands for delivery to such successor, and that at or before the next term he shall make and file a full and final report showing the condition of the trust and his management thereof while under his control; and if the court shall be satisfied with such report and that such assignee has fully complied with the requirements of this act and paid all moneys in his hands to the clerk of such court, then such court may discharge such assignee.

Removal of assignee—filling vacancy.

SEC. 21. Nothing in this act contained shall prevent any party or parties who shall deem himself or themselves aggrieved by any order or decree of the court under this act from having an appeal as in other civil actions.

Appeals.

SEC. 22. For whatever services the clerk of the district court is required to perform under this act, he shall be allowed the same fees as are allowed him by law for similar services in other civil proceedings, and the appraisers under this act shall each be entitled to three dollars per day for their services and fifteen cents per mile each for mileage; and such court shall allow the assignee or assignees such remuneration for his or their services in executing the trust, out of the general fund, as it may deem just and proper.

Fees and compensation

SEC. 23. No assignment for the benefit of creditors shall give any preference of one debt or class of debts over any other debt or class of debts, and any such provision in any assignment for the benefit of creditors shall be null and void. The property of the assignor shall in all cases be distributed pro-rata among his creditors, subject to the provisions contained in this act.

Preference prohibited.

SEC. 24. An assignment for the benefit of creditors which has been executed and filed so as to transfer the property of the assignor cannot afterwards be cancelled or modified by the parties thereto, without the consent of every creditor affected thereby.

Cancellation, etc., of assignment.

SEC. 25. Property exempt from execution and all insurance upon the life of the assignor do not pass to the assignee by a general assignment for the benefit of creditors unless the indenture of assignment especially mentions them and declares an intention that they should pass thereby.

Exemptions and insurances.

SEC. 26. An assignee for the benefit of creditors is not to be regarded as a purchaser for value, and has no greater rights than his assignor had in respect to things in action transferred by the assignment. And an assignee for the benefit of creditors is not to be held liable for his acts, done in good faith, in the execution of the trust, merely for the reason that the assignment is afterwards adjudged void.

Title of assignee.

SEC. 27. If any person being insolvent or who contemplated insolvency, within twenty days next before making an assignment for the benefit of creditors with a view of giving a preference to any creditor or any person having a claim against him, or who is under any liability for him, procures or secures any part of his property to be attached sequestered or seized on execution, or makes any payment, pledge, assignment, transfer or conveyance of

Transfers in contemplation of assignment.

any part of his property either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer or conveyance of any part of his property or to be benefitted thereby or by such attachment having reasonable cause to believe such person is insolvent and that such attachment, payment, pledge, assignment or conveyance is made in fraud of the provisions of this act, the same shall be void and the assignee may recover the property or the value of it from the person so receiving it, or so to be benefitted.

Acceptance
of dividend
discharges as-
signor.

SEC. 28. In all cases where the assignor complies with the provisions of this act, any creditor accepting from the assignee any dividend arising from the property of the assignor to which he is entitled under any assignment made under this act, shall release the assignor from all further liability on the claim or claims on which said payment may be made.

SEC. 29. Each judge of probate in this territory shall forthwith certify to the proper district court all assignments pending in his court and not finally settled, and he shall also transfer all papers, files and records pertaining to such assignments to said district court and the said district court, and the judge thereof shall thereupon have complete jurisdiction over such assignments and the same shall be thereafter administered upon and finally settled under the provisions herein contained as fully as if such assignments were made originally under this act; *Provided*, That no published notice shall be required in such cases except as to the payments of dividends as herein provided.

Prior assign-
ments not ef-
fected.

SEC. 30. The validity, construction, force and effect of any and all assignments for the benefit of creditors heretofore in any manner made and any and all rights acquired or liabilities incurred thereunder or in relation thereto shall be determined by the laws in force at the time when such assignment was made or rights acquired or liabilities incurred.

Repeal.

SEC. 31. Title two of chapter two of the Revised Statutes of Wyoming, embracing sections ninety-two to one hundred eighteen, both inclusive, are hereby repealed.

In force.

SEC. 32. This act shall take effect and be in force from and after its passage.

Approved March 13, 1890.

CHAPTER 52.

PUBLIC IMPROVEMENTS FOR CITIES AND TOWNS.

AN ACT to Confer Additional Powers Upon Municipal Corporations and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. In addition to the powers provided by law, each incorporated city or town in the Territory of Wyoming shall have ^{Public im-}power ^{provements.}

First—To establish, construct, purchase, extend, maintain and regulate a system of sewerage,

Second—To establish, construct, purchase, extend, maintain and regulate highway viaducts, and a system of water works.

Third—To establish, construct, purchase, extend, maintain and regulate a system of ditches, aqueducts and reservoirs, for supplying water to its inhabitants, and to its streets, parks and public grounds for irrigating purposes.

SEC. 2. In addition to the taxes authorized by law, each incorporated city or town in the Territory of Wyoming, shall have ^{Additional}power ^{taxes.} to levy a tax not exceeding three mills on the dollar in any one year, for each of the three purposes specified in section one of this act.

SEC. 3. Any incorporated city or town in the Territory of Wyoming is hereby authorized to borrow money and to issue the coupon bonds of such city or town in any amount not exceeding in any event five per cent of the assessed valuation of such city or town, for the purpose of providing funds for any or all of the objects fixed in section one of this act. Such bonds shall be of the denomination of five hundred and one thousand dollars, and shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, at such bank in the city of New York as the municipal authorities may provide. The bonds shall be redeemable after ten years, and payable in twenty years after the time when they are issued. No bonds shall be sold for less than the par value thereof. No bonds shall be issued until the proposition to issue the same shall be submitted to the qualified electors of the city or town desiring to issue bonds. Such proposition may be submitted at any annual election of such city or town, and at least ten day's notice of such election shall be given by publication in at least one newspaper published in such city or town, which said notice shall specify the amount of bonds proposed to be issued and the purpose for which it is proposed to incur the indebtedness. At such election the ballots shall contain the words, "For the Bonds" or "Against the Bonds," or equivalent words in meaning.

SEC. 4. If a majority of the votes cast upon the proposition shall be "For the Bonds," then the council or board of trustees shall give notice by advertisement in some newspaper published in such

city or town, and also in some newspaper published in the city of New York and in such other newspapers published in other places as may be deemed expedient by the council or board of trustees, to the effect that said city or town will receive bids for the sale of said bonds, (briefly describing them) and stating the time and place where said bids will be received and opened.

Form of
bonds.

SEC. 5. The council or board of trustees shall determine and prescribe the form of the bonds to be issued, such bonds when issued shall be signed by the mayor and attested by the clerk and counter-signed by the treasurer of such city or town. Each bond at the date of its issue, shall be registered by the city or town treasurer.

SEC. 6. A tax to be fixed by ordinance shall be levied each year for the purpose of paying the interest on such bonds, and to create a sinking fund for their redemption. The moneys that may at any time be on hand, belonging to such sinking fund, until such time as there shall be bonds redeemable, may be loaned or invested by the council or board of trustees in any public securities within the Territory of Wyoming and the interest that may accrue from the same shall be added to said fund. Whenever, at any time, after ten years from the issue of said bonds, the sum in the sinking fund shall equal or exceed one thousand dollars, and from time to time thereafter when it may accrue, the said city or town treasurer shall cause a notice to be published in one newspaper, published in such city or town, that he will in thirty days from the date of such notice redeem said amount of bonds, which may then be payable, giving the number thereof, preference being given to the oldest issue; and if at the expiration of thirty days, the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease, but the treasurer shall at all times thereafter be ready to redeem the same on presentation. A copy of such notice shall be sent by him to such bank in the city of New York, as may have been designated as the place for the payment of the interest on said bonds.

SEC. 7. Whenever any of the bonds, of such city or town shall be paid, it shall be the duty of the treasurer to cause the word "Paid" to be cut in the same, and to otherwise properly cancel the bonds so paid.

Regulation
of water rates.

SEC. 8. Each incorporated city or town in the Territory of Wyoming may prescribe and regulate rates for the use of water and may make ordinances providing for enforcing and collecting the same.

SEC. 9. For any of the purposes specified in this act, any city or town may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise, shall have power to take and condemn all necessary lands and property therefor in the manner provided by the laws of this territory, relating to condemnation of real estate by railway corporations, and for the purpose of preventing or punishing any pollution or injury to the stream or source of supply of its water works, ditches or reservoirs, its jurisdiction shall extend upon and along such stream or source of supply for a distance not exceeding twenty-five miles beyond its corporate limits, or further, if such water supply shall be obtained at a greater distance, and shall include, and extend over the entire distance occupied by such water works, ditches or reservoirs.

SEC. 10. This act is intended to apply to all cities and towns now or hereafter existing in the Territory of Wyoming, ^{General applicatio n of this act.} whether incorporated by special charter or under general laws, and to be of general and uniform operation throughout the territory. Its provisions are in addition to all laws and provisions now in force, and shall not be construed to impede or to be impeded by, or impair, or to be impaired by the operation of any general or special law not necessarily inconsistent with the provisions hereof. The taxes herein authorized are in addition to all other taxes provided or authorized by law.

SEC. 11. This act shall take effect and be in force from and after it passage. ^{In force.}

Approved March 13, 1890.

CHAPTER 53.

BOARD OF LIVE STOCK COMMISSIONERS.

AN ACT to Amend and Re-enact "An Act Providing for a Board of Live Stock Commissioners, and Prescribing Their Duties and for Other Purposes" Approved March 8, 1888, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

SECTION 1. That "An Act Providing for a Board of Live Stock Commissioners and Prescribing Their Duties, and for Other Purposes," approved March 8, 1888, be and the same is hereby amended and re-enacted so as to read as follows: "Section 1. The ^{Amendment.} governor of the territory during the present session of the legislature and at each session thereafter, shall nominate, and by and with the advise and consent of the legislative council, appoint a board of commissioners to be known as the board of live stock commissioners of Wyoming. ^{Appointment}

SEC. 2. Said board of live stock commissioners shall be composed of five members who shall be the actual owners of live stock or the owners of stock, in any company or corporation having live stock running at large upon the public lands in the territory and who shall be residents of the territory. ^{Composition of board.}

SEC. 3. Said live stock commissioners shall hold their offices for the term of two years and until their successors shall be duly appointed and shall have qualified. ^{Term of office.}

SEC. 4. Said commissioners shall, before entering upon their duties, take an oath to uphold the constitution of the United States and the laws of the territory and to well and truly perform their duties as provided by law which oaths shall be filed in the office of the secretary of the territory. ^{Oath of commissioners.}

SEC. 5. Any vacancy which shall occur in such board of live

Vacancies. stock commissioners during the recess of the legislative council by death, resignation, removal from the territory or otherwise, shall be filled by appointment in the territory, as provided by law.

Officers' powers. SEC. 6. The board of live stock commissioners shall have power to elect a president and secretary. The president shall be elected from the members of the commission. The office of the secretary shall be filled by a person not a member of the commission, who may be selected by the commission, and whose salary shall be fixed by the board in an amount not to exceed the sum hereinafter specified. Said commission may make such rules and regulations for the transaction of its business and for the government of its employes and appointees, not inconsistent with the provisions of this act, as may be deemed necessary and expedient. A majority of such board of live stock commissioners shall constitute a quorum for the transaction of business and a full record of its proceedings shall be kept by the secretary thereof.

Office. SEC. 7. It shall be the duty of the live stock commissioners to have the office of said commission at the capital of the territory and to hold regular semi-annual meetings, one upon the first Monday in April next after the passage of this act, and the other at such time as the president of the commission may direct. No session or meeting of the said board of live stock commissioners shall exceed in duration five consecutive days.

Limitation on compensation. SEC. 8. Neither the board of live stock commissioners nor any of its officers shall receive any compensation or mileage for the services rendered under this act, except as hereinafter specified.

Salary of secretary. SEC. 9. The secretary of the commission shall receive for his services as such secretary a yearly salary to be fixed by said commission not to exceed twelve hundred dollars to be paid to him in twelve monthly equal installments, out of any appropriation made by law for that purpose. The live stock commission shall be paid five dollars per diem for each day of actual work performed by them as such commissioners, and fifteen cents per mile mileage for the distance necessarily traveled by them in going to and from the regular meetings of the board, such per diem and mileage to be paid out of any appropriation made by law for that purpose.

Bond of secretary. SEC. 10. The secretary of the board of live stock commissioners shall give a bond to the territory in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the governor, conditioned upon the faithful discharge of his duties, which bond shall be filed in the office of the secretary of the territory.

Term of office of secretary. SEC. 11. The secretary of the commission shall hold his office for the period of two years, subject to removal at any time by the board of commissioners, or a majority of them, for neglect, incompetency or failure to perform his duties, or for such other cause as may be deemed sufficient by the commission. In case of a vacancy arising in the office of secretary from death, resignation, removal or from any other cause, the commissioners shall select a secretary for the balance of the unexpired term.

Seal of board. SEC. 12. The board of live stock commissioners shall have and adopt a seal upon which shall be engraved the words, "Board of Live Stock Commissioners of Wyoming."

General powers of board. SEC. 13. The board of live stock commissioners shall exercise a general supervision over, and so far as may be, protect the live stock interests of the territory from theft and disease, and shall

recommend from time to time such legislation, as in their judgment will foster said industry.

SEC. 14. It shall be the duty of said live stock commissioners to call a meeting at the capital of the territory of all stock owners of the territory on the first Tuesday of April of each year for the purpose of recommending to said commissioners the laying out of the several round-up districts and the time and place of beginning the work of round-ups upon the same, and to recommend the appointment of persons for the commissioners for the round-up districts. Annual meetings to lay out round-up districts.

SEC. 15. It shall be the duty of the board of live stock commissioners, on or before the first Wednesday after the first Tuesday of April of each year and before 10 o'clock a. m. of that day, to set apart, designate and divide the territory into round-up districts, describing each district by number and giving its boundaries. Round-up districts.

SEC. 16. The board of live stock commissioners are hereby authorized, and it is made their duty, on or before the first Wednesday after the first Tuesday of April of each year, to appoint three persons as commissioners for each of the several round-up districts, as shall be set apart, described and designated by the live stock commissioners, who shall be known as round-up commissioners, who shall be owners of live stock, or owners of stock in any company or corporation having cattle running at large within such district, and who shall also be residents of such district. Round-up commissioners.

SEC. 17. The commissioners of the round-up districts shall receive no salary or pay for their services. The round-up commissioners of each district shall have the power and it shall be their duty on or before the first Monday in May of each year to hire a foreman for their district and they shall have the power to remove such foreman at any time for neglect or incompetency to perform his duties as such foreman, or for any other cause which shall by them be deemed sufficient. Ibid.

SEC. 18. The foreman of the round-up shall receive for his services as such ten per cent commission upon the gross proceeds of all mavericks sold by him; *Provided*, That in case such commission does not amount to at least thirty dollars in any one year in any round-up district, the board of live stock commissioners shall pay the foreman of such round-up district the sum of thirty dollars. Foreman of round-up.

SEC. 19. Said board of live stock commissioners are hereby authorized, and it is made their duty, to appoint such stock inspectors as they may deem necessary for the better protection of the live stock interests of the territory and to distribute them at such points or places within or without the territory as will, in their judgment, most effectually prevent the violation of any and all laws of the territory for the protection of stock. Stock inspectors.

SEC. 20. Such stock inspectors may, when deputized according to law, exercise the powers of deputy sheriffs, but shall not receive any fee or emolument for their services as such from the territory or county, except as hereinafter provided. Stock inspectors' powers.

SEC. 21. Said inspectors shall each make and execute a bond with two sufficient sureties, to the territory in the sum of one thousand dollars, conditioned for the full and faithful discharge of their duties, said bond to be approved by the board of live stock Bond of stock inspectors.

commissioners and to be filed in the office of the secretary of the territory.

SALARY OF STOCK INSPECTORS. SEC. 22. Said inspectors shall receive for the time of actual service such salary or compensation as shall be fixed by the board of live stock commissioners, in no case to exceed the sum of one hundred and fifty dollars per month to any one person, to be paid by the treasurer out of any appropriation made by law for that purpose, as herein provided. Any inspector or other employe of the commission who shall receive any bribe (or who shall receive for the service required of him by this act, any compensation or reward other than such as is provided in this act, shall be immediately discharged and be forever barred from employment by the commission and be subject to the punishment provided for bribery, the same as ministerial and judicial officers.

Stock in - inspectors shall be furnished list of brands. SEC. 23. The secretary of the live stock commission shall furnish to the inspectors a list of all brands sent to him for that purpose and owned by the owners of stock in this territory.

Mavericks defined. SEC. 24. All neat cattle, regardless of age, found running at large in this territory, without a mother and upon which there is no brand, shall be deemed mavericks, regardless of any ear mark or wottle which may be upon them, and shall belong to the territory.

Sale of mavericks. SEC. 25. It shall be the duty of the live stock commission, by its secretary or other person selected by it under its rules, to sell all mavericks in the territory at public auction to the highest responsible bidder offering the highest price per head, at the capitol building of the territory on the first Wednesday after the first Tuesday of April of each year, between the hours of 10 a. m. and 4 p. m. of that day, the mavericks of each round-up district to be sold separately. Notice of the time, place and terms of sale shall be given at least twenty days previous to the day of sale, in a newspaper published in each of the respective counties of the territory, of each year. In the event of no bids for the mavericks of any district at the sale above provided for, the live stock commission shall have power to adjourn the sale of the mavericks of such district, to be conducted at such time and place as they may deem best, such sale to be conducted by such person or persons as may be designated by the live stock commission. Bids may be made by agent, whose authority shall be by power of attorney, duly executed and witnessed, and which shall be filed in the office of the secretary of the commission, and such authority must be accompanied by the security provided for in section twenty-seven of this act.

Ibid. SEC. 26. The sale of mavericks, as above provided for, shall be made by the secretary of the live stock commission, and the mavericks to be found in each of the round-up districts shall be sold by district, and a contract entered into by and on behalf of said live stock commissioners with each purchaser for the delivery to him of all mavericks to be found in said district, at the stipulated price per head and upon the terms and conditions of said sale.

Ibid. SEC. 27. The purchaser of mavericks in each district shall make and execute a bond to the territory in the sum of two thousand dollars, with two sufficient sureties, to be approved by the commissioners, conditioned for the faithful performance of his contract, which bond shall be filed in the office of the secretary of the territory.

SEC. 28. All mavericks found in any round-up district shall, under and by direction of the district commissioners and the fore-

men of the several round-ups, be branded on the left side of the neck with the **M** brand, and at the same shall be branded with such other brands ^{Brands of mavericks.} as the purchaser of such mavericks may direct, a description of which brands shall be furnished by the purchaser to the secretary of the commission, who shall furnish the same to the foreman.

SEC. 29. It shall be the duty of the foreman of each round-up district, within ten day after the expiration of any general round-up upon which any mavericks shall have been branded by him, to furnish to the district commissioners a sworn statement of all mavericks branded by him and not theretofore reported, giving in detail a description of each maverick, together with a description of the brands used in branding such mavericks and the number of the district. ^{Foreman shall give list of mavericks.}

SEC. 30. It shall be the duty of the foreman to brand each day the mavericks found on said day in his district. ^{Foreman shall brand mavericks.}

SEC. 31. It shall be the duty of the round-up commissioners, upon receipt of the sworn statement of the foreman, to immediately audit and certify to the same and forward the same to the secretary of the live stock commission; upon receipt of said sworn statement, as above provided, the secretary of the commission shall render an account to the purchaser of the mavericks so branded and reported as aforesaid, whereupon the purchaser shall pay into the hands of secretary all moneys which may be due and owing by him under and by the condition of the contract of sale of such mavericks. ^{Auditing maverick accounts.}

SEC. 32. The sworn statement of the foreman duly certified by the district round-up commissioners, shall be accepted by the purchaser of mavericks as a true and correct statement of the mavericks branded in his brand. ^{Sworn statement of foreman shall be accepted.}

SEC. 33. In case default shall be made by the purchaser of mavericks in the payment of any money due and owing by him under and by virtue of his contract, the board of live stock commissioners may, and it is their duty to, bring an action in the name of the territory to recover the amount so due and owing upon said contract. ^{Action to recover price of mavericks.}

SEC. 34. Upon receipt of full payment for such mavericks the secretary of the commission shall execute and deliver to the purchaser, in the name of the commission, a bill of sale of said mavericks, but in no case shall a bill of sale be given until after final delivery of all mavericks shall have been made, as provided in said contract. ^{Bill of sale of mavericks.}

SEC. 35. The secretary of the commission shall within a period of ten days after the receipt by him of the moneys paid into his hands on account of the sale of mavericks, transmit the same to the territorial treasurer, who shall give his receipt therefor to the secretary of the commission and deposit the same to the credit of the general fund of the territory. ^{Payment of maverick money to treasurer.}

SEC. 36. If any animal sold as a maverick shall within a period of six months after the branding of the same be claimed and its ownership proven to the satisfaction of the round-up commissioners in the district where the same was branded, it shall be the duty of the district commissioners, acting as a board of appraisers, to fix the value of such animal so claimed as aforesaid and to report by statement, duly certified by them or any two of them, the value of said animal, the name of the owner claiming the same, ^{Reimbursing owners of mavericks.}

the number of the district in which such animal was branded, to the secretary of the commission, who shall file a claim for the amount of the value of said animal, with the auditor of the territory, who shall audit the same and draw his warrant therefor in the name of the owner of said animal and deliver it to the secretary of the commission who shall forward the same to owner of said animal, which warrant shall be paid out of the general fund of the territory.

**Fund re-
quired for ad-
ministrator of
this act.**

SEC. 37. The fund required for the administration of this act shall be created by appropriate legislation out of the general fund of the territory, the necessary appropriation therefor being based upon the estimates made by the live stock commissioners, after the year eighteen hundred and ninety, in their report to the governor.

**Incidental
expenses of
board.**

SEC. 38. All necessary expenses incurred by the commission in the matter of advertising, books, maps, stationery, office rent, fuel, telegraphing and incidental office expenditures, not to exceed the sum of two thousand dollars in any one year, shall be paid out of any appropriation made by law for that purpose, by the territorial treasurer, upon warrants drawn by said auditor, upon duly sworn bills certified to by the secretary and under the seal of the commission, which certificate shall state the items of such indebtedness or expenses that the same are just and were necessarily incurred, and have not been paid.

Ibid.

SEC. 39. For any indebtedness or expense incurred by the board of live stock commissioners in carrying out the provisions of this act, the territorial auditor shall draw his warrant on the territorial treasurer, in the name of the person or persons to whom such money is due and payable, upon a sworn statement or bill of account rendered by such person or persons, when duly audited and accompanied by a certificate signed by the president and secretary and under the seal of the commission, which certificate shall state the items of such indebtedness or expense were necessarily incurred that the same are just and have not been paid; the warrant so issued shall state that the same be paid out of any appropriation made by law for that purpose.

**Inspection
of cattle being
shipped from
Wyoming.**

SEC. 40. It is hereby made the duty of the live stock commission created by this act, to cause to be made an inspection, through competent employes to be employed by it, of all cattle being shipped out of this territory, for sale or otherwise, at all such points, either in or out of this territory, as will best identify all such cattle so shipped, and to cause reports in writing to be made to it, under oath, by such inspectors of any and all cattle so shipped not belonging to the persons shipping the same, or for whom the same are shipped, the cattle so reported to be designated by the marks or brands on the same. The secretary of the live stock commission shall keep in his office a complete record of all such reports and shall within ten days after the first day of each month, transmit to the county clerk of each county, a full and true copy of such reports in his office, which shall be filed in the office of the county clerk to which the same is transmitted upon receipt of the same, and shall be at all proper hours open to the inspection of all persons.

**Sale of es-
trays.**

SEC. 41. It shall be the duty of all persons shipping estrays at once upon the sale thereof to remit to the secretary of the live stock commission the proceeds received for each and every stray

the ownership of which shall be unknown to the inspector to whom a receipt for the same was given. If any inspector shall at any time sell any estray shipped from this territory, he shall immediately remit the proceeds thereof to the secretary of the live stock commission.

SEC. 42. All moneys received by the secretary of the live stock commission from the sale of estrays shall be kept in his hands ^{Estray stock fund.} separate from any other fund and shall be known as the "Estray Stock Fund," and shall be so held by said secretary until so paid over to the owners of such estrays, or paid over to the secretary of the territory, as hereinafter provided.

SEC. 43. The secretary of the live stock commission shall on the first day of each month make a list of all unclaimed or unknown ^{Publication of list of unclaimed estrays.} strays shipped, and for which he has received payment, as above provided, during the preceding month, and said list shall be published, for one issue, in a newspaper in each county of the territory of general circulation therein, and said newspapers shall be designated by the board of live stock commissioners.

SEC. 44. The secretary of the live stock commission upon ^{Reimbursement of owner of estrays.} satisfactory proof of the ownership of any estray sold as above provided, and for which he has received the money, shall pay such owner the amount received from the sale of such estray or estrays, provided that such ownership shall be proven within six months after the publication of the notice of sale of said estray or estrays, as above provided. Proof of the ownership shall be by affidavit of the owner with at least one credible corroborating witness.

SEC. 45. On the first Monday in May and the first Monday in November of each year, all moneys remaining in the estray ^{Estray fund treasurer.} stock fund in the hands of the secretary of the live stock commission, and which shall have been in the hands of said secretary for more than six months after the publication of the notice above provided for in section forty-three of this act, shall be paid to the treasurer of the territory, and said treasurer shall place the moneys so received by him from said estray fund to the credit of the general fund of the territory.

SEC. 46. It shall be unlawful for any person at any time to brand any maverick, except as hereinbefore provided, under the ^{When unlawful to brand mavericks.} supervision of the district round-up foreman or his deputies; And, *provided further*, That between the fifteenth day of February and the beginning of the general spring round-up of each year in each round-up district, and not then in advance of said round-up, it shall be unlawful for any one to brand any neat cattle running at large.

SEC. 47. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum of not less than fifty dollars, nor more than one hundred dollars and the costs of prosecution, or shall be imprisoned in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment in the discretion of the court. ^{Penalty.}

SEC. 48. The foreman of any round-up district may appoint deputy foreman, not to exceed three in each district, to assist him ^{Deputy foreman—care of branded cattle when owners unknown.} in the performance of his duties as such foreman; such appointments shall be made in writing, and be approved by one or more of the district round-up commissioners. The round-up foreman

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shall be responsible for the acts of his deputies, and it shall be the duty of said foremen and his deputies to give especial heed to the care of all branded neat cattle the ownership of which is unknown, and said foremen shall brand or cause to be branded the calves of all cows found on their round-ups, with the brand of the mothers when the ownership of such cows is unknown.

Report of commission. SEC. 49. It shall be the duty of the live stock commissioners on or before the first day of November immediately preceding each regular session of the legislature to make a full and complete report to the governor of all its proceedings, receipts and disbursements and of the condition of the live stock interests of the territory.

Treasurer — duplicate receipts. SEC. 50. Whenever any moneys shall be paid into the territorial treasury under the provisions of this act it shall be the duty of the treasurer to issue duplicate receipts therefor, one of which shall immediately be deposited with the territorial auditor by the secretary of the commission and thereupon the auditor shall charge the treasurer with the moneys so paid into the treasury.

Expenses shall be paid by appropriation. SEC. 51. All fees, salaries, compensation and expenses incurred under the provisions of this act, shall be paid out of the appropriations made by law for the purpose, and no fee, salary, compensation or expense incurred under the provisions of this act shall ever under any circumstances be paid out of any fund other than the appropriations hereinbefore referred to.

SEC. 52. For the purposes of the live stock commission, as defined and provided for in this act, for the year ending March 31, 1891, the sum of ten thousand dollars is hereby appropriated out of any funds in the territorial treasury not otherwise appropriated.

In force. SEC. 53. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 54.

TURNING CERTAIN BALANCES INTO THE GENERAL FUND OF THE TERRITORIAL TREASURY.

AN ACT to Dispose of the Balances Now in the Hands of the Board of Live Stock Commissioners, and to the Credit of the Inspection Fund, on the 31st day of March, 1890.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Secretary of live stock commission. SECTION 1. That all moneys now in the possession of the secretary of the live stock commission, or which may come into his hands as such secretary, on or before the thirty-first day of

March in the year eighteen hundred and ninety (1890) from the proceeds of mavericks or of unknown strays, shall be by him covered into the treasury of the territory, according to law, and it shall be the duty of the treasurer upon receipt of said moneys to deposit the same to the credit of the general fund of the territory.

SEC. 2. That any balance to the credit of the inspection fund. fund. in the hands of the treasurer of the territory, on the thirty-first day of March, eighteen hundred and ninety (1890) shall by him be turned over and credited on that day to the general fund of the territory.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 55.

APPROPRIATION--INSANE ASYLUM.

AN ACT Making Appropriations of Money to Meet the Deficiency Incurred by the Commissioners of the Insane Asylum at Evanston and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the sum of three thousand three hundred and twenty-six dollars and thirty-eight cents be and the same is hereby appropriated out of the general fund of the territory not otherwise appropriated for the purpose of paying the balances due for the construction of the insane asylum at Evanston. Appropriation.

SEC. 2. The moneys appropriated by this act shall be paid out in the manner provided by law for the paying out of other funds heretofore appropriated by the territory for the construction of said asylum. Manner of payment.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 56.

APPROPRIATION—CONSTITUTIONAL CONVENTION.

AN ACT Appropriating Money to Pay Certain Employes and Other Expenses of the Constitutional Convention.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Employes.

SECTION 1. The sum of eight hundred and twenty and 50-100 dollars is hereby appropriated out of the general fund in the territorial treasury for the purpose of paying the employes of the convention convened at Cheyenne, Wyoming, on the 2nd day of September, 1889, for the purpose of framing a constitution for the proposed state of Wyoming. The territorial auditor is hereby authorized and required to draw his warrants on the territorial treasurer in favor of the following persons or in favor of their assignees in case their certificates of service signed by the president and secretary of said convention shall have been assigned upon presentation of said certificates of services rendered, viz:

In favor of Mrs. B. Recker, assistant secretary, for one hundred and forty-five dollars.

In favor of Herman Glafcke, assistant secretary, for one hundred and forty-five dollars.

In favor of Fannie Ollerenshaw, enrollment and engrossing clerk, one hundred and ten dollars.

In favor of O. P. Yelton, sergeant-at-arms, for one hundred and forty-five dollars.

In favor of James B. Walsh, door-keeper for one hundred and sixteen dollars.

In favor of S. A. Bright, chaplain, for forty-three dollars and fifty cents.

In favor of Fred Hudschildt, page, for fifty-eight dollars.

In favor of Harry Post, page, fifty-eight dollars.

Printing and incidental expenses.

SEC. 2. The sum of one thousand one hundred and eighty-nine dollars and 46-100 dollars is hereby appropriated out of the general fund in the territorial treasury for the purpose of paying the printing and other incidental expenses of the convention convened at Cheyenne, Wyoming, on the 2nd day of September, 1889, for the purpose of framing a constitution for the proposed state of Wyoming. The territorial auditor is hereby authorized and required to draw his warrant on the territorial treasurer in favor of the person or persons to whom the amounts are due or in favor of their assignees upon the presentation of itemized accounts of the amounts due and upon certificates signed by the president and secretary of said convention, accompanying said accounts, to the effect that said accounts are just and correct and the several charges therein contained were authorized by said convention.

In force.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1890.

CHAPTER 57.

INSANE ASYLUM.

AN ACT Making Appropriations of Money to Meet the Expenses Incurred by the Insane Asylum at Evanston and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the sum of seven thousand eight hundred and fifteen dollars and fifty-five cents (\$7,815.55) be and the same is hereby appropriated out of the general funds of the territory not otherwise appropriated for the purpose of paying the operating expenses of the territorial insane asylum at Evanston, Wyo., from the date of its opening up to the thirty-first day of March, 1890.

SEC. 2. The sum of money appropriated by section one of this act shall be designated as the insane asylum deficiency fund and it shall be the duty of the territorial auditor to draw his warrant for the amounts due and to become due the several parties who have furnished supplies or performed labor for said asylum as employes thereof and who shall furnish supplies or perform labor therefor in the care and maintenance of the insane in said asylum upon the presentation of itemized bills therefor duly verified by the parties to whom the same is due or shall become due as in the case of other bills against the territory, and it is hereby made the duty of the territorial treasurer to pay said warrants when issued; *Provided*, That all bills so presented shall be accompanied by a certificate from the superintendent that the supplies therein enumerated or the labors performed are just and correct and that the account was incurred for the maintenance of the insane at Evanston, Wyoming, between the first day of May 1889 and the thirty-first day of March 1890, and it is hereby made the duty of said superintendent to examine all bills presented to him for supplies furnished to said asylum and for labor performed for said asylum as aforesaid and to certify to the correctness of such bills as are justly due in accordance with the provisions of this act; and *provided further*, That the said superintendent shall not so certify any bills for which he has issued to the parties to whom the same was due certificates of the amounts so due unless said bills shall be accompanied by the certificates so issued by said superintendent.

SEC. 3. It is hereby made the duty of the superintendent of the territorial insane asylum to pay over to the treasurer of the territory within ten days from the date of the passage and approval of this act all moneys remaining in his hands as superintendent of said asylum and remaining unexpended whether the same shall have been received from the several counties having patients at said asylum or from private patients, which said amount shall be accompanied by an itemized statement showing all moneys received by said superintendent during his management of said asylum, the source from which each of said items was received and what dis-

Appropriation.

Territorial auditor—bills.

Superintendent duty in turning over moneys.

position has been made of said funds. All moneys so received by the treasurer of the territory from said superintendent shall be turned into the general fund of the territory.

Superintendent shall not disburse certain moneys. SEC. 4. It shall be unlawful for the superintendent of said asylum to disburse any moneys received by him for the care of private patients at said asylum up to the thirty-first day of March, 1890, and all moneys so received by said superintendent shall be forthwith turned over by him to the treasurer of the territory and the same shall be credited to the general fund of the territory.

Superintendent—auditor—attorney general—treasurer. SEC. 5. It is hereby made the duty of the superintendent of said asylum to turn over to the treasurer of the territory within ten days from the thirty-first day of March, 1890, all moneys, notes, accounts or other evidences of indebtedness in his hands received or due for the care of private patients at said asylum and hereafter the said superintendent shall not receive or care for private patients at said asylum unless the parties responsible for the care and maintenance of said private patients shall first obtain a certificate from the auditor of the territory that the expenses incurred, or to be incurred for the care of said private patients has been satisfactorily secured. It is hereby made the duty of the attorney general upon the request of the territorial treasurer to take such steps as he may deem necessary in the premises for the collection of all notes, accounts and other evidences of indebtedness for amounts due the asylum for the care and maintenance of private patients and whenever necessary to bring suit thereon in the name of the Territory of Wyoming.

In force SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 58.

APPROPRIATION -- INSTITUTE FOR DEAF, DUMB AND BLIND—TRUSTEES.

AN ACT to Temporarily Provide for the Education of Blind, Deaf and Dumb Persons.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Care and education of deaf, dumb and blind. SECTION 1. Until the opening of the territorial blind, deaf and dumb institute, as provided in section thirty-seven hundred and twenty-five of the Revised Statutes of Wyoming, it shall be the duty of the board of trustees of said institute to provide for the support and education of the blind, deaf and dumb persons, now residents of this territory, in some public asylum for the education

of the blind, deaf and dumb, which may be under the control and direction of one of the United States. In selecting such asylum, the said board shall select such one, as offers the best advantages for the education of such pupils, due regard being had to economy in the cost of supporting and maintaining such pupils at such asylum.

SEC. 2. Clothing for all pupils whose education and support shall be provided for by said board in accordance with section one of this act, shall in all cases be furnished by the parents or guardian of such pupil; *Provided*, If it shall be made to appear to the board by the affidavit of three disinterested citizens of the county of which the pupil was a resident, not a kin to said pupil; that the parent or guardian of said pupil is unable to supply such pupil with proper clothing, or that such pupil has no parent or guardian and is without property and unable to supply himself or herself with such clothing, then and in such case the said board of trustees may furnish such pupil with such reasonable and proper clothing as may be required by the regulations of the asylum, to which such pupil is about to be sent; And *provided further*, That in no case shall said board provide for and send any pupil to such asylum until the proper clothing required by the regulations of such asylum is furnished and provided said pupil either by the parents or guardian of the pupil or by the board, as the case may be. Clothing.

SEC. 3. For the purpose of carrying into effect the provision of the first and second sections of this act until the first day of March A. D., 1891, eighteen hundred and ninety-one, there is hereby appropriated out of any funds in the territorial treasury the sum of seven hundred and fifty dollars; the same to be drawn out of the territorial treasury upon warrants issued by the auditor upon itemized accounts certified to by the president of the board. Appropriation.

SEC. 4. Until said territorial institute is opened for the reception of pupils as provided in section thirty-seven hundred and twenty-five of the Revised Statutes of Wyoming, the said board of trustees may and are authorized to rent said building upon reasonable and proper terms. Such rent money to be collected by the board, and turned into the territorial treasurer. Such sums so collected shall be added to the sum appropriated by section three of this act; and may be used in defraying the expenses incurred by the said board in carrying out the provisions of this act; in addition to the sum hereinbefore specifically appropriated, the same to be drawn from the territorial treasury in the manner provided in section three of this act. Institute building--rent.

SEC. 5. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 59.

CITIES AND TOWNS.

AN ACT Concerning the Location of the Boundaries and Providing for the Extension of the Limits of Cities and Towns.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Location of boundaries. SECTION 1. Whenever the exact location of the boundaries of any city or town is uncertain or incapable of ascertainment by reason of the destruction of monuments of former surveys or otherwise the council or board of trustees of such city or town may by ordinance provide for a survey or perambulation of the boundaries of such city or town. Upon such survey or perambulation being made the boundaries shall be marked at the corners and angles by substantial stone or wooden monuments and the officer or person making such survey shall make a report to the council or board of trustees accurately describing by metes and bounds the said boundaries and such description, shall as near as possible, refer, if upon surveyed lands, to the corners or lines of the United States surveys; such officer or person making the survey shall also file with the city or town clerk the field notes of his said survey and thereafter the said council or board of trustees shall cause a copy of the report showing such survey and the location of the said boundaries together with a copy of the field-notes duly certified by the mayor and city clerk with the register of deeds for the county within which said city or town is located.

Oath of person making survey of boundary. SEC. 2. If the person making the survey or perambulation of such boundaries is not an officer of such city or town he shall, before entering upon such work, take and subscribe and oath to faithfully, diligently and to the best of his ability, make the survey and perambulation and that he will make and report accurate field-notes of such survey and accurate description of such boundaries; which said oath shall be filed with the city or town clerk and a copy thereof shall be attached to and filed with the certificate required to be filed with the register of deeds under the provisions of section one of this act.

Recording of survey. SEC. 3. When any such survey or perambulation shall have been made and recorded as provided by this act, such survey shall be presumptive of the boundaries of such city or town and a copy of the instrument required to be filed with the register of deeds certified to by such register of deeds shall be received in evidence in any court of this territory.

May extend corporate limits. SEC. 4. Any incorporated city or town now or hereafter existing in this territory may extend its corporate limits in the manner hereinafter provided.

Petition to extend city limits. SEC. 5. When a majority of the property owners who are also the owners of a majority of the property determined by the acreage of any tract of land adjacent to the corporate limits of any

city or town now or hereafter existing in this territory petition the mayor or council of such city or town to have said tract of land included within the corporate limits of such city or town, it shall be the duty of such city or town council to publish such petition in a paper published in such city or town at least once in each week for three consecutive weeks and unless a written protest signed by at least fifty property owners of said city or town, be filed with the mayor of such city or town, opposing such annexation within ten days after the last publication of such petition, said proposed annexation shall be included and become a part of such city or town, but in the event of such protest, said petition shall be denied, and thereupon the mayor and city or town clerk shall cause to be filed in the office of the register of deeds in the county wherein such city or town is located a plat showing the boundaries of the tract added to said city or town.

SEC. 6. When any city or town shall desire to annex contiguous territory thereto the council shall present to the district court within the county within which such city or town is located a petition setting forth the reasons for such annexation and shall accompany the same with a map or plat accurately describing by metes and bounds the territory proposed to be attached which shall be verified by affidavit. The council shall give thirty days' notice by publication in some newspaper printed in such city or town, if any, otherwise in the county, of the time and place when such petition will be presented to such court and a copy of such notice shall be served on the owner or owners of such territory if known and are resident of the county, and such owners shall have the right to appear and be heard in opposition to such petition.

Annexation of contiguous territory.

SEC. 7. The district court upon the reception of such petition and upon proof of such publication and service of such notice shall consider the same and shall hear the testimony offered for or against annexation and if, after inspection of the map and the testimony heard, the court is of the opinion that the prayer of such petition should be granted it shall make an order to that effect and declaring that such territory is annexed to such city or town, describing the boundaries thereof according to the survey, and such order or attested copy thereof shall be conclusive evidence in all courts of such annexation.

District court shall consider petition.

SEC. 8. This act shall take effect and be in force from and after its passage.

In force.

Approved March 14, 1890.

CHAPTER 60.

FISH.

AN ACT to Amend and Re-enact Chapter Seventy-Seven of the Session Laws of Wyoming for the Propagation, Distribution and Protection of Fish.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

**Fish com-
missioner—
Appointment** SECTION 1. The governor of the territory shall nominate, and by and with the consent of the council, appoint a fish commissioner who shall be ex-officio fish warden, a resident citizen of the Territory of Wyoming, who shall hold his office for one year and until his successor shall be appointed, *Provided*, That when a vacancy occurs in the office of fish commissioner or fish warden and the council is not in session, the governor shall have power to fill such vacancy.

**Salary of
commissioner** SEC. 2. The fish commissioner as such fish warden shall receive an annual salary of fifteen hundred dollars which shall be in lieu of all expenses he may be at while in the discharge of his duties, except as hereinafter provided.

**Powers and
duties of com-
missioner.** SEC. 3. The fish commissioner shall have entire control and supervision of the public waters pertaining to the collection, propagation, culture, distribution and protection of fish in Wyoming Territory, and shall distribute all fish coming into his hands fairly and equitably among the several counties, or otherwise, as the county commissioners thereof may direct. He shall have full control of all persons employed and of all property of the territory obtained or held for the purposes contemplated by this chapter. He shall receive all fish spawn donated to this territory from any source whatever, also all fish or fish spawn that may be purchased by this territory. He may establish hatching-boxes for the preservation and hatching of spawn, and in the most economical and practical manner procure and distribute fish for the public waters of this territory and adopt such other means as shall, in his judgment, best promote the increase and preservation of food fishes.

**Further dut-
ies of commis-
sioner.** SEC. 4. The fish commissioner may take or cause to be taken at any time or in any manner, fish for the purpose of propagation, science or inspection. He shall give special attention to the enforcement of the laws relating to the propagation, cultivation and protection of food fishes in the waters of Wyoming Territory.

**Report of
commissioner** SEC. 5. It shall be the duty of the fish commissioner to make a detailed statement or report of his official transactions, including expenditures and the purpose for which the same were made; also the number and kinds of fish distributed, and the locality and names of the streams, ponds or lakes where the same have been placed.

SEC. 6. The fish commissioner shall examine the waters of the territory, that are not naturally stocked with fish, as to their

adaptability for fish, and stock the same, if suitable, with the varieties of fish that are best adapted to their waters, and it shall be the duty of said fish commissioner to publish a notice in the nearest weekly or other newspaper in the county in which said stocked streams are located for four consecutive weeks, stating what streams, lakes, ponds or other bodies of water he has stocked, and it shall be unlawful for any person to take any fish in any manner whatsoever out of any such body of water for the space of two years after the first issue of such publication; *Provided*, That the foregoing shall not apply to streams that have a sufficient natural supply of trout.

Further duties of commissioner.

SEC. 7. It shall be unlawful for any person or persons to erect or place, or cause to be erected or placed, across any of the rivers, creeks, ponds or lakes of this territory any dam, net, service weir, trot-line or any other obstruction in such a manner as to prevent the free passage of fish up, down or through such waters, unless such dam, net, service-weir, trot-line or other obstruction shall be erected or placed across such stream, river, creek, pond or lake with the consent and under the direction of said fish commissioner.

Obstructing passage of fish prohibited.

SEC. 8. The owner or owners of any dam erected across any of the streams within this territory shall build, erect and maintain at all times at his or their expense, fish ways at an angle of not less than forty-five degrees to allow the free and uninterrupted passage of fish up and down such streams.

Fishways to be built in dams.

SEC. 9. It shall be unlawful for the owner of any saw-mill, reduction works, smelters, refining or concentration works, or any of the employes thereof, or any other person or persons whatsoever, to deposit, throw or in any way permit to pass into any natural stream, or any lake wherein are living fish, any saw dust, chemicals or other substance or substances that will or may tend to the destruction or driving away from such waters of any fish.

Throwing sawdust, etc., in streams prohibited.

SEC. 10. It shall be unlawful for any person or persons to kill or take any fish from any of the public waters of this territory by the use of any poison or deleterious drug, or by the use of any explosive substance, or by the erection of any weir, dam or other artificial obstruction, or by the use of any net, seine or device whatsoever except by hook and line.

Fishing with poisons, etc., unlawful.

SEC. 11. It shall be unlawful to kill or destroy or have in possession for any purpose at any time any trout less than six inches in length taken from any of the waters of this territory nor shall it be lawful to kill or take or have in possession any trout of food fish taken or killed in any of the waters of this territory during the months of December, January, February, March, April and May, or either of said months, in any year, and the possession or selling or offering for sale of trout or other food fish during the months above mentioned shall be prima facie evidence of the violation of the provisions of this section.

When fishing is prohibited.

SEC. 12. It shall not be lawful for any person or persons to kill or take any trout or other fish, in any manner whatsoever, from any private lake, pond or stream, used for the propagation of such fish, except by the consent of the proprietor of such lake, pond or stream.

Fishing on private property.

SEC. 13. Any person or persons, or officers or servants of any company or corporation, convicted of violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten

dollars nor more than one hundred dollars; *Provided, however,* That any person or persons convicted of using any poison or detri-
ous or stupefying drug, or by the use of any explosive substance
for the purpose of killing or taking any food fishes in any of the
waters of this territory, shall upon conviction thereof, be fined in a
sum not less than two hundred and fifty dollars nor more than five
hundred dollars for each and every offense, or be imprisoned for
not less than six months in the county jail, or by both such fine and
imprisonment as aforesaid.

Enforcement
of the provis-
ions of this
act.

SEC. 14. The fish commissioner, as such fish warden, is
hereby empowered to arrest any and all persons who may be found
violating any of the provisions of this act and it is hereby made the
duty of such warden, and of all county commissioners, sheriffs and
constables in their respective counties, to see to the enforcement of
the provisions of this act and to cause complaint to be made and
prosecuted, when aware of their own knowledge, or informed by
sworn information, of any violation of its provisions, and the said
officers, in this section named, are authorized to arrest without war-
rant any person found violating the provisions of this statute when
detected in the act, or found with the fish in their possession at the
time of arrest.

Separate of-
fense.

SEC. 15. Each and every month that any person or persons,
company or corporation shall neglect or refuse to keep up and
maintain a sufficient sluice or fish way as prescribed in section eight
of this act, shall constitute a separate offense.

Dispositio n
of fines.

SEC. 16. All fines recovered under the provisions of this act
shall be paid, one-half to the person giving the information of the
offense, and the other half shall be paid into the territorial treasury
to be expended by the fish commissioner for the purpose of offering
rewards for the better protection and enforcement of the provisions
of this act, and for the more effectual apprehension and conviction
of all persons violating the same.

Offenses,
where prose-
cuted.

SEC. 17. All prosecutions for the violation of any of the pro-
visions of this act shall be commenced before any justice of the
peace in the county wherein the offense shall have been committed,
and any such justice of the peace shall, upon his own knowledge or
upon the oath of any competent person, issue his warrant to any
constable of his county for the arrest of any person or persons
charged with the violation of any of the provisions of this act; and
upon the arrest of such person or persons, shall proceed in the
hearing of said complaint as in other cases of misdemeanor cogniza-
ble before justices of the peace.

Offense, when
stream is
county divis-
ion line.

SEC. 18. When such violation is alleged to have been com-
mitted upon that portion of a stream or water course which may be
the dividing line between two counties, then the complaint may be
made to any justice of the peace in either of such counties.

Distribution
of fish to
counties.

SEC. 19. It shall be the duty of the fish commissioner to
notify the board of county commissioners in each county, at their
meeting in May of each year, the number of young fish subject to
distribution in their respective counties, and it shall also be the duty
of the board of county commissioners of each county to notify the
fish commissioner what streams they wish stocked, and if said
stream, lakes or creeks are found suitable for the propagation of
fish, the fish commissioner shall personally distribute said fish in
each county. The board of county commissioners of the several
counties are hereby authorized to pay the actual and necessary ex-

penses of the fish commissioner while distributing the fish in said county.

SEC. 20. Any person, persons, corporation or corporations, owning in whole or in part, or leasing, operating or having in charge any mill race, irrigating ditch or canal, taking or receiving its waters from any river, creek or stream in this territory in which fish have been placed or may exist, shall put or cause to be placed and maintained over the inlet of such ditch, canal or mill race, a wire screen of such construction, fineness, strength or quality as shall prevent any such fish from entering such ditch, canal or mill race. Prevention of fish entering ditches.

SEC. 21. Any person or persons, corporation or corporations, violating the provisions of the preceding section, or who shall neglect or refuse to provide, put up and maintain such screens, in accordance with the provisions of the preceding section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than one hundred dollars or by imprisonment in the county jail not exceeding thirty days for each offense; *Provided*, That the continuance by any person of such neglect or refusal from day to day after notification in writing, shall constitute a separate offense for each and every day of the continuance of such neglect or refusal; *Provided, further*, That no offense shall be committed by reason of such screen not being placed over the inlet of any ditch, canal, or mill race when water is not entering the same. Penalty for violating last section.

SEC. 22. There is hereby appropriated out of the territorial treasury, not otherwise appropriated, the sum of fifteen hundred dollars per year for the salary of the territorial fish commissioner, and the sum of three thousand dollars per year or as much thereof as may be necessary to pay all contingent expenses of the office of the territorial fish commissioner and for the maintenance of the territorial fish hatchery and for the payment of any outstanding indebtedness that may exist for such contingent expenses, on the thirty-first day of March eighteen hundred and ninety. Appropriation—salary—contingent.

SEC. 23. Section fourteen, chapter seventy-seven of the session laws of eighteen hundred and eighty-eight, relating to county fish commissioners, and all acts and parts of acts inconsistent with this act are hereby repealed. Repeal § 14, ch. 77, sess. laws 1888.

SEC. 24. This act shall take effect and be in force from and after March thirty-first, eighteen hundred and ninety, and all acts and parts of acts in conflict with this act are hereby repealed. In force.

Approved March 14, 1890.

CHAPTER 61.

ALIENATION.

AN ACT Concerning the Execution of Instruments Outside of Wyoming and Defin ng the Duties of Certain Officers.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

Amending §
11, R. S., Wyo.

Instruments
acknowledged
out of Wyo-
ming.

Certificate
of acknowl-
edgment shall
state date of
expiration of
commission.

In force.

SECTION 1. That section eleven of the Revised Statutes of Wyoming be and the same is hereby amended and re-enacted as follows: "Section 11. Any deed, mortgage, conveyance, power of attorney or instrument in writing requiring an acknowledgment executed outside of this territory, may be acknowledged before any officer authorized by law to take acknowledgments at the place where such acknowledgment is taken. Whenever the officer taking such acknowledgment has no seal, the certificate of such officer shall have attached thereto the certificate of the clerk of a court of record or a county clerk of the same place having a seal, certifying that the officer taking the acknowledgment is authorized to take the same and that he believes that the signature appended to the acknowledgment is genuine. Each instrument of writing as aforesaid, executed and acknowledged as aforesaid shall be as valid and have the same force and effect as if executed in Wyoming according to the provisions of section eight.

SEC. 2. Every notary public, justice of the peace, and commissioner of deeds for Wyoming, who takes an acknowledgment to any written instrument to be recorded in any public office in Wyoming shall add to his certificate the date when his commission or term of office expires.

SEC. 3. This act shall take effect and be in force from and after the first day of June one thousand eight hundred and ninety. Approved March 14, 1890.

CHAPTER 62.

CAPITOL BUILDING COMMISSION.

AN ACT Creating a Building Commission, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming :

SECTION 1. That the auditor, territorial engineer and the

treasurer of the territory, shall be ex-officio, and without compensation, the capitol building commission, who shall have the same powers as are given to the present capitol building commission, as provided in section eleven (11) of "An Act Providing for the Erection, Completion, Maintenance and Care of Certain Public Buildings and Providing for the Support and Maintenance of Certain Public Institutions, and for Other Purposes." Passed over the veto of the executive March 9, 1888, and whose duties shall be the same as defined in said section eleven.

Auditor, treasurer and engineer shall be ex-officio.

SEC. 2. The term of the present capitol building commission shall expire on the last day of March, A. D. 1890, and it shall be the duty of said commission to turn over on said day, to the auditor, territorial engineer and treasurer, as ex-officio capitol building commission, all books, papers and other records of its proceedings, as well as all accounts, contracts and moneys, that may be in its possession or under its control.

Duties of present commission.

SEC. 3. All acts or parts of acts, inconsistent with this act, are hereby repealed.

Repeal.

SEC. 4. This act shall be in force and take effect from and after its passage.

In force.

Approved March 14, 1890.

CHAPTER 63.

POOR ASYLUM, BUILDING AND SITE.

AN ACT to Amend Section Forty-Three of Chapter Thirty of the Session Laws of Wyoming Territory, Passed at the Tenth Legislative Assembly for the Year Eighteen Hundred and Eighty-Eight Entitled "Territorial Buildings."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Section forty-three of an act entitled, "An Act Providing for the Erection, Completion, Maintenance and Care of Certain Public Buildings, and Providing for the Support and Maintenance of Certain Public Institutions and for Other Purposes," passed, notwithstanding the objection of the governor, on March 2, 1888, is hereby amended by adding thereto the following:

Amendment. §43, ch. 30, sess. laws 1888.

"And the said commission shall have the power and authority to rent or lease such site and the buildings thereon for a period not exceeding five years, and to apply the proceeds thereof to the care, protection, improvement and repair of such site and the buildings thereon, which such care shall include the insurance upon such buildings."

Commission authorized to lease.

SEC. 2. This act shall take effect and be in force from and after its passage.

In force.

Approved March 14, 1890.

CHAPTER 64.

CONDEMNATION OF PROPERTY FOR PUBLIC USE.

AN ACT Providing for the Exercise of the Right of Eminent Domain by the Territory, Counties and Municipal Corporations.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. The territory, the counties and each municipal corporation, shall have the power to purchase or acquire by condemnation, any real estate, including streets, alleys or public highways, as sights for public buildings, or for any other necessary public purpose, and to take therein the fee simple absolute, which power of condemnation shall be exercised in the manner prescribed by law for the condemnation of real estate by railroad corporations. Proceedings in condemnation as aforesaid shall be conducted in the name of the territory, county or municipal corporation, as the case may be, and by the attorney general, when for the territory; the county attorney, when for a county; and the municipal attorney, when for a municipal corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 65.

JUSTICE OF THE PEACE.

AN ACT Relating to Proceedings in Civil Actions Before Justices of the Peace.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That in all civil actions before justices of the peace, allegations of the execution of written instruments and endorsements thereon, of the existence of a corporation or co-partnership or of any appointment or authority shall be taken as true unless such allegations shall be specifically denied by the affidavit of the party, his agent or attorney.

SEC. 2. The verification mentioned in the last section shall

not be required to the answer of a guardian defending for an infant, or person of unsound mind, or a person imprisoned.

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 66.

JUSTICES OF THE PEACE FOR FORT LARAMIE PRECINCT.

AN ACT To Repeal Section Twelve Hundred and Five of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Section twelve hundred and five of the Revised Statutes of the Territory of Wyoming is hereby repealed. Repealed
1205, R. S.
Wyo.

SEC. 2. This act shall take effect and be in force from and after the first Monday in January, 1891. In force

Approved March 14, 1890.

CHAPTER 67.

FARM PRODUCTS.

AN ACT to Encourage the Growth of Farm Products in the Territory.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the sum of two hundred and fifty dollars be and the same is hereby appropriated out of any funds in the territorial treasury not otherwise appropriated, to be given to any person, resident within this territory who may be awarded the American Agriculturist prize, of five hundred dollars for the largest yield of potatoes grown on one measured acre in the year 1890. Premium for
potatoes.

SEC. 2. That the sum of two hundred and fifty dollars be

Premium for oats. and the same is hereby appropriated out of any funds in the territorial treasury not otherwise appropriated, the same to be paid to any person, resident within this territory, who may be awarded the American Agriculturist prize of five hundred dollars for the largest yield of oats grown on one measured acre in the year 1890.

Premium for wheat. SEC. 3. That the sum of two hundred and fifty dollars be and is hereby appropriated out of any funds in the territorial treasury not otherwise appropriated, the same to be paid to any person, resident within this territory, who may be awarded the American Agriculturist prize of five hundred dollars for the largest yield of wheat grown on one measured acre in the year 1890.

Products shall be raised in Wyoming. SEC. 4. That the products for which the prizes mentioned in the preceding sections may be awarded shall be grown within the Territory of Wyoming and upon proof being furnished by affidavit or otherwise to the auditor that any person, resident within this territory, has been awarded any of the prizes mentioned in the preceding sections of this act, said auditor shall issue a warrant upon the territorial treasurer to pay the sum hereby appropriated for the purposes aforesaid.

In force. SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 68.

APPEALS IN JUSTICE'S COURT—REPEAL.

AN ACT To Repeal Section Three Thousand Five Hundred and Eighty-Eight of the Revised Statutes of Wyoming, Relating to Appeals in the Action of Forcible Entry and Detainer.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Repeal § 588, R. S., Wyo. SECTION 1. That section three thousand five hundred and eighty-eight of the Revised Statutes of Wyoming, be and the same is hereby repealed.

In force. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 69.

PROTECTION OF GAME AND BIRDS.

AN ACT For the Protection of Wild Game and Insectivorous Birds, and Repealing Inconsistent Acts.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. No person shall kill, net or trap, within this territory, any snipe, green shank, tatler, godwit, curlew, avoset or other wader or plover, nor quail, lark, whippoorwill, finch, thrush, snow-bird, turkey, buzzard, robin or other insectivorous birds, except that partridge, pheasant, prairie chicken, prairie hen or grouse, may be shot from August the fifteenth to November first of each year, and sage chicken may be shot from July fifteenth to September fifteenth of each year, and if at any time any person shall be found in possession of any partridge, pheasant, prairie hen, prairie chicken or grouse or sage chicken at any other time than between the dates above mentioned, or any other of the fowls or birds mentioned in this section at any time, it shall be prima facie evidence that the same was killed, netted, ensnared or trapped by such person in violation of the provisions of this act; *Provided*, That this section shall not be construed to prohibit any person from importing or dealing in quail, partridge, prairie hen, prairie chicken, sage chicken, pheasant or grouse imported into this territory from any other state or territory. Any person who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than five dollars nor more than fifty dollars, with cost of suit, and shall be prosecuted and punished in the same manner as in other cases of misdemeanor. One half of the fine in such cases shall be paid to the person informing against such offender, and the other half to the treasurer of the county in which the offense was committed and become a part of the school fund; *Provided*, That if such informant shall not demand the same within thirty days such fine shall be paid and collected, the whole of such fine shall be paid to such treasurer and applied to such school fund.

When certain birds may be killed.

SEC. 2. No person shall kill within this territory any wild duck except from the first day of August to the first day of May in each year, or at any time trap, net or ensnare any of the birds mentioned in this section. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof be fined as provided in section one of this act.

Time in which game may be lawfully killed.

SEC. 3. It shall be unlawful to pursue, hunt or kill any deer, elk, moose, mountain sheep, mountain goat or antelope, for any purpose whatever, and it shall be unlawful to kill or capture by any pit, pitfall or trap any of the above named animals, male or female, at any time of the year. No non-resident of this territory shall pursue, hunt or kill any of the above named animals by any means what-

When wild duck may be killed.

ever; *Provided, however,* Any actual and bona fide resident of the territory may at any time pursue, hunt and kill any of said animals for the purpose only of supplying himself and his family with food in reasonable quantities; but it shall be unlawful to sell directly or indirectly or offer for sale the carcass of any such animal or the head, horns or any part thereof.

Unlawful to
kill buffalo or
bison.

SEC. 4. It shall be unlawful for any person or persons to pursue, hunt or kill, by any means, any bison or buffalo for the period of ten years from the fifteenth day of March, eighteen hundred and ninety. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than two hundred and fifty dollars for each offense, or to imprisonment in the county jail for a period of not less than ninety days or to both fine and imprisonment.

Hides.

SEC. 5. It shall be unlawful for any person or persons to purchase or obtain by barter any green, tanned or untanned hide or hides or horns of any of the animals mentioned in section three; and, furthermore, it shall be unlawful for any corporation, company, person or persons to transport or have in their possession for transportation, any green, tanned or untanned hide or hides or horns of any of the animals mentioned in said section three after the expiration of thirty days from the passage of this act. *Provided,* That none of the provisions of this section shall apply to hides or horns in transit through this territory from other states or territories.

Carrying
game.

SEC. 6. It shall be unlawful for any railroad company, express company or common carrier or any of their agents or employees, or other person or persons, to receive or have in their possession for transportation, any carcasses or part of carcasses or horns of any of the animals named in section three of this act, or to transport the same, after the passage of this bill; *Provided,* That none of the provisions of this section shall apply to game in transit through this territory from other states or territories; *Provided, further,* That this section shall not be construed to prohibit the shipping by bona fide residents of this territory the head or heads of such animals for the purpose of having the same mounted by a taxidermist.

Limit of
number to be
killed in one
week.

SEC. 7. It shall be unlawful for any person or persons to kill more than three in any one week of any of the animals mentioned in section three. Having in possession, killed in any one week, more than three of the animals mentioned in said section, shall be prima facie evidence of a violation of the provisions of this section.

Penalties.

SEC. 8. Any corporation, company, person or persons violating any of the provisions of section three, five, six and seven of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty dollars nor more than one hundred dollars for each offense, or in case of a person or persons be imprisoned in the county jail for a period of not more than ninety days, or both such fine and imprisonment in the discretion of the court.

Fines, dis-
position of.

SEC. 9. Any person or persons giving information of any violation of the provisions of this act to the prosecuting attorney or any justice of the peace of the county in which such violation occurred, shall be entitled to one-half of all such fines, the other one-half of such fines, after deducting costs of prosecution, shall be paid into the county school fund, and in case said informer shall not demand one-half of said fine within thirty days, then the whole of

said fine so received (deducting costs) shall be paid into the said school fund.

SEC. 10. It shall be unlawful for any person to pursue, trap, hunt or kill any beaver for the period of ten years from March fifteenth, eighteen hundred and ninety. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subjected to a fine not greater than twenty-five dollars for each offense. The having in his possession the hide of any such animal shall be prima facie evidence of a violation of the provisions of this section. Unlawful to kill beaver.

SEC. 11. Justices of the peace are hereby empowered to appoint special constables, who of their own knowledge or upon the information of a reputable citizen of the county, may arrest without warrant any person or persons violating the provisions of this act, and take him or them before any justice of the peace for trial as in cases of any other misdemeanor. Special constables.

SEC. 12. Hereafter any person bringing into this territory any deer, elk, antelope or mountain sheep for the purpose of shipping through this territory or selling or offering for sale any of the animals mentioned, or their horns or hides, claiming that such animals were killed in another territory or state, shall, before offering for sale or giving away or shipping to any point in this territory or out of this territory any such wild animals or their hides or heads, make affidavit before an officer competent to administer oaths in this territory, setting forth that the game or hides or horns so offered for sale or to be shipped were not to his knowledge killed in the Territory of Wyoming; and further, that such animals or their hides or horns were not killed in any other state or territory in violation of the laws of such state or territory, and said person shall further name the place and state or territory where the same were killed; such affidavit shall be recorded in the office of the county clerk and recorder of the county wherein such animals or their heads or hides are offered for sale or shipment. Any corporation, company, person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty nor more than one hundred dollars for each offense. It shall be the duty of all sheriffs, constables or other peace officers to see that none of the provisions of this act are violated. Whenever the attention of any such sheriff, constable or other peace officer is called to any violation of any of the provisions of this act and they shall fail to take the proper steps for the arrest and conviction of any person or persons or corporation charged with violating any of the provisions of this act, they shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not greater than one hundred dollars. Wild game brought into Wyoming.

SEC. 13. This act shall take effect from and after its passage, and all acts or parts of acts in conflict with this act are hereby repealed. In force

Approved March 14, 1890.

CHAPTER 70.

AUTHORITY OF DISTRICT JUDGES IN VACATION.

AN ACT Relating to the Authority of the Judges of the District Courts in Vacation.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Hearings in vacation. SECTION 1. All motions, demurrers, applications and other matters not involving a trial upon the issue, of fact in any civil or criminal action or special proceeding pending in any of the district courts of this territory, may be heard and determined by the judge of such court in vacation, as well as by the court in term time; and such motions, demurrers, applications and other matters, may be heard and determined by the judge in vacation at any place in his district; and all such hearings may be adjourned from time to time in furtherance of justice; *Provided*, That where there has been an appearance by the opposing party, such hearings shall only be had upon reasonable notice.

Place.

Adjournments.

Notice.

In force

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 71.

PRIVATE SEALS.

AN ACT Relating to the Execution of Certain Instruments and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Seals abolished. SECTION 1. The use of private seals in written contracts (except the seals of corporations) is abolished and the addition of a private seal to an instrument of writing shall not affect its character in any respect.

Rule of evidence.

SEC. 2. There shall be no difference in evidence between sealed and unsealed writings and every writing not sealed shall have the same force and effect that it would have if sealed. A

writing under seal may, therefore, be changed or altogether discharged by a writing not under seal. An agreement in writing without a seal for the compromise or settlement of a debt is as obligatory as if the seal were affixed. Effect of unsealed writings.

SEC. 3. Recitals in any written instrument shall have no greater effect than they have heretofore had in writings not under seal. Recitals.

SEC. 4. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 72.

TERRITORIAL AND COUNTY REVENUE.

AN ACT to Amend Chapter One, Title Forty-Three of the Revised Statutes of Wyoming, of Eighteen Hundred and Eighty-Seven, Relating to Territorial and County Revenue.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Section thirty-seven hundred and seventy-six is hereby amended and re-enacted so as to read as follows, to-wit: Amendment § 3776, R. S., Wyo.
 "Section 3776. All other property, real and personal, within this territory is subject to taxation in the manner herein directed, and this section is intended to embrace lands and lots in towns including lands bought from the United States, whether bought on a credit or otherwise; buildings or improvements erected upon lands, the title to which still remains in the United States, or in any incorporated company, and all lands entered by pre-emption, final or commuted homestead, or as desert land, or at private or public sale, or under any act of congress, when final receipt therefor has been issued, shall be subject to taxation whether patent for the same has been issued or not, and when such final proof shall have been made before the first day of January in any year, the land so entered shall be subject to taxation for that year. It shall be the duty of the Taxation of property.
 county commissioners of each county to obtain from the officers of the United States land district in which the county may be situated an accurate transcript and plat of all entries and sales of public land which may or should be subject to taxation under the laws of the United States or of this territory, described by land numbers in their respective counties. Such transcripts shall be filed and preserved in their office and they shall have the same corrected each year by obtaining as aforesaid, additional or supplementary transcripts. On the first Monday in January of each year they shall cause to be furnished to the county assessor of the county, a true and correct plat or plats, corrected as aforesaid, of all the lands County commissioners.

heretofore described, situate in the county, and they are hereby authorized and required to make any appropriation necessary to secure the execution of the work provided for in this section. All ferries, franchises and toll bridges shall for the purposes of this chapter be considered real property. Horses and neat cattle, mules and asses, sheep, swine, goats, and all dogs and other animals, money in bank, bills, coin or gold dust, whether in possession or on deposit, property, money or labor, due from solvent debtors on contract, or on judgment, and whether within this territory or not; mortgages and other like securities, stock or shares in any bank or company, incorporated or otherwise, and whether incorporated by this or any other territory or state, and whether situated in this territory or not; public stocks or loans, household furniture not otherwise exempt, including gold and silver plate, musical instruments, watches and jewelry, pleasure carriages, stages, hacks, omnibuses and other vehicles for transporting passengers, wagons, carts, drays, sleds and every other description of vehicle or carriage, all real and personal property within this territory, of every kind and description not hereinbefore enumerated, belonging to or claimed by any incorporated company, whether incorporated in this territory or not, annuities—but not including pensions from the United States, or any state, nor salaries, nor payment for service expected to be rendered, and all other property not above exempted although not herein specified.”

Amendment
§ 3784, R. S.,
Wyo.

Listing per-
sonality.

SEC. 2. Section thirty-seven hundred and eighty-four is hereby amended and re-enacted to read as follows, to-wit: “Section 3784. All personal property shall be listed in the county where it may be on the first day of January of the then current year; but if the owner or owners thereof reside out of this territory, or fail to return his or their property to the assessor, it shall be listed, assessed and taxed where it then may be, *Provided*; That horses, cattle, mules, sheep, goats, swine, and all kinds and classes of live stock shall in all cases be returned, listed, assessed and taxed in the county in which the same are being herded, ranged or kept, on the first day of January in each year; and if the agent or agents, person or persons having charge of the property of any person not residing in this territory, shall fail, neglect or refuse to list such property, he shall be subject to the same penalty or penalties hereinafter prescribed for the failure, neglect or refusal of any person owning property to list the same.”

Amendment
§ 3795, R. S.,
Wyo.

Assessment
books.

SEC. 3. Section thirty-seven hundred and ninety-five is hereby amended and re-enacted to read as follows, to-wit: “Section 3795. On the first Monday in January of each year the board of the county commissioners shall furnish each assessor with suitable assessment rolls and schedules properly ruled and headed, in which to enter the following items:

First—The name of the individual, corporation, company, society, partnership or firm, to whom any property shall be taxable.

Second—His or her lands, by township, range, section or part of a section, and where such part is not a legal division or subdivision, some other description sufficient to identify it, and his, her or their town lots or parts of lots, naming the town in which they are situated, and their proper description by number and block, or otherwise, according to the system of numbering in the town.

Third—His, her or their personal property by the following particulars: Amount of capital employed in manufactures; amount

of capital employed in merchandise; number and value of horses; number and value of mules and asses; number and value of neat cattle; number and value of sheep and goats; number and value of swine; number and value of carriages and vehicles of every description; amount of money and credits; amount of all personal or other property not herein enumerated; other property not herein enumerated belonging to any corporation or company, whether incorporated in this territory or not; amount of clocks, watches, jewelry, gold and silver plate; number and value of musical instruments; amount of taxable household furniture; amount of farming utensils and mechanic's tools; amount in stock or shares in any corporation or company; amount of all other property not enumerated; the number of polls, and a column for remarks, and shall also provide the assessor with all necessary books and blanks required to carry out the provisions of this chapter."

SEC. 4. Section thirty-seven hundred and ninety-six is hereby amended and re-enacted to read as follows, to-wit: "Section 3796. Each assessor shall enter upon the discharge of the duties of his office as soon as furnished with the assessment roll by the county commissioners, as hereinbefore provided, and shall, with the assistance of each person required by law to list property for himself, or for another, enter in the books furnished him for that purpose, all kinds of property specified in the preceding section, or that may be subject to taxation, entering the names of the persons assessed in alphabetical order so far as practicable by allotting to each letter its requisite number of pages in each of said books. He shall also enter in a separate column the number of adult persons, male and female, and the number of children, male and female, under the age of twenty-one years in his county, and each assessor shall, on or before the first Monday in May in each year, return the assessment roll properly footed up to the clerk of the board of county commissioners."

Amendment
§ 3796, R. S.,
Wyo.
Assessor.

SEC. 5. Section thirty-seven hundred and ninety-seven is hereby amended and re-enacted to read as follows, to-wit: "Section 3797. It shall be the duty of the assessor to list each and every person in his county, and to assess all the property, real and personal, therein as required in this chapter, and any person who shall refuse to assist in making out a list of his property or of any property which he is required by law to assist in listing, on or before the third Monday in April, or refuse to make the oath or affirmation required by this chapter, or shall knowingly make a false return of his, her or their property shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than (\$100) one hundred dollars, nor more than (\$500) five hundred dollars and shall forfeit the sum of two hundred dollars, to be recovered in the name of the county by an action brought in the district court for such county by the board of county commissioners, and when any person refuses to make out a list of his property, which by law he is required to do, or when the assessor after using all due diligence, cannot see any person having property subject to taxation which by law he is required to assess, the assessor shall assess such property according to the best information he can get as to the amount of such taxable property which such person has, and shall, before making out his assessment rolls, mail to all persons whom he has been unable to find in person when listing his property, a certified copy of such listing."

Amendment
§ 3797, R. S.,
Wyo.
Assessor.

Amendment
§ 3801, R. S.,
Wyo.

Board of
equalization.

SEC. 6. Section thirty-eight hundred and one is hereby amended and re-enacted to read as follows, to-wit: "Section 3801. The board of the county commissioners of each county shall constitute a board of equalization for the correction and completion of the assessment rolls for their respective counties, and the said board shall hold two regular meetings in each year, at the office of the county clerk at the county seat, as follows: Commencing on the first Monday in May, and continuing in session not exceeding fifteen days; and also on the first Monday in June and continuing in session for not less than three nor more than six consecutive days, said board shall at its first meeting add to said assessment roll any taxable property in their county not included in the assessment as returned by the assessor and shall assess the value thereof, and shall hear and determine the complaint of all persons, companies, associations and corporations feeling aggrieved by the assessment of their property as returned by the assessor; and for the purpose of equalizing the assessment roll, the said board may increase, diminish or otherwise alter and correct any assessment or valuation; *Provided*, That in all cases where any person, company, association or corporation has sworn to a return of their or its property returned for taxation, the board of equalization shall not increase, diminish or otherwise alter or correct any such assessment or valuation, except upon sworn evidence. It shall be the duty of the county clerk of each county, or the person acting as the clerk of said board of equalization, to notify each person, company, association and corporation whose assessment has been raised or increased by the said board of equalization, of the amount of such raise or increase of assessment, or shall notify the agent or agents, attorney or attorneys, or any one of them, of any person, company, association and corporation affected by such raise or increase of assessment as aforesaid, such notice may be given by personal service, or by statement either written or printed, or partly written or partly printed, or by letter or postal card, postage prepaid and properly addressed, or by other notice, to such person, company, association or corporation, or to the agent or agents, attorney or attorneys thereof, or to any one of them, either of whom may appear before the said board of equalization at either the first or second meeting thereof, and upon evidence satisfactory to the said board of equalization, which evidence shall in all cases be under oath, that such assessment or any part thereof, is unjust or more than the assessed value of other property of the same class, or of like value, the said board shall adjust such assessment in such proportion as in their judgment is proper and right. Any member of the board of equalization shall have the power to administer oaths to witnesses who come before said board to testify in relation to any assessment which oath may be in the following form: 'You do solemnly swear that you will well and truly answer all questions propounded to you in relation to (describing the property) owned by (naming the person, company, association or corporation owning property.)'"

Amendment
§ 3803, R. S.,
Wyo.

County clerk
—abstract of
assessment
roll.

SEC. 7. That section thirty-eight hundred and three of the Revised Statutes of Wyoming, of eighteen hundred and eighty-seven, be amended and re-enacted so that the same shall read as follows: "Section 3803. Immediately after the assessment roll is corrected by the board of equalization, the county clerk is required to make out an abstract thereof, containing the whole number of

acres of land listed in the county, and the aggregate value of the same; the total valuation of the town lots, the whole number of horses and their total value; the whole number of mules and asses and their total value; the whole number of neat cattle and their total value; the whole number of sheep and their total value; the whole number of swine and their total value; the whole number of goats and their total value; the whole number of musical instruments and their total value; the whole number and the value of clocks, watches, jewelry, gold and silver plate; the total amount of capital employed in merchandise; the total amount of capital employed in manufactures; the total amount of taxable household furniture; the total amount of taxable farming utensils and mechanic's tools; the total value of stock and shares in any corporations or companies; total number and value of carriages and vehicles of every description; total amount of all personal and other property not herein enumerated, belonging to corporations or companies; the gross amount of all other property returned not herein enumerated; the total amount of the excess of premiums received, over losses and ordinary expenses incurred within the territory, during the year previous to the year of listing in the county, of any and all insurance companies; a certified copy of which abstract the clerk is directed to transmit forthwith to the auditor of the territory."

SEC. 8. That section thirty-eight hundred and nine of the Revised Statutes of Wyoming, of eighteen hundred and eighty-seven, be amended and re-enacted so that the same shall read as follows: ^{Amendment § 3809, R. S., Wyo.}
 "Section 3809. No notice, demand or request shall be necessary on any taxpayer in this territory for the payment of his, her, their ^{When taxes payable.} or its taxes; but from and after the third Monday in September in each year, all territorial, county and school district taxes shall be due and payable at the collector's office in each county, and it is made the duty of each and every tax payer to pay his, her or their taxes at the collector's office, unless otherwise provided, on or before the third Monday of November in each year; or he may pay one-half thereof on or before the third Monday in November succeeding the levy and the remaining one-half thereof on or before the third Monday of April following; *Provided*, That all unpaid poll taxes shall be delinquent on the third Monday of November; *Provided, also*, That in all cases where the half of any tax is not paid on the third Monday in November succeeding the levy thereof, the whole amount of the tax charged against any taxpayer so failing to pay such tax, shall become delinquent from the third Monday in November following such levy; and in case the second installment of any tax be not paid before the third Monday in April, succeeding its maturity, such installment shall thereupon become delinquent, and penalty shall be computed on the same from the third Monday in April, designating the maturity of such installment; *Provided, also*, That in all cases where taxes are paid by installments, as herein provided, each of such installments shall be apportioned among the several funds for which taxes have been assessed, in their proper proportion; and if any one neglect to pay his, her or their taxes at or before maturity, as herein provided, the collector may make the same by distress and sale of the personal property of the party owing such tax or part thereof, and the tax list shall be sufficient warrant therefor; *and, provided further*, That nothing herein shall be construed to apply to any tax levied for municipal purposes by

Municipal taxes. or for any incorporated city or town, but taxes levied for such municipal purposes shall become payable on or before the third Monday in September of each year and shall become delinquent on the third Monday in November following the levy of such taxes."

Amendment § 3810, R. S., Wyo. **Taxes delinquent—penalty.** **Treasurer.** SEC. 9. That section thirty-eight hundred and ten of the Revised Statutes of Wyoming, of eighteen hundred and eighty-seven, be amended and re-enacted so that the same shall read as follows: "Section 3810. All taxes due and unpaid on the third Monday in November of each year and on the third Monday in April succeeding the levy thereof, shall become delinquent and shall draw interest as hereinafter provided; and taxes upon real property are hereby made a perpetual lien thereon against all persons except the United States and this territory; and taxes due from any person upon personal property shall be levied upon any real property owned by such person or to which he may acquire title; and the treasurer is authorized and directed to collect delinquent taxes by the sale of any property upon which the taxes are levied or any other personal or real property belonging to him to whom the taxes are assessed. The treasurer shall continue to receive taxes that have become delinquent until collected, by distress and sale. If one-half of the tax charged against any owner on the books kept in the office of the county treasurer, be not paid on or before the third Monday in November after the same has been so charged, or if the remaining half has not been paid on or before the third Monday in April after its maturity, he shall collect in addition to the taxes as to which the taxpayer was delinquent, as penalty for non-payment the percentage, fees, interest and expenses provided in the next section; *Provided*, That in all cases where the half of any tax has not been paid on or before the third Monday in November after the same has been charged on the books, penalty as above shall be collected on the whole amount of the tax charged against such owner from the third Monday in November succeeding the levy; and *provided*, That in all cases where the remaining half of any tax has not been paid on or before the third Monday in April succeeding the levy, penalty as above shall be collected on such half of said tax remaining unpaid from the third Monday in April succeeding the levy thereof."

Amendment § 3836, R. S., Wyo. **Territorial taxes.** SEC. 10. That section thirty-eight hundred and thirty-six of the Revised Statutes of Wyoming, of eighteen hundred and eighty-seven, be amended and re-enacted so that the same shall read as follows: "Section 3836. Each county is responsible to the territory for the amount of tax levied for territorial purposes, and no allowance or credit shall be given to any county for any part thereof."

Amendment § 3837, R. S., Wyo. **Settlement of treasurer.** SEC. 11. That section thirty-eight hundred and thirty-seven of the Revised Statutes of Wyoming, of eighteen hundred and eighty-seven, be amended and re-enacted so that the same shall read as follows: "Section 3837. It shall be the duty of the treasurer of each county to make a settlement annually with the board of county commissioners on the first Monday in January in each year, and as often during the year as said board may require it; on or before the second Monday in December in each year, the treasurer of each county shall pay to the territorial treasurer one-half of the territorial revenue on the territorial tax levy for said year, and on or before the second Monday of June in each year, the treasurer of each county shall make a full and complete settlement and payment to the territorial treasurer of the balance of all territorial revenue on

the territorial tax levy of the preceding year; and upon his refusal to make any of said settlements as required, such county treasurer shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars for each offense, to be recovered by action in the district court, against the treasurer and his sureties by the board of county commissioners. Delinquencies on the part of any county in payment of territorial revenue shall bear interest at the rate of eight per centum per annum from the date said territorial revenue was payable to the territorial treasurer; and in case of any such delinquency on the part of any county, it shall be the duty of the attorney general to bring an action at law against such county in the name of the Territory of Wyoming to recover the amount of any such delinquency. In case any judgment is obtained in such action it shall be the duty of the board of the county commissioners of the county against which such judgment is obtained at the time of the next annual levy of taxes to cause a special levy to be made of a rate sufficient to pay said judgment and interest thereon at the rate of eight per centum per annum, which levy shall be in addition to the regular levies made in said county in said year. The board of the county commissioners of any county may without suit or action make the special levy necessary to raise the amount of any such delinquency."

Delinquent territorial revenue.

Attorney general.

Special levy.

SEC. 12. This act shall take effect and be in force from and after January first, 1891. In force.

Approved March 14, 1890.

CHAPTER 73.

CRIMES AND CRIMINAL PROCEDURE.

AN ACT Defining Crimes, Regulating Criminal Procedure and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. In the interpretation of this act the term "anything of value" includes money, bank bills or notes, United States treasury notes and other bills, bonds or notes issued by lawful authority and intended to pass and circulate as money, goods and chattels, any promissory note, bill of exchange, order, draft, warrant, check, or bond, given for the payment of money; any receipt given for the payment of money, or other property, any right in action, things which savor of the realty, and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof, or affixed thereto, although there be no interval between the severing and the taking away, and every other thing of any value whatever; the words "person" and "another"

Interpretation of words.

when used to designate the owner of any property the subject of any offense, include not only natural persons, but every other owner of property; the word "writing" includes printing; the word "oath" includes an affirmation; the word "bond" includes an undertaking; words in the present include the future tense, and in the masculine include the feminine and neuter genders, and in the singular include the plural, and in the plural include the singular number; "and" may be read "or" and "or" read "and," and "may" may be read "shall" and "shall" read "may," if the sense requires it.

Division of crimes. SEC. 2. Offenses which may be punished by death, or by imprisonment in the penitentiary are felonies; all other offenses are misdemeanors.

Value of written instruments. SEC. 3. When any evidence of debt, or written instrument is the subject of a criminal act, the amount of money due thereon or secured thereby, or the amount of money or the value of property affected thereby, shall be deemed the value thereof.

Felons disfranchised. SEC. 4. A person sentenced to the penitentiary for a felony when sentence has not been reversed or annulled is incompetent to be an elector or juror, or to hold any office of honor, trust or profit within this territory, unless he shall have received a pardon; but no pardon shall release a convict from the costs of his conviction unless so stated therein.

Court to fix punishment. SEC. 5. Within the limits prescribed by law, the court shall determine and fix the punishment for any felony or misdemeanor, whether the punishment consist of imprisonment, or fine, or both, and when any person is sentenced to imprisonment in the penitentiary, the court shall declare in its sentence for what period he shall be imprisoned; and in all cases of conviction of an offense, the court shall render judgment against the defendant for the costs of prosecution.

Penalty for felony. SEC. 6. The minimum term of imprisonment in the penitentiary shall in no case be less than one year; and the court, in its discretion, may impose a fine of not exceeding one thousand dollars as a part of the punishment for any felony.

Commitment for non-payment of fine. SEC. 7. A person committed to jail for non-payment of fine or costs, or both, may be imprisoned therein not exceeding sixty days, until such imprisonment, at the rate of one dollar and fifty cents a day equals the amount of such fine or costs, or both, as the case may be, or the amount shall be otherwise paid or secured to be paid, when he shall be discharged.

Disposition of fines. SEC. 8. An officer who collects any fine shall, unless otherwise required by law, within thirty days after the receipt thereof, pay the same into the treasury of the county in which such fine was assessed, to the credit of the general fund, and shall take the treasurer's duplicate receipts therefor, and forthwith deposit one of the same with the county clerk.

Civil recovery not effected. SEC. 9. Nothing in this act contained shall be construed to prevent a party injured, in person or property, by any criminal act, from recovering full damages, but no record of a conviction, unless the same was obtained by confession in open court, shall be used as evidence in an action brought for such purpose.

Accessory before fact. SEC. 10. Every person who shall aid or abet in the commission of any felony, or who shall counsel, encourage, hire, command, or otherwise procure such felony to be committed, shall be deemed an accessory before the fact, and may be indicted, tried and convicted in the same manner as if he were a principal, and either

before or after the principal offender is convicted or indicted; and upon such conviction he shall suffer the same punishment and penalties as are prescribed by law for the punishment of the principal.

SEC. 11. Every person not standing in the relation of husband or wife, parent or grandparent, child or grandchild, mother or sister, by consanguinity or affinity, to any person guilty of any felony, who shall after the commission of such crime, harbor, conceal or assist any such offender, with intent that he shall escape from detection or punishment, shall be deemed an accessory after the fact, and may be indicted, tried, convicted and punished, though the principal be neither charged, indicted, or tried; and every accessory after the fact shall be imprisoned in the penitentiary not more than two years or may be confined in the county jail not more than six months.

SEC. 12. Drunkenness shall not be an excuse for any crime or misdemeanor, unless such drunkenness be occasioned by the fraud, contrivance or force of some other person or persons, for the purpose of causing the perpetration of an offense, in which case the person or persons so causing said drunkenness for such malignant purpose, shall be considered principal or principals, and suffer the same punishment as would have been inflicted on the person or persons committing the offense, if he, she or they had been possessed of sound reason and discretion. Where a crime rests in intention, the inebriated condition of the defendant at the time of committing the offense may be proven to the jury, as bearing upon the question of intention.

CRIMES AGAINST THE PERSON.

SEC. 13. Whoever purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate any rape, arson, robbery, or burglary, or by administering poison or causing the same to be done, kills any human being, is guilty of murder in the first degree and shall suffer death.

SEC. 14. Whoever fights a duel with another and in so doing inflicts a wound upon his antagonist or any other person, whereof the person thus injured shall die, is guilty of murder in the first degree and shall suffer death.

SEC. 15. Whoever by previous appointment made within fights a duel without this territory, and in so doing inflicts a mortal wound upon any person, whereof the person thus injured shall die within this territory, is guilty of murder in the first degree and shall suffer death.

SEC. 16. Whoever purposely and maliciously, but without premeditation, kills any human being, is guilty of murder in the second degree, and shall be imprisoned in the penitentiary for any term not less than twenty years or during life.

SEC. 17. Whoever unlawfully kills any human being without malice, express or implied, either voluntarily, upon a sudden heat of passion, or involuntarily, but in the commission of some unlawful act, or by any culpable neglect or criminal carelessness, is guilty of manslaughter, and shall be imprisoned in the penitentiary not more than twenty years.

SEC. 18. Whoever perpetrates an assault, or assault and battery, upon any human being with intent to commit a felony, shall be imprisoned in the penitentiary not more than fourteen years.

**Killing un-
born child.**

SEC. 19. Whoever unlawfully kills an unborn quick child, by any assault wilfully committed upon the mother of such child, knowing her condition, is guilty of manslaughter, and shall be imprisoned in the penitentiary not more than fourteen years.

Assault.

SEC. 20. Whoever, having the present ability to do so unlawfully attempts to commit a violent injury on the person of another, is guilty of an assault and shall be fined in any sum not exceeding fifty dollars.

**Assault and
battery.**

SEC. 21. Whoever, in a rude, insolent, or angry manner, unlawfully touches another, is guilty of an assault and battery, and shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

**Aggravate d
assault and
battery.**

SEC. 22. If any person shall unlawfully and maliciously inflict upon another person, either with or without any weapon or instrument, any grievous bodily harm, or shall unlawfully and maliciously cut, stab or wound any other person, the person so offending shall be fined not more than one thousand dollars, or confined in the county jail not more than one year, or both.

Mayhem.

SEC. 23. Whoever with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear, or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb or any member of another person, is guilty of mayhem and shall be imprisoned in the penitentiary not more than fourteen years.

Robbery.

SEC. 24. Whoever forcibly and feloniously takes from the person of another any article of value, by violence or by putting in fear, is guilty of robbery, and shall be imprisoned in the penitentiary not more than fourteen years.

Kidnapping.

SEC. 25. Whoever kidnaps, or forcibly or fraudulently carries off or decoys from his place of residence, or arrests or imprisons any person, with the intention of having such person carried away from his place of residence, unless it be in pursuance of the laws of this territory, or of the United States, is guilty of kidnapping, and shall be imprisoned in the penitentiary not more than fourteen years.

**Child steal-
ing.**

SEC. 26. Whoever takes, leads, carries, decoys, or entices away a child under the age of twelve years, with intent unlawfully to detain or conceal such child from its parents, guardian, or other person having the lawful charge or custody thereof; and whoever, with the intent aforesaid, knowingly harbors or conceals any such child so led, taken, carried, decoyed or enticed away, shall be imprisoned in the penitentiary not more than fourteen years.

Rape.

SEC. 27. Whoever unlawfully has carnal knowledge of a woman forcibly and against her will, or of a female child under fourteen years of age either with or without her consent, is guilty of rape, and shall be imprisoned in the penitentiary for any term not less than one year, or during life.

**Administer-
ing poison.**

SEC. 28. Whoever administers, or procures to be administered, any poison to any other human being, or mingles poison with any food, drink, or medicine with intent to kill or injure the person to whom the same shall be administered, if death do not ensue, shall be imprisoned in the penitentiary not more than fourteen years.

SEC. 29. Whoever poisons any spring, well, cistern, or reservoir of water, with intent to injure or kill any human being, shall be imprisoned in the penitentiary not more than fourteen years. ^{Poisoning springs.}

SEC. 30. Whoever, while in a state of intoxication, prescribes or administers any poison, drug or medicine to another, which endangers the life of such other person, shall be fined not more than one hundred dollars, and imprisoned in the county jail not more than three months. ^{Prescribing medicine when drunk.}

SEC. 31. Whoever prescribes or administers to any pregnant woman, or to any woman whom he supposes to be pregnant, any drug, medicine or substance whatever, with intent thereby to procure the miscarriage of such woman; or with like intent uses any instrument or means whatever, unless such miscarriage is necessary to preserve her life, shall, if the woman miscarries or dies in consequence thereof, be imprisoned in the penitentiary not more than fourteen years. ^{Attempted miscarriage.}

SEC. 32. Every woman who shall solicit of any person any medicine, drug or substance or thing whatever, and shall take the same, or shall submit to any operation or other means whatever, with intent thereby to procure a miscarriage (except when necessary for the purpose of saving the live of the mother or child), shall be fined not more than five hundred dollars and imprisoned in the county jail not more than six months; and any person, who, in any manner whatever, unlawfully aids or assists any such woman to a violation of this section, shall be liable to the same penalty. ^{Woman soliciting miscarriage.}

SEC. 33. Whoever makes, composes, dictates, prints or writes a libel to be published, or procures the same to be done, and whoever publishes or knowingly aids in publishing or communicating a libel, is guilty of libel, and shall be fined not more than one thousand dollars, to which may be added imprisonment in the county jail for not more than three months. ^{Libel.}

SEC. 34. Whoever, either verbally or by any letter or writing or any written or printed communication, demands of any person, with menaces of personal injury, any chattel, money or other valuable security; or whoever accuses or threatens to accuse; or knowingly sends or delivers any letter or writing or any written or printed communication, with or without a name subscribed thereto; or signed with a fictitious name; or with any letter, mark or designation, accusing or threatening to accuse any person of any crime punishable by law; or of any immoral conduct, which, if true, would tend to degrade and disgrace such person, or in any way to subject him to the ridicule or contempt of society; or to do any injury to the person or property of any one, with intent to extort or gain from such person any chattel, money or valuable security, or any pecuniary advantage whatsoever; or with any intent to compel the person threatened to do any act against his will, is guilty of blackmailing, and shall be imprisoned in the penitentiary for not more than five years. ^{Blackmailing.}

CRIMES AGAINST PROPERTY.

SEC. 35. Whoever wilfully and maliciously burns, or attempts to burn, any dwelling house or other building, finished or unfinished, occupied or unoccupied, whether the building be used or intended for a dwelling house or for any other purpose; or any bridge; or any cordwood in a pile; or any rick, stack, or shock of grain, hay or straw; or any grain not severed from the ground; or ^{Arson.}

any fence of whatever material constructed; or the material intended for the construction of any such house, building, bridge or fence; or any timber or lumber; or any railroad car or a water tank, or a windmill, the property so burned being of the value of twenty dollars or upwards, and being the property of another or being insured against loss or damage by fire, and the burning or attempt to burn, being with intent to prejudice or defraud the insurer, is guilty of arson, and shall be imprisoned in the penitentiary not more than twenty-one years. And should the life of any person be lost thereby, such offender shall be deemed guilty of murder in the first degree, and shall suffer death.

**Burning
prairie.**

SEC. 36. Whoever maliciously or wantonly sets fire to any woods, or to any thing growing or being upon any prairie or grounds, not his own property; or maliciously or wantonly permits any fire to pass from his own prairie or grounds, to the injury or destruction of any property not his own, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding thirty days.

Burglary.

SEC. 37. Whoever, at any time, breaks and enters into any dwelling house, kitchen, smoke-house, out-house, shop, office, store-house, warehouse, mill, distillery, brewery, pottery, factory, barn, stable, school-house, church, meeting-house, or building used for the purpose of religious worship, car factory, tool house, freight house, station house, depot, railroad car, court house or other public building, or other building whatsoever, with intent to commit a felony, or with intent to steal property of any value, is guilty of burglary, and shall be imprisoned in the penitentiary not more than fourteen years.

**Entering
house to com-
mit felony.**

SEC. 38. Whoever, at any time, enters any dwelling house, kitchen, smoke-house, out-house, shop, office, store-house, warehouse, mill, distillery, brewery, pottery, factory, barn, stable, school house, church, meeting-house, or building used for the purpose of religious worship, car factory, tool house, freight house, station house, depot, railroad car, court house or other public building, or other building whatsoever, and attempts to commit a felony, or to steal property of any value, shall be imprisoned in the penitentiary not more than fourteen years.

**Grand lar-
ceny.**

SEC. 39. Whoever feloniously steals, takes and carries, leads or drives away the personal goods of another of the value of twenty-five dollars or upwards, is guilty of grand larceny, and shall be imprisoned in the penitentiary not more than ten years.

**Petit lar-
ceny.**

SEC. 40. Whoever shall feloniously steal, take and carry, lead or drive away the personal goods of another, of the value of any sum less than twenty-five dollars is guilty of petit larceny, and shall be imprisoned in the county jail not more than six months and be fined in any sum not exceeding one hundred dollars. Upon a second conviction of petit larceny in this territory the person convicted shall suffer the punishment prescribed for those convicted of grand larceny.

**Receiv ing
stolen goods.**

SEC. 41. Whoever buys, receives, conceals or aids in the concealment of anything of value, which has been stolen, taken by robbers, embezzled or obtained by false pretense, knowing the same to have been stolen, taken by robbers, embezzled or obtained by false pretense, shall, if the goods are of the value of twenty-five dollars or upwards, suffer the punishment prescribed for grand larceny,

and if the goods are worth less than twenty-five dollars, shall suffer the punishment prescribed for petit larceny.

SEC. 42. Whoever steals any horse, mule or neat cattle, of the value of five dollars or upwards, or receives, buys, or conceals any such horse, mule or neat cattle which shall have been stolen, knowing the same to have been stolen, shall be imprisoned in the penitentiary not more than ten years, or may be imprisoned in the county jail not more than six months. Stealing live stock.

SEC. 43. Whoever brands, or alters or defaces the brand of, any horse, mule or neat cattle, of the value of five dollars or upwards, the property of another, with intent thereby to steal the same or to prevent the identification thereof, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months. Misbranding live stock.

SEC. 44. Whoever unlawfully kills any horse, mule or neat cattle, of the value of five dollars or upwards, the property of another, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months. Killing live stock.

SEC. 45. Whoever, during the life of a testator, or after his death, steals, takes and carries away a will, codicil or other testamentary instrument executed by such testator, or for a fraudulent purpose, destroys or secretes the same, shall be imprisoned in the penitentiary not more than ten years. Secreting a will.

SEC. 46. Whoever steals, takes and carries away the whole or any part of any record, record book, docket or journal authorized to be made by law, or belonging or pertaining to any court of record, justice of the peace, or any territorial, district, county, municipal or legislative office or officer, shall be imprisoned in the penitentiary not more than ten years. Stealing public record.

SEC. 47. Whoever being an officer or his deputy, having the custody of any record, book, document, paper or proceeding specified in the foregoing section, steals or fraudulently takes away, secretes, withdraws or destroys any such record, book, document, paper or proceeding, shall be imprisoned in the penitentiary not more than ten years. Custodian stealing record.

SEC. 48. Whoever maliciously, mischievously or fraudulently alters, defaces, injures, mutilates or destroys the whole or any part of any record authorized to be made by law, belonging or pertaining to any court of record, justice of the peace, or any territorial, district, county, municipal or legislative office or officer, or any other public record so authorized, or any paper, pleading, exhibit or other writing filed with, in, or by any such court, office or officer, shall be imprisoned in the penitentiary not more than ten years. Altering record.

SEC. 49. Whoever unlawfully enters upon the lands of another and severs from the soil any product or fruit growing thereon, the property of another, or shall sever from any building, or from any gate, fence or other railing or inclosure, the property of another or any part thereof, shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment in the county jail for not more than three months. Stealing growing fruit, etc.

SEC. 50. Whoever being about to enter unlawfully upon the inclosed land of another, shall be forbidden to do so by the owner or occupant, or his agent or servant; or who being unlawfully upon the inclosed land of another, shall be notified to depart therefrom Trespass.

by the owner or occupant, or his agent or servant, and shall thereafter enter upon such land, or neglect or refuse to depart therefrom, shall be fined not more than one hundred dollars.

Embezzlement of public funds.

SEC. 51. Whoever, being charged or in any manner intrusted with the collection, receipt, safe keeping, transfer or disbursement of any money, funds, securities, bonds, choses in action, or other property belonging to or under the control of the territory, or belonging to or under the control of any county, school district, city or town, converts to his own use, or to the use of any other person, in any manner whatever, contrary to law, or uses, by way of investment in any kind of property, or exchanges for other funds, except as allowed by law, any portion of such money, funds, securities, bonds, choses in action, or other property, is guilty of embezzlement, and shall be imprisoned in the penitentiary not more than twenty-one years.

Officer failing to account

SEC. 52. Any county treasurer, sheriff, clerk, receiver of any court, or clerk of any court, master commissioner, assignee, justice of the peace, mayor of a city, constable, marshal of any city or town, or any officer or agent of any county, school district, city or town, who shall fraudulently fail or refuse, at the expiration of the term for which he was elected or appointed, or at any time during such term, when legally required by the proper person or authority, to account for, deliver and pay over to such person as may be legally entitled to receive the same, all moneys, choses in action, or other property which may have come into his hands by virtue of his said office, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary for any period not more than five years.

Embezzlement by employee.

SEC. 53. Every officer, agent, attorney, clerk, servant or employe of any person who, having access to, control or possession of any money, article, or thing of value, to the possession of which his employer is entitled, shall, while in such employment, take, purloin, secrete, or in any way whatever appropriate to his own use, or to the use of others, any money, coin, bills, notes, credits, choses in action, or other property or article of value, belonging to or deposited with, or held by such person, in whose employment said officer, agent, attorney, clerk, servant or employe may be, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary for not more than fourteen years.

Embezzlement by attorneys.

SEC. 54. Any attorney-at-law or person engaged in making collections for others, who, having money or any other thing of value in his possession, or under his control, received for his client or employer, shall fraudulently refuse to pay over or deliver the same to his client or employer, or the person by them designated to receive the same, less the charges thereon, on reasonable demand shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than fourteen years.

Embezzlement of R. R. tickets.

SEC. 55. Every conductor, clerk or other employe of a railroad company who shall, in the course of his employment, come into possession of a local or coupon railroad ticket, belonging to such railroad company, and shall sell or barter the same, give the same away, or appropriate the same to his own use, with intent to defraud the railroad company whose employe he is, or to defraud any other railroad company, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years.

SEC. 56. Any inn keeper intrusted by his guest or boarder with anything of value for safekeeping, or any person intrusted with anything of value to be carried, cared for or stored, for hire, who embezzles or fraudulently converts the same to his own use, is guilty of embezzlement, and shall be imprisoned in the penitentiary not more than fourteen years. ^{Embezzlement by inn-keeper or carrier.}

SEC. 57. A storage, forwarding or commission merchant, carrier, warehouseman, factor, auctioneer, or his clerk, agent, or employe, who, with intent to defraud, sells or in any way disposes of, or applies or converts to his own use, any bill of lading, custom-house permit, or warehouse receipt, intrusted to or possessed by him, or any property intrusted or consigned to him, or the proceeds or profits of any sale of such property, or fraudulently fails to pay over such proceeds, deducting charges and usual commissions; and a consignor of any property or his agent, not being the absolute owner thereof, who, with intent to defraud, after delivery thereof for transportation, in any way stops, countermands, or changes the consignment thereof, or sells, disposes of, or incumbers such property during transit or after delivery thereof, or in any way converts the same to his own use, is guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years. ^{Embezzlement by bailee}

SEC. 58. If the treasurer of the territory, or the treasurer of any county, city, town or school district, shall use the money of any particular fund, or the money appropriated by law for any particular purpose, to pay any warrant drawn upon any other fund or appropriation, he shall be deemed guilty of a misdemeanor, and shall be fined in any sum not more than five hundred dollars. ^{Embezzlement by treasurer.}

SEC. 59. A member of the council or board of trustees, of any city or town, or a trustee of any school district, or a mayor, officer, agent, attorney, clerk or servant of such corporation, who knowingly diverts, appropriates or applies any funds, or a part of any fund, raised under any law by taxation or otherwise, to any other use or purpose than that for which it was raised or appropriated; or who knowingly diverts, appropriates or applies, or assists in diverting, appropriating or applying any money, borrowed on any bond of the corporation, or any part of the proceeds of such bond to any use or purpose other than that for which such bond was issued, or to any use or purpose than is authorized by the charter or law governing such corporation, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years. ^{Misappropriation of public funds.}

SEC. 60. Whoever being the administrator of the estate of a decedent, or the executor of a last will or the guardian of any minor or insane person, or a trustee or other person acting in any fiduciary capacity, without good cause, fails or refuses, when legally required by the proper person or authority, to account for or pay over to such person as may be lawfully entitled to receive the same, any money, choses in action, or other property which may have come into his hands by virtue of his office, duty or trust, shall be deemed guilty of embezzlement, and shall be imprisoned in the penitentiary not more than five years. ^{Embezzlement by fiduciaries.}

SEC. 61. Whoever maliciously or mischievously injures or causes to be injured, any property of another or any public property, shall be deemed guilty of malicious trespass, and shall be imprisoned in the penitentiary not more than five years. ^{Malicious trespass.}

than one hundred dollars, to which may be added imprisonment in the county jail for not more than six months.

Injuring
telegraph, &c.

SEC. 62. Whoever maliciously or mischievously injures any telegraph pole, or telephone pole, or electric light pole, or the wire, or any part of the apparatus thereof, shall be fined not more than one hundred dollars.

Attacking
public conveyance.

SEC. 63. Whoever maliciously or mischievously shoots a gun, rifle, pistol or other missile or weapon, or throws a stone, stick, club or other substance whatever, at or against any stage coach, locomotive, railroad car, train of cars, or street car, shall be imprisoned in the county jail not more than six months, and be fined not more than one hundred dollars.

Penalty if
person injured.

SEC. 64. In case any person on such stage coach, locomotive, car, train of cars, or street car shall be injured or wounded by any such act as is specified in the last preceding section, the person so offending shall be deemed guilty of an assault and battery with an intent to commit murder, and shall be imprisoned in the penitentiary not more than fourteen years; and if death ensue, such offender shall be deemed guilty of murder in the second degree, and shall be imprisoned in the penitentiary during life.

Obstructing
R. R. track.

SEC. 65. Whoever wilfully and maliciously places any obstruction on the track of any railroad or street road, or changes any switch, or removes the fastenings thereof, so as to endanger the passage of any train; or breaks, destroys, steals, takes or carries away any lock or guard upon such switch; or wilfully or maliciously commits any other act in order to throw the engine or cars running upon such railroad from such track, shall be imprisoned in the penitentiary not more than fourteen years; and if from any accident on any such road, resulting from any such act, any person be so injured that death ensue as the immediate consequence thereof, the offender is guilty of murder in the first degree and shall suffer death.

Defacing
tombstones.

SEC. 66. Whoever wilfully, mischievously or maliciously disfigures, defaces or removes any tombstone, monument, grave-stone, or other structure erected to perpetuate the memory of any deceased person; or any fence, railing, or other work in or around any public or private cemetery, or burial place, or any tree, shrub, or plant therein, shall be fined not more than one hundred dollars.

Obstructing
highway.

SEC. 67. Whoever, in any manner, wrongfully obstructs any public highway, or injures any bridge, culvert, or embankment, or injures any material used in the construction of any such road, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment in the county jail not more than three months.

Injuring
shade-tree.

SEC. 68. Whoever unlawfully removes, destroys, cuts, or girdles any shade-tree, or carries off or removes, or in anywise injures the protecting box of any shade-tree, in any city, town, or village, shall be fined in any sum not more than fifty dollars.

Changing
landmarks.

SEC. 69. Whoever knowingly displaces or removes any monument erected for the purpose of designating or perpetuating the corner, or any other point in the boundary of any tract of land; or maliciously or mischievously defaces or alters the mark upon any monument, landmark, or bearing-tree used for the purpose of designating any point, course, or line in the boundary of any tract

of land; or wilfully breaks, cuts downs, or removes any monument, landmark, or bearing tree, upon which such mark shall be made, with the intent to destroy or efface such mark, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months.

SEC. 70. Whoever maliciously or mischievously tears down, removes, destroys, or defaces any legal advertisement, handbill, or other public notice, lawfully posted up in any place not belonging to nor occupied by such person, shall be fined in any sum not exceeding ten dollars. Defacing legal notices.

SEC. 71. Whoever paints, prints, pastes, stencils, or otherwise marks upon, or in any manner places upon or affixes to, any building, fence, wall, or tree, without the consent of the owner thereof, any word, letter, character, figure, sentence, or device, or any hand bill or notice, shall be fined not more than fifty dollars; but this section does not apply to the posting of any hand bill or notice of any public sale of property by any sheriff, constable, administrator, executor, or guardian, or to any notice required by law to be posted. Posting bills.

SEC. 72. Whoever maliciously or mischievously injures in any manner, any horse, jack, mule, ass, sheep, goat, neat-cattle, dog, or hog of another, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding three months. Injuring live stock.

SEC. 73. Whoever violently takes or keeps possession of any lands, with menaces, force, and arms, and without authority of law, is guilty of forcible entry, or forcible detainer, as the case may be, and shall be fined not exceeding one hundred dollars. Forcible entry or detainer.

CRIMES AGAINST PUBLIC MORALS.

SEC. 74. Whoever being married, marries again, the former husband or wife being alive, and the bond of matrimony being still undissolved, and no legal presumption of death having arisen, is guilty of bigamy, and shall be imprisoned in the penitentiary not exceeding five years. Bigamy.

SEC. 75. If any step-father shall have sexual intercourse with his step-daughter, knowing her to be such; or if any step-mother and her step-son shall have sexual intercourse together, having knowledge of their relationship; or if any parent shall have sexual intercourse with his or her child, knowing him or her to be such; or if any brother and sister, being of the age of sixteen years or upwards, shall have sexual intercourse together, having knowledge of their consanguinity, he or she shall be deemed guilty of incest, and shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than twelve months. Incest.

SEC. 76. Whoever cohabits with another in a state of adultery or fornication, or adultery and fornication, shall be fined in any sum not exceeding one hundred dollars, and be imprisoned in the county jail not exceeding three months. Adultery and fornication.

SEC. 77. Any male person who, under promise of marriage, shall have illicit carnal intercourse with any female of good repute for chastity, under the age of twenty-one years, shall be deemed guilty of seduction, and shall be imprisoned in the penitentiary not more than five years, or be imprisoned in the county jail not exceeding twelve months. Seduction.

Enticing fe-
males.

SEC. 78. Whoever entices or takes away any female of good repute for chastity from wherever she may be to a house of ill-fame, or elsewhere, for the purpose of prostitution, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not exceeding twelve months.

House of ill-
fame.

SEC. 79. Whoever keeps a house of ill-fame, resorted to for the purpose of prostitution or lewdness; or knowingly lets a house to be so kept; or knowingly permits a house which he has let to be so kept, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Public in-
decency.

SEC. 80. Whoever, being over fourteen years of age, makes an indecent exposure of his person in a public place, or in any place where there are other persons to be offended or annoyed thereby; or uses or utters any obscene or licentious language or words in the presence or hearing of any female; is guilty of public indecency, and shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding three months.

Selling ob-
scene litera-
ture.

SEC. 81. Whoever sells, or lends, or offers to sell or lend, or gives away or offers to give away, or in any manner exhibits, or has in his possession, with or without intent to sell, lend or give away, any obscene, lewd, indecent, or lascivious book, pamphlet, paper, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture, model, cast, instrument, or article of indecent or immoral use, or instrument or article for procuring abortion or for self-pollution, or medicine for procuring abortion or preventing conception; or advertises the same or any of them for sale; or writes or prints any letter, circular, hand-bill, card book, pamphlet, advertisement, or notice of any kind; or gives information orally, stating when, how, where, or by what means, or of whom, any of the obscene, lewd, indecent, or lascivious articles or things hereinbefore mentioned, can be purchased, borrowed, presented, or otherwise obtained, or are manufactured; or manufactures, or draws and exposes, or draws with intent to sell, or have sold, or prints any such articles or things, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months; but nothing in this section, or in the next two sections, shall be construed to affect teaching in regularly chartered medical colleges, or the publication of standard medical books, or the practice of regular practitioners of medicine, or druggists in their legitimate business.

Mailing ob-
scene litera-
ture.

SEC. 82. Whoever deposits in any post-office in this territory, or places in charge of any person to be carried or conveyed any lewd, obscene, indecent, or lascivious book, paper, pamphlet, drawing, lithograph, engraving, picture, daguerreotype, photograph, stereoscopic picture, model, cast, instrument or article of indecent or immoral use, or instrument or article for procuring abortion or for self pollution, or medicine for procuring abortion or preventing conception, or any circular, hand-bill, card, advertisement, book, pamphlet, or notice of any kind; or gives oral information, stating when, where, how, or of whom such articles or things or any of them can be purchased or otherwise obtained; or knowingly carries or conveys the same, except in the United States mail,

shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months.

SEC. 83. Whoever prints or publishes any advertisement of any secret drug or nostrum purporting to be for the exclusive use of females, or which cautions females against their use when in a condition of pregnancy; or in any way publishes any account or description of any drug, medicine, instrument, or apparatus for preventing conception, or for procuring abortion or miscarriage; or sells or gives away, or keeps for sale or gratuitous distribution, any newspaper, circular, pamphlet, or book containing such advertisement, account or description, or any secret drug or nostrum purporting to be exclusively for the use of females, or for preventing conception or procuring abortion or miscarriage, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not more than six months. Advert sing
private medi-
cines.

SEC. 84. Whoever, induces, decoys, procures or compels any female under eighteen years of age, or causes any female over eighteen years of age against her will, to have sexual intercourse with any person other than himself; or knowingly permits any other person to have sexual intercourse with any female of good repute for chastity, upon premises owned or controlled by him, shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than six months. Procu rer -
assignation.

SEC. 85. Whoever, being a male person, frequents houses of ill-fame or of assignation, or associates with females known or reputed as prostitutes, or frequents gambling houses with prostitutes, or is engaged in or about a house of prostitution, is a pimp, and shall be fined in any sum not more than one hundred dollars, and be imprisoned in the county jail not more than sixty days. Pimp.

SEC. 86. Any female who frequents or lives in houses of ill-fame, or associates with women of bad character for chastity, either in public or at a house which men of bad character frequent or visit; or who commits fornication for hire, shall be deemed a prostitute, and shall be fined not more than fifty dollars, to which may be added imprisonment in the county jail not more than thirty days. Prostitute.

SEC. 87. Whoever commits the abominable and detestable crime against nature, by having carnal knowledge of a man or beast; or who being a male, carnally knows any man or woman through the anus, or in any other manner contrary to nature; and whoever entices, allures, instigates, or aids any person under the age of twenty-one years to commit masturbation or self-pollution, is guilty of sodomy and shall be imprisoned in the penitentiary not more than five years, or may be imprisoned in the county jail not more than twelve months. Crime against
nature.

CRIMES AGAINST PUBLIC PEACE.

SEC. 88. Whoever gives or accepts a challenge to fight a duel, or agrees to go out of the territory for the purpose of fighting a duel, or under pretense of fighting a duel, or who carries to any person a challenge to fight a duel, shall be fined in any sum not less than one hundred dollars, and be imprisoned not exceeding six months in the jail of the county. Chal len ge
to duel.

SEC. 89. Whoever fights a duel, if death do not ensue, shall be fined one hundred dollars, and be imprisoned in the jail of the county not exceeding one year. Duelling.

Prize fight. SEC. 90. Whoever engages as principal in any prize fight, or attends any such fight as a backer, trainer, second, umpire, assistant or reporter, shall be fined not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

Affray. SEC. 91. If two or more persons by agreement, fight in any public place, the persons so offending are guilty of an affray, and shall be fined not exceeding twenty dollars, or be imprisoned in the county jail not exceeding five days each.

Riot. SEC. 92. If three or more persons shall do an act in a violent or tumultuous manner, they shall be deemed guilty of a riot, and shall be fined not exceeding one hundred dollars each, to which may be added imprisonment in the county jail not exceeding three months.

Rout. SEC. 93. If three or more persons shall meet together to do an unlawful act upon a common cause, and shall make advances towards the commission thereof, they shall be deemed guilty of a rout, and shall be fined not exceeding one hundred dollars each, or they may be imprisoned in the county jail not exceeding sixty days.

Criminal provocation. SEC. 94. Whoever by words, signs or gestures, provokes or attempts to provoke another, who has the present ability to do so, to commit an assault, or an assault and battery upon him, is guilty of criminal provocation, and shall be fined in any sum not exceeding twenty dollars.

Drawing dangerous weapon. SEC. 95. Whoever draws or threatens to use any pistol, dirk, knife, slung-shot or any other deadly or dangerous weapon, already drawn, upon any other person, shall be fined in any sum not more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding six months; *Provided*, That the provisions of this section shall not apply to a person drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.

Carrying dangerous weapon. SEC. 96. Every person, not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword-in-cane or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow-man, shall be fined in any sum not exceeding one hundred dollars.

Selling weapons to minors. SEC. 97. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol; and any person who shall violate any of the provisions of this section shall be fined in any sum not more than fifty dollars.

Disturbing meetings. SEC. 98. Whoever by any loud or unnecessary talking, hallooing, or by any threatening, abusive, profane or obscene language, or violent actions, or by any other rude behavior, interrupts, molests or disturbs any collection of any inhabitants of this territory convened for the purpose of worship, or any agricultural fair or exhibition, or any person present thereat or going to or returning therefrom; or who, in like manner, interrupts, molests or disturbs any meeting

of inhabitants of this territory, met together for any lawful purpose, shall be fined in any sum not exceeding fifty dollars. Sextons of churches, and officers of fairs or other meetings contemplated in this section are hereby authorized to arrest any persons so disturbing such public meetings.

CRIMES AGAINST PUBLIC JUSTICE.

SEC. 99. Whoever, having taken a lawful oath or affirmation in any matter in which, by law, an oath or affirmation may be required, shall, upon such oath or affirmation, swear or affirm wilfully corruptly and falsely, touching a matter material to the point in question, shall be deemed guilty of perjury, and shall be imprisoned in the penitentiary not more than fourteen years.

Perjury.

SEC. 100. Whoever wilfully, corruptly and falsely before any officer authorized to administer oaths, under oath or affirmation voluntarily makes any false certificate, affidavit or statement of any nature, for any purpose, in any matter where an oath is authorized to be taken, shall be deemed guilty of perjury, and shall be imprisoned in the penitentiary not more than five years.

Voluntary perjury.

SEC. 101. Whoever suborns or procures any person to commit perjury is guilty of subornation of perjury, and shall be imprisoned in the penitentiary not more than fourteen years.

Subornation of perjury.

SEC. 102. Whoever corruptly gives, promises or offers to any member, officer, clerk or employe of the legislature, or of either house thereof, or to any territorial or other officer, agent or employe of the territory, or person holding any office of trust or profit under the laws of this territory, or any officer intrusted with the administration of justice, or prosecuting attorney, either before or after his election, qualification, appointment or employment, any money or valuable thing; or corruptly offers or promises to do any act beneficial to any such person, to influence his action, vote, opinion or judgment in any matter pending or that might legally come before him; and whoever, being a member, officer, clerk, employe of the legislative assembly or territory, or other officer, agent or employe of the territory, or person holding any office of trust or profit under the laws of this territory, or any officer entrusted with the administration of justice, or prosecuting attorney, either before or after his election, qualification, appointment or employment, solicits or accepts any such money or valuable thing, to influence him with respect to his official duty or to influence his action, vote, opinion or judgment in any matter pending or that might legally come before him, shall be imprisoned in the penitentiary not more than fourteen years.

Bribery of officer.

SEC. 103. Whoever, with intent to corrupt a grand or petit juror or a grand or petit jury, referee, master commissioner, court commissioner, arbitrator, appraiser of real or personal property, county commissioner, mayor of a city, or member of the council or board of trustees of any city or town; or, to influence him or them with respect to the discharge of his or their duty, either before or after he or they are summoned, elected, appointed, qualified or sworn, promises or offers him or them any money or valuable thing; and whoever, either before or after he is summoned, elected, appointed, qualified or sworn as a grand or petit juror, referee, master commissioner, court commissioner, arbitrator, appraiser of real or personal property, county commissioner, mayor of a city, or member of the council or board of trustees of any city or town, so-

Bribery of juror, etc.

elicits or accepts any money or other valuable thing to influence him with respect to the discharge of his duties as such, shall be imprisoned in the penitentiary not more than fourteen years.

**Compound-
ing felony.**

SEC. 104. Whoever, having knowledge of the actual commission of a crime of the grade of felony, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof, or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge, is guilty of a felony, and shall be punished as follows:

First—By imprisonment in the penitentiary not more than seven years, or in the county jail not exceeding one year, where the crime compounded is one punishable by death.

Second—By imprisonment in the penitentiary not more than three years, or in the county jail not exceeding six months, where the crime compounded is one which may be punished by imprisonment in the penitentiary.

**Compound-
ing misdeme-
anor.**

SEC. 105. Whoever having knowledge of the actual commission of a crime of the grade of a misdemeanor, or violation of a statute for which a pecuniary or other penalty or forfeiture is prescribed, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime or violation of statute, or to abstain from any prosecution thereof, or to withhold any evidence, or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

**Compound-
ing prosecu-
tion.**

SEC. 106. Whoever takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound, discontinue or delay any prosecution then pending for any crime or violation of statute, or to withhold any evidence in aid thereof, or do any act to encourage or procure the absence of witnesses or other testimony on the examination or trial of such charge, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

**False per-
sonation.**

SEC. 107. Whoever falsely personates another person before any court or judge thereof, or before any justice of the peace, mayor of a city, clerk of any court, notary public, or any territorial or county officer who is authorized either to administer oaths or take the acknowledgment of deeds, powers or warrants of attorney, or other instruments, or to grant marriage licenses, with intent to defraud; or who falsely personates or represents another, and, in such assumed character, receives any property intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be imprisoned in the penitentiary not more than fourteen years.

**Producing
false heir.**

SEC. 108. Whoever shall fraudulently produce an infant, falsely pretending it to have been born of parents whose child would

be entitled to a share of any personal estate or to inherit any real estate, with the intent or intent to procure the inheritance of any such real estate or the distribution of any such personal property, from any person lawfully entitled thereto, shall be imprisoned in the penitentiary not more than ten years.

SEC. 109. Any person to whom an infant under the age of six years shall be confided for nursing, education or any other purpose, who shall, with intent to deceive any parent or guardian of such child, substitute and produce to such parent or guardian another child in place of the one so confided, shall be imprisoned in the penitentiary not more than ten years. Substituting child.

SEC. 110. Any officer, under the laws of this territory, who, by color of his office, asks, demands or receives any fee or reward, other than is allowed by law, to execute or do his official duty, or taxes, charges, asks, demands or receives any more or greater fees than are allowed by law for such official duty; or any officer who requires any deputy appointed by him to divide or pay back to such officer a part of the legal fees of such deputy; or who fails to perform any duty in the manner and within the time prescribed by law, shall be fined in any sum not more than five hundred dollars nor less than ten dollars, and imprisoned in the county jail not exceeding six months, and a judgment of conviction shall operate as a judgment of impeachment and removal from office. Extortion.

SEC. 111. Whoever, being a notary public or other officer or person authorized to administer oaths, certifies that any person was sworn or affirmed before him to any affidavit or other instrument of writing, when, in fact, such person was not so affirmed or sworn, shall be imprisoned in the penitentiary not more than three years. False jurat.

SEC. 112. Whoever, being a notary public, or other officer authorized to take and certify acknowledgments of conveyances, mortgages or other instruments of writing, shall append his signature as such officer when no official seal is required, or shall append his signature and affix his official seal when such seal is required by law to be affixed to the certificate of acknowledgment of any conveyance, mortgage or other instrument of writing required to be recorded or filed in this territory, or which cannot be legally recorded therein without acknowledgment and certificate thereof, when at the time of such signing and sealing, the grantor, mortgagor, or other party executing such deed, mortgage, or other instrument had not first acknowledged the execution thereof before such notary public or other officer as aforesaid, shall be imprisoned in the penitentiary not more than three years. False certificate of acknowledgment.

SEC. 113. Whoever, having been appointed a notary public, does or performs any act as a notary public, after the expiration of his term of office, knowing that such term of office has expired, shall be fined not more than five hundred dollars nor less than twenty-five dollars. Notary, acting after term expires.

SEC. 114. Whoever, being a justice of the peace or constable shall, directly or indirectly, purchase any judgment, or interest therein, on the docket of such justice, or upon any docket in his possession, shall be fined not more than one hundred dollars. Justice purchasing judgment.

SEC. 115. Whoever, having lawfully the custody of any person charged with or convicted of any felony the punishment for which is death or confinement in the penitentiary, shall voluntarily Suffering escape.

suffer such prisoner to escape from his custody, shall be imprisoned in the penitentiary not more than fourteen years.

Aiding es-
cape.

SEC. 116. Whoever, not being a person having the lawful custody of any prisoner charged with or convicted of a felony, shall aid or accomplish the escape of such prisoner, shall be imprisoned in the penitentiary not more than fourteen years.

Aiding es-
cape from jail.

SEC. 117. Whoever aids or assists a person lawfully confined in any jail, city prison or other lawful place of confinement to escape therefrom or in an attempt to escape therefrom; or who shall convey into such place of confinement anything with intent to facilitate the escape of such prisoner, although no escape be actually made, shall be fined not more than five hundred dollars nor less than fifty dollars, and imprisoned in the county jail not more than one year.

Suffering
escape.

SEC. 118. Whoever, having lawfully the custody of any person charged with or convicted of any misdemeanor or with the offense of bastardy, shall voluntarily or negligently suffer such person to escape out of his custody, shall be fined in any sum not more than one thousand dollars nor less than one hundred dollars.

Evading
habeas cor-
pus.

SEC. 119. Whoever, having under his restraint any person for whose release a writ of habeas corpus shall have been duly issued, or is being applied for, with intent to elude the service of such writ or to avoid the effect thereof, transfers such person to the custody or control of another, or conceals the place of his or her confinement or restraint, or removes him or her without the jurisdiction of the court from which the writ is issued or sought to be issued; and whoever shall knowingly aid in the commission of any such offense, shall be fined in any sum not more than one thousand dollars nor less than twenty-five dollars, to which may be added imprisonment in the county jail not exceeding ninety days.

Obstructing
process.

SEC. 120. Whoever obstructs the execution of any legal process, or who shall forcibly free any person from legal arrest knowing such person to be under arrest, shall be fined not more than ten thousand dollars nor less than one hundred dollars, to which may be added imprisonment in the county jail not exceeding one year.

Disobeying
subpoena.

SEC. 121. Whoever, having been duly served with a subpoena or citation duly issued, refuses or wilfully fails to obey the same, or secretes himself, or leaves the place of his residence to avoid being served with a subpoena issued, or that he has reason to believe will be issued for him in any cause pending in any court, or in any matter before any legal authority; or, being present before any court or legal authority, and called upon to give testimony, refuses to take an oath or affirmation; or, being sworn or affirmed, refuses to answer any question required by such court or authority to be answered, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than ninety days. But this section shall not prevent summary proceedings for contempt.

Intimidating
juror or wit-
ness.

SEC. 122. Whoever, corruptly or by force, or threats, or threatening letters, endeavors to influence, intimidate or impede any juror, witness or officer, in the discharge of his duty; or, by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice in any court of this territory, shall be fined not more than one thousand dollars, to which may be

added imprisonment in the county jail not more than sixty days, nor less than ten days.

SEC. 123. Whoever, being a sheriff, jailor, or other person, having the care and custody of any jail, prison, or other lawful place of confinement, suffers the same to become foul or unclean, shall be fined not more than one hundred dollars. Foul jail.

SEC. 124. A clerk, sheriff, coroner, constable, or other ministerial officer who refuses or neglects to perform any duty he is required by law to perform in any criminal case or proceeding; and every officer whose duty it is to execute the same, who unnecessarily delays to serve any warrant, legally issued in any criminal case, which is delivered to him to execute, when it is in his power to serve the same, either alone or by calling assistance, shall be fined not more than five hundred dollars, to which may be added imprisonment in the county jail not more than six months. Official negligence.

SEC. 125. Whoever, when required by any sheriff or his deputy, or by any coroner, constable, or any conservator of the peace, to assist him in the execution of his office or in the service of any process, refuses or neglects to render such assistance, without having a valid cause for so refusing or neglecting, shall be fined not more than one hundred dollars. Refusing to aid officer.

SEC. 126. Whoever officiates in any place of authority without being legally authorized is guilty of usurpation, and shall be fined not more than five hundred dollars. Usurpation.

SEC. 127. Whoever, having been elected or appointed to any office, or being the deputy of any officer so elected or appointed, performs any of the duties of such office without having taken and subscribed the oath prescribed by law, or before having given and filed the bond required of him and in the manner prescribed by law, shall be fined not more than one thousand dollars. Officer acting before qualifying.

SEC. 128. Any treasurer, clerk, sheriff, or member of the board of commissioners of a county, who shall purchase or receive any warrant or demand against such county for less than the face value of such demand, shall be fined not more than five hundred dollars. Officer discounting warrants.

SEC. 129. Any territorial officer, county commissioner, trustee of any school district, mayor, councilman, or trustee of any city or town, or any person holding any appointing power, or any person holding a lucrative office under the laws of this territory, who shall, during the time he may occupy such office or hold such appointing power and discharge the duties thereof, be interested, directly or indirectly, in any contract for the construction of any territorial building, court house, school house, bridge, public building, or work of any kind erected or built for the use of the territory, or any county, school district, city or town in the territory, in which he exercises any official jurisdiction; or who shall bargain for or receive any percentage, drawback, premium, or profits, or money whatever, on any contract or for the letting of any contract or making any appointment wherein the territory, or any county, school district, city or town is concerned, shall be fined not more than five thousand dollars nor less than one hundred dollars. Officer interested in contracts.

SEC. 130. Section thirty-two hundred and thirty-two, of the Revised Statutes of Wyoming, is hereby amended and re-enacted so as to read as follows: "Sec. 3232. After the discharge of the grand jury it shall be lawful for the court, when it shall be New grand jury.

deemed necessary, to order a new grand jury to be summoned, returned and sworn, which shall thereafter proceed in the manner provided by law, and such grand jury may be summoned on an open venire."

Filing and
recording in-
dictment.

SEC. 131. Section thirty-two hundred and thirty-nine of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3239. Indictments found by the grand jury shall be presented by their foreman to the court in the presence of the jury, and shall be filed with the clerk who shall endorse thereon the day of their filing, and he shall then record such indictment, with its endorsements, in a record book to be kept for that purpose, and the clerk must compare the record with the original indictment, and certify to the correctness thereof. The clerk shall enter each case upon the appearance docket, and also upon the trial docket of the term as soon as the persons indicted have been arrested."

Lost indict-
ment.

SEC. 132. Whenever an indictment is lost, mislaid, stolen or destroyed, and the same shall have been recorded and certified as required by law, such record, or a copy thereof, certified to be a true copy by the clerk of the court to which such indictment was presented, shall be sufficient evidence of the finding of such indictment, and of the contents thereof, and the defendant may be tried upon such record or copy, and the trial thereon shall proceed and be determined in the same manner and have the same binding force and effect as if the original indictment were present.

Nol-prossing
indictments.

SEC. 133. No indictment shall be nol-prossed, except by order of the court on the motion of the prosecuting attorney, and such motion must be in writing, and the reasons therefor must be stated in such motion and read in open court before such order is made.

Indictment
for homicide.

SEC. 134. Section thirty-two hundred and forty-six of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3246. In any indictment for murder in the first degree, or murder in the second degree, or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death was caused, but it shall be sufficient in an indictment for murder in the first degree to charge that the defendant did purposely and with premeditated malice, kill and murder the deceased; and in like manner in any indictment for murder in the second degree, it shall be sufficient to charge that the defendant did purposely and maliciously, but without premeditation, kill and murder the deceased; and in a like manner in any indictment for manslaughter, it shall be sufficient to charge that the defendant did unlawfully kill the deceased."

Peremptory
challenges.

SEC. 135. Section thirty-two hundred and eighty of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3280. The defendant may challenge peremptorily, in capital cases, twelve jurors, in other felonies, eight jurors, and in misdemeanors, four jurors. The prosecution may challenge peremptorily, in capital cases, six jurors, in other felonies, four jurors, and in misdemeanors, two jurors; and the number of peremptory challenges so allowed to the prosecution shall be multiplied by the number of defendants on trial in each case. Each defendant shall be allowed his separate peremptory challenges. The peremptory challenges shall be made alter-

nately in the following order: The prosecution may challenge one juror for each defendant then on trial, then each defendant may challenge two jurors, then the prosecution may challenge one juror for each defendant then on trial, then each defendant may challenge two jurors, and the same shall continue in this order as near as may be until the challenges shall all be exhausted or the jury accepted."

SEC. 136. Section thirty-two hundred and eighty-one of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3281. Challenge for cause shall lie with both the defense and the prosecution, and all challenges for cause shall be tried by the court on the oath of the person challenged, or on other evidence, and such challenge shall be made before the jury is sworn and not afterwards."

SEC. 137. Section thirty-two hundred and eighty-three of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3283. In the trial of criminal cases it shall not be cause for challenge that a person called to act as a juror has formed or expressed an opinion as to the guilt or innocence of the accused from newspaper reports and rumor, or from either of them, if such person swear that he can impartially try the case according to the law and evidence notwithstanding such opinion."

SEC. 138. Section thirty-three hundred and six of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3306. If a defendant feels himself aggrieved by any decision of the court he may present his bill of exceptions thereto, or to the judge thereof in vacation, which the judge shall sign, and the same shall be made a part of the record and have the same force and effect as in civil cases; if exceptions be taken to the decision of the court, on overruling a motion for a new trial because the verdict is not sustained by sufficient evidence, or is contrary to law, the bill of exceptions must contain all the evidence, and the taking of all bills of exceptions shall be governed by the rules established in civil cases."

SEC. 139. Section thirty-three hundred and thirty-eight of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3348. An application for a new trial shall be by motion upon written grounds, which shall be filed at the term the verdict is rendered, and except for the cause of newly discovered evidence material for the party applying, which he could not with reasonable diligence have discovered and produced at the trial, shall be filed within three days after the verdict was rendered, unless additional time be granted by the court upon good cause shown."

SEC. 140. Section thirty-three hundred and forty-nine of the Revised Statutes of Wyoming is hereby amended and re-enacted so as to read as follows: "Sec. 3349. The causes enumerated in sub-divisions two, three and five, of section thirty-three hundred and forty-seven must be sustained by affidavits showing their truth, and may be controverted by affidavits."

SEC. 141. It shall not be necessary to prove emission to convict any person of the crime of rape, or the crime against nature.

SEC. 142. False imprisonment is the unlawful violation of the personal liberty of another, and consists in confinement or de-

tention, without sufficient legal authority; any person convicted of false imprisonment shall be fined in any sum not exceeding five hundred dollars, or imprisoned not exceeding one year in the county jail.

Allegation
and proof of
money.

SEC. 143. In a prosecution against a person accused of embezzlement, or fraudulently converting to his own use bullion, bank notes or any security for money, it shall be sufficient to allege the embezzlement or fraudulent conversion to be of money, without specifying any particular money, gold, silver, notes or security, and such allegation, so far as it regards the description of the property, shall be sustained, if the accused be proved to have embezzled any bullion, money, bank notes, or any security for money, although the particular species be not proved.

Indictment
for perjury.

SEC. 144. In every indictment for perjury or subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and before what court or authority the oath or affirmation was taken, averring such court or authority to have had full power to administer the same, together with the proper averment or averments to falsify the matter or matters, wherein the perjury is assigned, without setting forth any part of the records or proceedings, either in law, or in equity, other than as aforesaid, and without setting forth the commission or authority of the court, or other authority before whom the perjury was committed, or the form of oath or affirmation, or the manner of administering the same.

Refusing to
pay public
warrant.

SEC. 145. Any territorial county treasurer, who, upon presentation of any auditor's warrant, territorial warrant, county order or like evidence of indebtedness, for payment, shall refuse payment thereof, there being then in such treasury sufficient funds appropriated by law for the payment of such warrant, order or like indebtedness, or wherefrom by law, payment thereof, ought to be made, and any county treasurer or collector of taxes, who, upon presentation of any auditor's warrant, county order, or other like certificate or evidence of indebtedness, in payment of any taxes which may by law be paid therein, shall refuse to receive such order, warrant or certificate in payment of such taxes, every such officer so offending shall be liable to indictment, and upon conviction shall be fined in any sum not exceeding five hundred dollars. This section shall extend to the deputies of every such treasurer or collector of taxes.

Justification
of libel.

SEC. 146. In all prosecutions for libel, the truth, when published with good intent and for justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts under the direction of the court.

Selling liquor
to Indians.

SEC. 147. Any person or persons who shall sell, barter or give away any spiritous or intoxicating liquor to any Indian or Indians, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not more than one thousand dollars, to which may be added imprisonment in the county jail for any period not more than six months.

Repeal.

SEC. 148. An act entitled "An Act making it a felony to sign any false certificate of acknowledge or jurat, and prescribing the punishment therefor," approved March 6th, 1888, and sections eight hundred and fifty-four to and including section nine hundred and twenty-two; sections nine hundred thirty-six, to and including

section nine hundred and ninety-nine; sections one thousand, one thousand and twenty-one, one thousand and fifty-six, one thousand fifty-eight, one thousand and sixty, three thousand two hundred and eighty-four, three thousand two hundred and eighty-five, three thousand three hundred and thirty, and four thousand one hundred and forty, all in the Revised Statutes of Wyoming, are each and all hereby repealed; *Provided*, That any offense committed prior to the passage of this act shall be inquired of, prosecuted and punished in the same manner and with the same effect as if this act had not been passed. Saving clause.

SEC. 149. The district court may, whenever it is of the opinion that the public interests require it, appoint an attorney to assist or act, for the prosecuting attorney, in the trial of cases or before the grand jury, and, while so assisting or acting, such attorney may perform any act or duty which the prosecuting attorney could perform; and the county shall pay such assstant such compensation for his services as the court shall deem proper, which sum, unless otherwise ordered by the court, shall be deducted from the salary of the prosecuting attorney. Assistant prosecutor.

SEC. 150. The words "horse," and "mule," and "neat cattle," in addition to severally including the plural and singular, shall also severally include animals of both sexes and of all ages. "Neat cattle," etc., defined.

SEC. 151. In any indictment the description of any kind or class of neat cattle, shall be deemed sufficient, if described as neat cattle, and the proof of the brand thereon shall be deemed sufficient to identify all classes of live stock, and proof of the ownership of such brand shall be prima facie evidence of the ownership of such live stock. Owners help of live stock.

SEC. 152. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 74.

LIENS.

AN ACT for the Protection of Horse Breeders and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. The owner of a stallion shall have a lien upon any mare bred to such stallion, and also upon any colt begotten by such stallion, for the sum stipulated to be paid for such service. Lien.

SEC. 2. A notice of such lien shall within sixty days after the day of such service be filed in the office of the county clerk of the county in which the mare or colt is held or pastured, or subject to taxation, and the county clerk shall immediately index the said notice of lien in a lien index; and he shall receive a fee of twenty- Notice of lien.

five cents for each notice of lien filed, and for each bill of sale filed as hereinafter mentioned.

Priority of lien. SEC. 3. The lien herein given shall be prior to and take precedence of any lien or incumbrance given or arising subsequent to such service, except the lien for taxes.

Taking possession by lien holder. SEC. 4. At any time after default of payment for such service, and within one year after such service the owner of such lien may take possession of any mare or colt upon which such lien exists in accordance with law, and sell the same as is hereinafter provided.

Sale of property under lien. SEC. 5. Such sale shall be made at public auction, the lien holder first giving ten days notice thereof in some newspaper published in the county where the notice of lien is filed, and if no newspaper be published in such county, then said notice shall be posted for two weeks in at least three public places in the county, one of which shall be at the front door of the building used as a court house; such notice shall describe the animal or animals to be sold, and state the amount of money claimed to be due thereon and when the service was rendered; the exact time and place of such sale shall also be stated. If for any good reason it shall be necessary to adjourn the sale, new notices shall be given as in the first instance required. A lien holder shall not be debarred from purchasing at such sale, because of his owning the lien on the animal sold. The purchaser shall take from the person selling such mare or colt a bill of sale which shall contain the substance of the notice of sale and the date of sale and consideration therefor, and such bill of sale shall be filed in the office of the county clerk where the notice of lien was filed.

Colt shall be sold first. SEC. 6. In case a mare and her colt are taken under a lien, the colt shall be sold first, and if the proceeds thereof are sufficient to pay the expense incurred in taking possession under the lien and the filing fee and costs of notices, then the mare shall not be sold. After deducting the said expenses from the proceeds of any sale, the residue, if any, shall be returned to the person entitled thereto. The lien herein given shall not debar any holder of a lien from abandoning the same and recovering the amount due him for such service, by an action at law.

Consent of lien holder to sell property. SEC. 7. Any owner of a mare or colt upon which a lien exists under this act, who shall sell or otherwise dispose of such mare or colt before said lien expires or is satisfied, or who shall remove such mare or colt out of the county in which said notice of lien is filed, with intent to deprive such lien holder of his lien, or with intent to damage an innocent purchaser, without first having obtained the consent of the lien holder to such disposition or removal, shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined in a sum not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the county jail not more than three months.

In force. SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 75.

JUDICIAL DISTRICTS AND COURTS.

AN ACT Defining Judicial Districts and Regulating Terms of Courts and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. The territory is hereby divided into judicial districts as follows: The counties of Laramie, Converse and Crook shall compose the first judicial district; the counties of Albany, Johnson, Sheridan and Natrona shall compose the second judicial district; and the counties of Uinta, Sweetwater, Carbon and Fremont shall compose the third judicial district; *Provided, however,* That whenever the fourth justice of the supreme court shall have been appointed and shall have qualified, then and thereafter the counties of Weston, (when organized), Crook, Johnson and Sheridan shall compose the fourth judicial district, and the counties of Laramie and Converse shall compose the first judicial district, and the counties of Albany and Natrona shall compose the second judicial district.

SEC. 2. The Honorable Willis Van Devanter, chief justice, and his successors in office, are hereby assigned to the first judicial district; the Honorable Micah C. Saufley, associate justice, and his successors in office, are hereby assigned to the second judicial district; the Honorable Samuel T. Corn, associate justice, and his successors in office, are hereby assigned to the third judicial district; and whenever a fourth justice of the supreme court shall be appointed and shall have qualified, he and his successors in office shall be and are hereby assigned to the fourth judicial district.

SEC. 3. Regular terms of district court in the several counties of the first judicial district shall be held in each year at the respective county seats of such counties as follows: In the county of Laramie two terms, one beginning on the fourth Monday of May, and one beginning on the second Monday in November; in the county of Crook two terms, one beginning the second Monday in February, and one the second Monday in August; the county of Converse two terms, one beginning the fourth Monday in March, and one the third Monday in October. *Provided, however,* That in the year 1890, the March term of the district court in the county of Converse shall be omitted.

SEC. 4. Regular terms of district court in the several counties of the second judicial district shall be held in each year at the respective county seats of such counties as follows: In the county of Albany two terms beginning on the second Monday of March and the first Monday in October; in the county of Johnson two terms commencing with the first Monday in May and the first Monday in September; in the county of Sheridan one term commencing on the third Monday in September; in the county of Natrona one term commencing on the third Monday in August. *Provided, however,* That in the year A. D. 1890 the May term in the county of Johnson shall be omitted.

Courts in third district. SEC. 5. Regular terms of the district court in the several counties of the third judicial district shall be held in each year at the respective county seats of such counties as follows: In the county of Uinta two terms beginning with the first Monday in April and the first Monday in September; in the county of Sweetwater two terms beginning with the fourth Monday in April and the fourth Monday in September; in the county of Carbon two terms beginning with the second Monday in May and the second Monday in October; in the county of Fremont one term beginning with the first Monday in July.

Federal courts SEC. 6. The district courts of the several judicial districts when exercising their jurisdiction as circuit and district courts of the United States shall be held in the several judicial districts as follows: In the first judicial district at the same times and places provided for holding district court in the county of Laramie; in the second judicial district at the same times and places provided for holding district court in the county of Albany; and in the third judicial district at the same times and places provided for holding district court in the county of Uinta; and in the fourth judicial district whenever the same shall be established at the same times and places provided for holding district courts in the county of Johnson.

Federal jurisdiction. SEC. 7. The jurisdiction and authority and process of the district courts of the several judicial districts when exercising the jurisdiction as circuit and district courts of the United States shall extend to the entire judicial district wherein such court is held, and the district courts of the several judicial districts shall be authorized to direct the issuance of open venire to the United States marshal demanding him to summon grand and petit jurors respectively from the body of the district, and the laws of the territory relating to the number and qualifications of grand and petit jurors respectively shall apply to the district courts when exercising the jurisdiction aforesaid.

Juries. SEC. 8. Regular terms of district court in the several counties of the fourth judicial district, whenever the same shall be established, shall be held in each year at the respective county seats of such counties at the times hereinbefore designated.

Courts in fourth district. SEC. 9. The supreme court shall meet annually at the capitol on the second Monday in January.

Supreme court. SEC. 10. Section eight hundred and twenty-three, and sections eight hundred and thirty-nine to and including section eight hundred and forty-two of the Revised statutes of Wyoming, are hereby repealed.

Repeal. SEC. 11. This act shall take effect and be in force from and after its passage.

In force. Approved March 14, 1890.

CHAPTER 76.

ALIENATION.

AN ACT to Provide for the Recording of Certain Instruments Affecting the Title to Lands, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section seventeen of the Revised Statutes of the Territory of Wyoming be, and the same is hereby amended to read as follows: "Section 17. Each and every such deed, mortgage or conveyance touching any interest in lands, made and recorded according to the provisions of this chapter, shall be notice to and take precedence of any subsequent purchaser or purchasers from the time of delivering said instrument at the office of the register of deeds for record. Patents issued by the United States for lands and certificates of purchase or payment for public lands issued by the receiver of the land office, shall be entitled to record under this chapter, and the record of all such instruments shall have the same effect to all intents and purposes as though the same were acknowledged and otherwise executed as required by the provisions of this chapter relating to conveyances."

Amendment
17, R. S.,
Wyo.

Reading of
instruments.

Patents and
receiver's re-
ceipts.

SEC. 2. The record of all patents and certificates of purchase or payment mentioned in the last preceding section, heretofore made, is hereby declared to have the same force and effect as though such record had been made after the passage of this act, but these provisions shall not be construed to take away or impair any rights that have become vested before the passage of this act.

Record in g
heretofore of
patents and
receiver's re-
ceipts.

SEC. 3. The certificate of purchase or payment issued by the receiver of any land office, or if that be lost or destroyed, or beyond the reach of the holder, secondary evidence of its contents is proof of title to the lands therein described, equivalent to a patent against all, except the United States or the holder of a patent from the United States.

When re-
ceiver's re-
ceipt is lost.

SEC. 4. This act shall take effect and be in force from and after its passage.

In force.

Approved March 14, 1890.

CHAPTER 77.

SCHOOL DISTRICTS.

AN ACT to Amend the School Laws of the Territory of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Section thirty-nine hundred and twenty-one of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 3921. The qualified electors of a school district when assembled in accordance with the notice required in section thirty-nine hundred and eighteen shall organize

Amendment
3921, R. S.,
Wyo.

Meeting to
elect trustees.

by appointing a chairman and secretary who shall act as judges of the election. They shall then by ballot elect three trustees possessing the qualifications of electors of said district and the name of each elector shall be recorded by the secretary and they shall hold their office until the next succeeding annual district election and until their successors are elected and qualified. The said trustees shall constitute a board of directors for the district and shall, as soon as they are qualified, choose from their number a director, treasurer and clerk of the district."

Amendment
§ 3924, R. S.,
Wyo.

SEC. 2. Section thirty-nine hundred and twenty-four of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 3924. All directors of the board shall, within ten days after their election, appear before some justice of the peace or other person qualified to administer oaths and take an oath for the faithful performance of their duties and in accordance with law and shall, without delay, transmit a copy of said oath in writing to the county superintendent of schools."

Oath of di-
rectors.

Amendment
§ 3933, R. S.,
Wyo.

SEC. 3. Section thirty-nine hundred and thirty-three of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 3933. Except as otherwise provided by law there shall be elected in each organized school district at the regular annual district meeting on the first Monday of May of each year, one trustee, who shall hold his office for three years and until his successor is duly elected and qualified. If for any cause the annual election should not be held at the regular annual meeting, a special meeting may be held for that purpose if so specified in the notice for said special meeting. The trustees together shall constitute a board of directors for the district, and shall, immediately after they are qualified, elect one of their number a director, treasurer and clerk of the district. At the first regular annual election after a school district is organized there shall be three trustees elected, one to hold his office for the term of three years, and one to hold his office for the term of two years, and one for the term of one year, and until their successors are elected and qualified, and thereafter at each such annual meeting there shall be one trustee elected as aforesaid for the term of three years as successor to the outgoing member of the board and all of said trustees herein mentioned shall possess the qualifications of an elector in said district and shall be elected by ballot and the name of each elector voting for trustee shall be recorded by the secretary of the meeting and such record shall be filed with the district clerk."

Election of
trustee

Term of trust-
tees.

Amendment
§ 3954, R. S.,
Wyo.

SEC. 4. Section thirty-nine hundred and fifty-four of the Revised Statutes of Wyoming is hereby amended and re-enacted to read as follows: "Section 3954. The clerk shall record all the proceedings of the board and of the district meetings in books to be kept for that purpose and report in writing to the county superintendent of schools the name of the director and treasurer immediately after they are chosen or elected and he shall preserve copies of all reports made to the county superintendent and shall file all papers transmitted to him, by school officers or other persons pertaining to the business of the district, and shall sign all drafts, warrants and orders drawn by him.

Clerk.

Amendment
subdivision 8,
§ 3927, R. S.,
Wyo.

SEC. 5. Amend and re-enact subdivision eighth, of section thirty-nine hundred and twenty-seven of the Revised Statutes of Wyoming to read as follows: "Eighth. To delegate any

and all powers specified in the foregoing subdivisions to the district board; *Providing always*, That the district board shall not have power to vote or raise money as provided in subdivision fifth as amended and re-enacted in chapter one, section 12, page 163, session laws of the Territory of Wyoming, A. D. 1888. District meeting.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 78.

JUSTICES' COURTS.

AN ACT to Amend and Re-enact Section Thirty-five Hundred and Five of the Revised Statutes of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section thirty-five hundred and five of the Revised Statutes of Wyoming be, and the same is hereby amended and re-enacted to read as follows: "Section 3505. The execution must be directed to the sheriff or any constable of the county and subscribed by the justice by whom the judgment was rendered, or by his successor in office, and must bear date the day of its delivery to the officer to be executed. It must intelligibly refer to the judgment by stating the names of the parties and the name of the justice before whom, and of the county where, and the time when it was rendered, the amount of the judgment, and if less than the whole is due, the time amount thereon, it must require the sheriff or constable substantially as follows: Amendment § 3505, R. S., Wyo.

First—It must direct the officer to collect the amount of the judgment out of the personal property of the debtor and pay the same to the party entitled thereto.

Second, If it be a case where any of the judgment debtors are certified on the docket as surety, it shall command that the money be made of the personal property of the principal debtor and for want thereof, of the personal property of the surety; in such cases the personal property of the principal subject to execution within the jurisdiction, shall be exhausted before any property of the bail shall be taken in execution. What execution shall contain.

Third—It must in all cases direct the officer to make return of the execution and the certificate thereon, showing the manner in which he has executed the same within thirty days from the time of his receipt thereof.

SEC. 2. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 79.

COAL MINES.

AN ACT to Regulate the Weighing of Coal at Coal Mines, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Regulating
the weighing
of output.

SEC. 1. It shall be unlawful for any mine owner, lessee, operator, agent or company in this territory, employing miners at bushel or ton rates or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any device which shall take any part of the marketable coal from the amount thereof, before the same shall have been weighed and duly credited to the employes sending the same to the surface, unless otherwise agreed upon between miners and their employers. In case of any agreement where coal is credited to miners after having been screened and weighed, said miners or employes shall receive compensation for all marketable or salable coal sent by them to the surface, and accounted for at the customary rate of weights.

Penalty for
fraudulently
weighing
coal.

SEC. 2. Any person, company or corporation having or using scales for the purpose of weighing the output of coal mines in the Territory of Wyoming, so arranged or constructed that fraudulent or incorrect weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal as may be mined shall not be correctly weighed and reported according to the provisions of this act, shall be deemed guilty of a misdemeanor and shall be liable to the penalties as provided for in section four of this act.

Loaders.

SEC. 3. The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines where mining is done by machinery, wherever the workers are under contract to load coal by the bushel, ton or quantity, it shall be settled for in accordance with this act.

Penalty.

SEC. 4. Any person or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars or be imprisoned in the county jail for a term of not more than three months, or both such fine and imprisonment, at the discretion of the court.

In force.

SEC. 5. This act shall be in force on and after the first day of April, A. D., 1890.

Approved March 14, 1890.

CHAPTER 80.

ELECTIONS.

AN ACT Concerning Elections and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. There shall be held in the several voting precincts of Wyoming on the Tuesday next, after the first Monday in November, in the year eighteen hundred and ninety, and on the Tuesday next after the first Monday in November, in each second year thereafter, a general election, at which the following officers shall be elected: A delegate to congress, members of the council and house of representatives, and all county and precinct officers who hold office by election.

When and where held.

What officers elected.

SEC. 2. The following county and precinct officers shall hold their office by election:

County and precinct officers.

The clerk,
The commissioners,
The surveyor,
The sheriff,
The probate judge and county treasurer,
The county and prosecuting attorney,
The superintendent of schools,
The assessor,
The coroner,
The road supervisor,
The justices of the peace,
The constables.

SEC. 3. Special elections shall be held in the following cases and for the election of the following officers:

Special elections.

First—When there has been no choice at the general election, of any officer, not a precinct officer, who should properly have been chosen at such general election.

Second—When the rights of a person elected to the office of member of the council or member of the house of representatives, shall cease by death, or otherwise, before the commencement of, or during the term for which he shall have been elected.

SEC. 4. Special elections shall be conducted, and the results thereof canvassed and certified, in all respects as near as practicable, in the same manner as in general elections, except as otherwise specially directed.

Ibid.

SEC. 5. Except as hereinafter provided, every person shall be qualified and entitled to vote, who is over the age of twenty-one years, who is a citizen of the United States, or who has declared on oath, before a competent court of record, his intention to become a citizen of the United States, and has taken an oath to support the constitution and government of the United States, and who has been a bona fide resident of Wyoming six months, and of the county thirty days immediately preceding the election at which he votes, and who has complied with the provisions of this act.

Qualifications of voters.

Qualifications to hold office. SEC. 6. No person shall be eligible to any office, who, at the time he is chosen and during his incumbency therein, is not a qualified elector and an actual resident of the district, county, town, ward or precinct, as the case may be, in which he holds such office.

Women may vote and hold office. SEC. 7. When they possess the other qualifications of an elector, the rights of women to the elective franchise and to hold office shall be the same as those of men.

Persons disqualified to vote or hold office. SEC. 8. The following persons shall not vote or hold office:

One who is under guardianship,

One who is non compos mentis,

One who has been within Wyoming convicted of any felony, unless restored to civil rights by pardon,

One who has made, or become, either directly or indirectly, interested in any bet or wager depending upon the result of the election at which he or she shall offer to vote.

Election districts. SEC. 9. The boards of county commissioners of the several counties shall at their regular meeting to be held in July, in the year eighteen hundred and ninety, and thereafter at each regular July meeting to be held every general election year, divide their several and respective counties into convenient election districts, which shall be numbered and known by the numbers designated. There shall not be less than five nor more than thirty election districts in any single county.

Polling precincts. SEC. 10. The county commissioners shall, in creating and establishing election districts establish in any one district, as many polling precincts as shall be necessary and convenient for the voters of the election district wherein such polling precincts may be established, but no polling precinct shall be established after the first day of registration as herein provided.

Petition on polling precincts. SEC. 11. At any meeting prior to the first day of registration the county commissioners shall have discretionary power on petition of ten qualified voters within any election district, to vacate, change, consolidate, remove or establish any polling precincts within the several election districts; *Provided*, That no increase or decrease shall be made in the number of such election districts oftener than once in two years.

Precinct shall not contain more than 400 voters. SEC. 12. On or before the first day of September of each year in which an election is to be held the officers charged by law with the establishment or alteration of polling precincts, shall, as far as necessary, divide the existing election districts into polling precincts in such manner that each polling precinct shall not contain more than four hundred voters.

Municipal precincts. SEC. 13. In altering and establishing election districts and polling precincts the county commissioners shall be governed and guided by the interest and convenience of the greatest number of electors; *Provided*, That in municipalities the polling precincts shall not extend over more than one ward and that the polling precincts so established shall be polling precincts for municipal elections.

Election districts. SEC. 14. Each incorporated city and town and each village in Wyoming containing one hundred inhabitants or more within an area of one square mile of territory, and all precincts located on the line of any railroad shall constitute an election district.

Registry agents. SEC. 15. The boards of the county commissioners of the several counties shall, at their regular meetings held in July in the year 1890 and thereafter at each regular July meeting to be held every

general election year, appoint two registry agents for each election district in their respective counties; said registry agents shall not be members of the same political party. Such registry agents shall be qualified voters in the several election districts for which they are respectively appointed and shall be otherwise competent to attend to the duties incident to their appointment. Such registry agents shall hold their offices for the term of two years and until their successors are appointed and qualified, and they may be removed at the will of the county commissioners for cause.

SEC. 16. Said registry agents shall meet on the Tuesday four weeks preceding each general and special election at the office of the clerks of their respective cities or towns and in villages at some convenient place therein to be made known by said registers by advertisement posted up in five public places at least five days before the time of meeting. They shall convene at nine o'clock a. m. and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in their respective election districts, designating the ward and polling precinct, if there be any, in which such persons are then residing and entitled to vote, which list, when complete, shall constitute and be known as the register of electors of said election district.

SEC. 17. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, according to their wards and polling precincts, when there are any, alphabetically arranged according to their surnames, so as to show in one column the name in full, in another column the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place, as near as may be, of each person.

SEC. 18. It shall be the duty of the said registry agents to enter on said lists the names of all persons residing in their jurisdiction who are entitled to and claim the right to vote at the next general election. Such persons shall appear in person. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe the following oath or affirmation which may be administered by one of the registry agents, and which shall be filed with said agent in person, to-wit: "I do solemnly swear (or affirm) that I am a citizen of the United States (or that I have declared my intention to become a citizen of the United States and have taken an oath to support the constitution and government of the United States) that I am of the age of twenty-one years (or that I will be twenty-one years of age on or before the election day next ensuing) and will have actually and not constructively been a bona fide resident of Wyoming six months and in this county thirty days next preceding the day of the next ensuing election, and that I am not registered anywhere in Wyoming for this electoral year, so help me God (or for which I will answer under the pains and penalties of perjury.)" Said registry agents shall sit continuously from day to day until their labors are completed, not exceeding five days, and they shall keep their office open for the transaction of their business each day during the following hours, to-wit: From nine o'clock a. m. to one o'clock p. m. and from two o'clock p. m. until 6 o'clock p. m. and from seven o'clock p. m. until nine o'clock p. m. When said registry is complete they shall make three copies thereof, and certify the register

Registry agents shall make list of voters.

Register of voters.

Voters shall make oath before being registered.

Duties of registry agents.

and the copies thereof to be a true list of the voters in their election district, so far as they may know. Within four days thereafter the said original list shall be filed by said registry agents in the office of the county clerk of the proper county and one copy of said list shall be filed in the office of the clerk of the municipal corporation of the election district, and one copy shall be retained by each of said registry agents, and said registry agents shall also make a copy for each polling precinct in the district, and in municipal corporations the last said copy shall contain the list of voters in the ward in which the polling precinct is located, showing the precinct in which each elector resides, which last said copies shall be deposited with the board of county commissioners of the county, to be by them distributed to the election officers of said precincts for their use on the day of election. And it shall be the duty of the board of county commissioners to cause a copy of each of said ward lists to be publicly posted at each polling precinct in said district at least eighteen days before election day.

Completed list of voters. SEC. 19. The said registry agents shall again meet at the places hereinabove designated twelve days preceding the day of election for the purpose of revising, correcting and completing said list. They shall hold sessions for not exceeding two days and during the same hours as at their first meeting.

Proceedings of registry agents shall be open. SEC. 20. The proceedings shall be open, and all persons residing and entitled to vote in said district shall have the right to be heard in person in relation to the corrections or additions to said register.

Voters may require their names registered. SEC. 21. It shall be the duty of said agents at their first meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district, to the satisfaction of said agents, to be non-residents of said district, or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district entitled to vote therein, may appear before said agents in person and require his or her name to be recorded in said alphabetical list for the ward or precinct in which he or she claims to reside. Any person requiring his or her name to be so entered on said list shall make the same affidavit required of an elector who registers as heretofore provided, and shall be subject to challenge by either of the registry agents or by any elector, and in case no challenge is made such name shall be entered upon the registry list, or in case of challenge as aforesaid then such person shall be registered only upon being vouched for by the oath of two electors, as hereinafter provided for challenges at elections.

List of registered voters shall be given to judges of election. SEC. 22. After said lists shall have been fully completed and five days or more before the day of election, the said agents shall cause a complete list of the registered voters of each precinct in their respective districts to be made, certify the same to be correct and deliver to the judges of election of each polling precinct a list of the registered voters in their respective precincts. It shall be the duty of the judges so receiving such list carefully to preserve such list for their use on election day and to designate two of their number at the opening of the polls to check the name of each registered voter voting in such precinct. No vote shall be received at any general or special election if the name of the person offering to vote

be not on said register made as aforesaid in districts where registration is required. Any person may be challenged and the same oaths required as now are or hereafter may be prescribed by law touching the legality of the vote offered.

SEC. 23. The clerks at each polling precinct where prior registration is not by law required, in addition to the duties now prescribed by law, shall enter on the poll list kept by them in columns prepared for that purpose, opposite the name of each person voting the same statement or minute heretofore required of the registry agents in making the registry. Duties of clerk of election.

SEC. 24. After the canvass of the votes the register so kept and checked as aforesaid shall be returned by the judges of election together with the poll-lists and said register shall be retained and carefully preserved as a public record in the office of the county clerk. Such register at all times shall be open for public inspection at the office of the said county clerk without charge. Duties of judges of election.

SEC. 25. The said registry agents shall each receive the sum of three dollars per day for each day actually employed, to be paid out of the county treasury upon properly verified claims. Salary of registry agents.

SEC. 26. The said registry agents shall have and exercise the same power in preserving order at their meetings under this act as are given to judges of election for preserving order on election day. All vacancies shall be filled by the board of county commissioners, if such board be in session in time and if not such vacancies shall be filled by the county clerk. Registry agents, vacancies, powers in preserving order.

SEC. 27. The judges of election of each election precinct in Wyoming, outside of incorporated cities and towns and villages, and all precincts located on the line of any railroad, shall be ex-officio registry agents for their respective precincts. Ex-officio registry agents.

SEC. 28. The said judges of election shall make out an election register which shall be in all respects similar to the register required of registry agents. And it shall be the duty of such judge to register the name of all persons offering to vote, in a list alphabetically arranged according to their respective surnames, so as to show in one column, the name in full, in another column the residence as near as may be and where it is possible, by legal subdivisions of land according to the United States government survey. Election register.

SEC. 29. Each person offering to vote shall be required to take and subscribe the same oath as is required herein of persons applying to be registered and the same shall be corroborated by the oath of a qualified elector of said precinct. Such affidavit shall be administered by one of the judges of election without charge and it shall be returned by the judges with the poll-lists. Oath of voter.

SEC. 30. When an applicant to vote shall be duly registered as required in the two preceding sections, his vote may then be received but not before. Persons shall register before voting.

SEC. 31. The penalties and other provisions contained in this act with reference to elections and the returns thereof, held in incorporated cities and towns and precincts located on the line of any railroad, shall apply to elections held in precincts outside of said incorporated cities and towns so far as the same shall be applicable. Penalties and provisions—application.

SEC. 32. If any person entitled to vote shall, on account of absence of five miles or more from his proper election precinct, be prevented from voting thereat, he shall not for that reason be disqualified from voting at such election, but he may vote in any Persons voting outside of their proper election precinct.

other election precinct in the territory for delegate to congress, if it be outside his proper county, and for all officers except precinct officers if it be within his county but outside his proper precinct. But before such person's vote shall be accepted he shall make affidavit in writing duly corroborated by a qualified elector that he is a legal voter in this territory, stating the name of his county and election district and giving his place of residence as near as may be, and stating the length of time he has resided in his county and in Wyoming. And such affidavit shall be administered by one of the judges of election without charge, and it shall be returned by them together with the poll lists.

Application
of provisions
of this act.

SEC. 33. The provisions of this act shall apply to all special elections and municipal elections.

Oath or af-
firmation of
elector.

SEC. 34. Whenever an oath is required by the provisions of this act, the elector shall swear according to the form of his religious faith or belief, or affirm under the pains and penalties of perjury.

Duties of
county com-
missioners.

SEC. 35. The county commissioners of the several counties shall supply the registry agents of their respective counties with all proper and necessary books and stationery and blank forms of affidavits for the voters, and particularly with printed copies of this act. They shall furnish to each registry agent a bound book which shall be known as the "Official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to-wit:

First—Number of the register.

Second—Date of registry.

Third—Name of elector.

Fourth—Age of elector.

Fifth—Where born.

Sixth—Name of polling precinct.

Seventh—Description of residence.

Resident--
defined.

SEC. 36. A resident within the meaning of this act shall be construed to mean a person who has resided or who will have resided continuously within Wyoming for six months, and in the county thirty days, as prescribed by law, next preceding the day of the next ensuing election.

Failure to
furnish lists of
registered vot-
ers.

SEC. 37. If any registry agent or any county commissioner fail or refuse to furnish the judges of election of any precinct lists of the registered voters in said precincts, as provided for herein, the judges of election are authorized to take a copy of the written list of registered voters in said precinct as provided for in this act, and conduct the election in said precinct in accordance with the provisions of this act and their returns shall show the reasons for using such written list instead of the registered list of such election.

Oath of reg-
istry agents.

SEC. 38. Before entering upon the duties prescribed in this act, the registry agents, including ex-officio registry agents, shall severally take and subscribe before an officer duly authorized to administer oaths, the following oath or affirmation which shall be filed in the office of the county clerk of their respective counties, to-wit: "I,....., registry agent for election district No., in the county of, Wyoming, do solemnly swear (or affirm) that I will perform all the duties of registry agent in and for said election district according to law and the best of my ability, and that in the discharge of

my duties as such agent I will honestly endeavor to prevent fraud, deceit or any other manner of abuse of the elective franchise, so help me God (or for which I will answer under the pains and penalties of perjury).

SEC. 39. The county commissioners and county clerks of the several counties shall cause to be made full and minute entries of all proceedings had under this act and to cause full copies of such proceedings and appointments of registry agents, judges, etc., to be published in a newspaper published within their respective counties as soon after their adjournment as is practicable, and the county clerks of the several counties shall immediately notify, in writing, the registry agents of their appointment.

Publication of proceedings of county commissioners.

SEC. 40. The board of county commissioners of the several counties shall issue a proclamation at least thirty days, if possible, prior to any general or special election to be holden within their respective counties, except as otherwise provided in this act, setting forth the names of all the offices to be filled at such election, and the number of persons required by law to fill such offices or vacancies occurring under the law in such offices.

Proclamation for election.

SEC. 41. The county commissioners of the several counties shall cause such proclamation to be posted in a conspicuous place at every postoffice within their respective counties and shall also cause the same to be published in the official paper of their respective counties (if there be one) at least twenty days, if possible, before the ensuing election.

Posting and publication of proclamation.

SEC. 42. The secretary of the territory shall, between the first and fifteenth day of September in each year in which a delegate to congress or any legislative officer is to be elected for a full term, make out and cause to be delivered to the board of county commissioners of each county, a notice in writing stating that at the next general election the before mentioned officers are to be elected or so many of such officers as are then to be chosen.

Duty of secretary of territory.

SEC. 43. Resignation of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment or to order an election to fill such vacancy.

Resignation of elective offices.

SEC. 44. Resignation of the office of a member of the council or house of representatives shall be made to the governor, who shall issue an order of election as in other cases of vacancies in the same offices.

Resignation of member of legislature.

SEC. 45. Every elective office shall become vacant on the happening of either of the following events to the incumbent before the end of his term of office:

When elective offices shall become vacant.

First—His death.

Second—His resignation.

Third—His becoming insane or non compos mentis.

Fourth—His ceasing to be an inhabitant of the territory, or if the office is local, his ceasing to be an inhabitant of the district, town, ward or precinct for which he was elected.

Fifth—His conviction of an infamous crime or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

SPECIAL ELECTION ON A QUESTION.
SEC. 46. Whenever any question is to be brought before and decided by the electors of Wyoming the governor may call a special election, which shall be conducted the same as a special election called to fill a vacancy in the office of delegate to congress.

VACANCY.
SEC. 47.—Whenever it is alleged that a vacancy in any office exists, the officer, court or county board, whose duty it is to fill the vacancy by appointment or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exists.

DELEGATE TO CONGRESS--VACANCY.
SEC. 48. When any vacancy shall occur in the office of delegate to congress more than sixty days prior to any general election, the governor may issue an order of election to the board of county commissioners of the several counties, appointing a day to hold a special election to fill such vacancy.

IBID.
SEC. 49. If any vacancy shall exist in the office of delegate to congress, one month, if possible, before such election, the secretary of the territory shall give notice in writing to the board of county commissioners of each county, specifying the cause of such vacancy, the name of the officer in whose office it occurred and the time when his term of office would have expired.

VACANCY OF MEMBER OF LEGISLATURE.
SEC. 50. Whenever a vacancy shall occur in the office of any member of the council or house of representatives, the county clerk of the county or counties in which the member whose office is vacant resided, shall immediately notify the governor of such vacancy, whereupon the governor shall issue an order of election to the board of county commissioners of the county or counties in which the vacancy is to be filled, upon which an election shall be held to fill such vacancy; but unless the legislature shall be in session at the time the vacancy occurs, or there shall be a session between the time at which the vacancy occurs and the next general election, no special election shall be ordered to fill such vacancy.

VACANCY--COUNTY AND PRECINCT OFFICERS.
SEC. 51. When a vacancy shall occur in the office of sheriff, county clerk, probate judge, county treasurer, county and prosecuting attorney, or county commissioners, superintendent of schools, coroner, surveyor, road supervisor, assessor, justice of the peace, constable or other county or precinct officer, any such vacancy shall be filled by appointment by the board of county commissioners in the county in which such vacancy exists. All such officers so appointed shall give bond, qualify and enter upon the discharge of their respective duties as by law required, and shall continue in the faithful discharge of such duties for the balance of the unexpired term of their respective predecessors in office.

COUNTY COMMISSIONERS--SPECIAL ELECTIONS.
SEC. 52. The board of county commissioners of each county shall make all adequate provisions for elections ordered by the governor and shall carry out all the provisions of law concerning special elections the same as if the elections had been called by the said board.

SPECIAL ELECTIONS FOR COUNTY AND PRECINCT OFFICERS.
SEC. 53. All special elections for county and precinct officers, shall be ordered by the county commissioners which order shall be countersigned by the clerk of the board of county commissioners.

SEC. 54. Every order issued for a special election shall specify the county or district in which such election is to be held, the reason for the special election, the name of the office to be filled, the time when the term of office will commence and the day on which such election is to be held, which shall, if possible, not be less than twenty days from the date of the order of election. Order for special election.

SEC. 55. The county clerk shall provide at the expense of the county proper ballot boxes, poll books and other necessary election blanks, official ballots as hereinafter provided, also the election laws of Wyoming in separate pamphlet form for each voting precinct and election district in the county and cause a suitable number thereof to be delivered to the judges of election of each voting precinct at least ten days, if possible, before any election is to be held within his county. County clerk shall furnish ballot boxes, etc.

SEC. 56. The board of county commissioners shall at the last regular session preceeding any election (but if said regular session be within thirty days before the election, then a special meeting shall be called) appoint three capable and discreet persons possessing the qualifications of electors to act as judges of election, at each polling precinct, and the county clerk shall make out and deliver to the sheriff of the county immediately after the appointment of such judges a notice in writing directed to the judges so appointed and said sheriff shall, within five days after the receipt of such notice, transmit the same by registered mail to each of said judges of election; *Provided*, That the sheriff shall in person or by deputy serve said notice upon any of the judges of election in the polling precinct at the county seat of his county. County commissioners judges of election.

SEC. 57. In making the appointment of judges of election as aforesaid, not more than two at any polling precinct shall be from any one political party. Judges of election.

SEC. 58. The judges of election shall be and continue judges of all elections to be held within their precincts for one year and until other judges shall be appointed as hereinbefore directed. All municipal elections shall be conducted in accordance with the provisions of this act; *Provided, however*, That the judges of election for such municipal election shall be appointed by the councilmen or trustees of the incorporated city or town in which said election shall be held. Term of judges of election.

SEC. 59. The judges of election shall choose two persons, having the same qualifications with themselves, to act as clerks of the election and the clerks of election may continue to act as such during the pleasure of the judges of election appointing them. The clerks shall not be members of the same political party unless it be impracticable to obtain two thus qualified. Clerks of election.

SEC. 60. If at any time appointed by law for the opening of any election any person duly appointed to act as judge of the election shall fail or refuse to act or to be sworn or affirmed to act in such capacity, the place of such persons shall be filled by the *viva voce* votes of such qualified electors residing within the polling precinct as may be present at the place of election and each person so elected to fill such vacancy shall be a qualified elector of the precinct and shall be vested with the same power as if appointed by the board of county commissioners. Judges of election--vacancy.

SEC. 61. Judges of election, whether appointed by the commissioners or elected, shall before entering upon their duty as Oath of judges of election.

judges of election severally take and subscribe the following oath in writing: "I do solemnly swear (or affirm) that I will impartially and to the best of my knowledge and ability perform the duties of judge of this election and I will studiously endeavor to prevent all frauds, deceit and abuse in conducting the same."

Ibid.

SEC. 62. Such oath may be taken before any person authorized to administer oaths, but if no person authorized to administer an oath be present, then the judges shall administer the oath to each other with like effect in all proceedings, both civil and criminal, as though the oath had been administered by any other person authorized to administer oaths.

Oath of clerk.

SEC. 63. The clerks of election shall take and subscribe in writing an oath similar in character to that required by law to be taken by the judges, which oath may be administered by any one of the judges to the clerks.

What poll list shall contain.

SEC. 64. Each clerk of election shall keep a poll list, which shall contain a column headed "number" and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books of the respective clerks in regular succession under the proper headings and the number of such voter placed opposite his or her name in the column headed "number."

Polls.

SEC. 65. At all elections a poll shall be opened at the place of election in each polling precinct. Such polls shall be opened as soon after nine o'clock in the forenoon as possible and be kept open until sunset without any adjournment.

Proclamation of opening and closing polls.

SEC. 66. When opening the polls, one of the clerks or judges of the election shall make proclamation of the same and at least thirty minutes before the closing of the poll proclamation shall be made in like manner of the time when the polls will be closed.

Preserving order at polls.

SEC. 67. The judges of election may appoint some constable (if there shall be one present) to preserve order at and about the polls. If no officer be in attendance the judges of the election may appoint one and he shall have the powers of a regular constable and be obeyed as such.

Ibid.

SEC. 68. Any constable attending such election, or person appointed by the judges as such, may arrest any disorderly person or suppress any riot or disorder without a warrant and may call a sufficient number of persons to his aid.

Place of holding election.

SEC. 69. No election shall be held nor shall any election be appointed to be held in any saloon or bar-room or in any room or place contiguous or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated the judges of election shall have power, and they shall on or before the day of such election and before the opening of the polls on such day, to procure a suitable place as near thereto as may be not subject to like objections. The judges shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them and at the time of such adjournment give public notice of such change as hereinafter provided and all expense attending such change shall be certified by the judges to the proper authorities, and shall be allowed and paid accordingly.

SEC. 70. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor the judges of election, after having assembled at or as near as practicable to such place, and before receiving any vote may change to the nearest convenient place for holding the election, and at such changed place forthwith proceed with the election. Judges may adjourn election.

SEC. 71. Upon changing the place of any election as provided in either of the next two preceding sections, the judges shall cause proclamation thereof to be made and shall station a constable or some other proper person at the place from which the change was made to notify all electors arriving at such place, of the change and the place to which it was made. Duties of judges.

SEC. 72. A space of twenty feet in every direction from the polls shall be kept open and clear of all persons except one challenger, of good conduct and behavior, selected by each political party to detect and challenge illegal voters. Open space at polls.

SEC. 73. The voters shall approach the polling place from one direction and depart in another. Approaching and departing from polling place.

SEC. 74. Electors shall in all cases except in those of felony or breach of the peace be privileged from arrest during their attendance on the elections, and in going to and returning from the same. Voters privileged from arrest.

SEC. 75. The judges of election shall permit at least one and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, to enter the room where the election is held to act as challengers of voters at such election. Challenges of voters.

SEC. 76. Any person offering to vote may be challenged and he shall not vote until he has taken the following oath administered by one of the judges of election: Oath of voters challenged.

"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, and who is registered in this precinct at this election, and that you have not voted at this election." Such elector so sworn shall also before voting deliver to the judges of election an affidavit signed by two qualified electors of that precinct stating that the person offering to vote, naming him, is the identical person whom he represents himself to be, and that the deponents have each known him for at least six months, and that they believe him to be a qualified elector. Such affidavit shall have attached thereto the jurat of the officer administering the oath, which jurat shall bear date the day of the election at which such person offers to vote, and shall be returned by the judges of the election with other election papers.

SEC. 77. The clerks of election shall write after the name of every person who has been challenged and voted the word "sworn" and the names of the electors making affidavit to the qualifications of the person voting. Duties of clerks of election.

SEC. 78. Each judge or clerk of the election shall challenge any person whom he shall know or suspect as not being a qualified elector. Judge or clerk of election.

SEC. 79. The oath in each case where challenge is given may be administered by either of the judges of election or by any officer, resident in the precinct or district authorized by law to administer oaths. Oath when challenged.

SEC. 80. There shall be provided and kept by the judges of each polling precinct (at the expense of the county) a substantial Ballot box.

ballot box with a secure lock and key; there shall be one opening and no more through the lid or corner of such box of sufficient size to admit a single folded ballot.

Ibid.

SEC. 81. Before any ballot shall be deposited in the ballot box, the box shall be publicly opened and exhibited and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges to be designated by the others, and shall not again be opened until the close of the polls. The ballot box shall not be removed from the presence of judges or clerks of election after locking said box as herein provided until all the ballots shall be counted and poll lists made of all the names on said ballots.

Ballots.

SEC. 82. All ballots cast in elections for public officers (except school district officers) shall be printed and distributed at public expense as hereinafter provided.

Payment for printing.

SEC. 83. The printing of ballots and cards of instructions for the electors of each county and the delivery of the same to the election officers, as hereinafter provided, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses and the expense of printing and delivering the ballots and cards of instruction shall in the case of municipal elections be a charge upon the city or town in which such election shall be held.

Nominations.

SEC. 84. Any convention or primary meeting as hereinafter defined, held for the purpose of making nominations to public office and also electors to the number hereinafter specified may nominate candidates for public office to be filled by election.

Convention or primary meeting defined.

SEC. 85. A convention or primary meeting within the meaning of this act is an organized assemblage of electors or delegates representing a political party.

Certificate of nomination.

SEC. 86. All nominations made by such convention or primary meeting shall be certified as follows: The certificate of nomination, which shall be in writing, shall contain the name of each person nominated, his residence, his business, and the office for which he is named and shall designate in not more than five words the party or principle which such convention or primary meeting represents. It shall be signed by the presiding officer and secretary of such convention or primary meeting who shall add to their signatures their respective places of residence and make oath before an officer qualified to administer the same that the affiants were such officers of such convention or primary meeting and that said certificate and the statements therein contained are true to the best of their knowledge and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken. Such certificate made out as herein required shall be delivered by the secretary or president of such convention or primary meeting as hereinafter required.

Filing of certificates of nomination.

SEC. 87. Certificates of nomination of candidates for offices to be filled by the electors of the entire territory or of any division or district greater than a county shall be filed with the secretary of the territory. Certificates of nomination for county and precinct officers, including members of either branch of the legislature, shall be filed with the clerks of the respective counties wherein the officers are to be elected. The certificate of a nomination for joint member of either branch of the legislative assembly shall be filed in th

office of the county clerk of each county to be represented by such joint member. Certificates of nomination for municipal officers shall be filed with the clerks of the respective municipal corporations wherein the officers are to be elected.

SEC. 88. Candidates for public office may be nominated otherwise than by convention or primary meeting in the following manner: A certificate of the nomination containing the name of a candidate for the office to be filled with such information as is required to be given in certificates provided for in section eighty-six of this act, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected in the following numbers:

Nominating candidates otherwise than by convention.

The number of signatures shall be not less than one hundred when the nomination is for an office to be filled by the electors of the entire territory, and shall be not less than ten when the election is for an office to be filled by the electors of a county, district, city or other division less than the territory; *Provided*, That the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence and his occupation.

Such certificates may be filed as provided for in the last preceding section of this act in the same manner and with the same effect as a certificate of nomination made by a party convention or primary meeting.

SEC. 89. No certificate of nomination shall contain the name of more than one candidate for each office to be filled and if it does it shall be void.

Candidates shall not run for more than one office.

No person shall join in nominating more than one person for the same office and if he does his name shall not be counted upon either certificate.

No person shall accept a nomination to more than one office and if he does not elect in writing to the proper officer before the time the official ballots are required to be printed his name shall not be placed upon the official ballot.

SEC. 90. One of the signers to each separate certificate of nomination shall swear that the statements therein contained are true to the best of his knowledge and belief, and the certificate of each oath shall be annexed.

Certificate shall contain oath.

SEC. 91. The secretary of the territory and the clerks of the several counties, and of the several municipal corporations shall cause to be preserved in their respective offices for one year all certificates of nomination filed in their respective offices under the provisions of this act. All such certificates shall be open to public inspection under proper regulations to be made by the officers with whom the same are filed.

Certificates filed.

SEC. 92. Certificates of nomination to be filed with the secretary of the territory shall be filed not more than sixty days, and not less than thirty days, before the day fixed by law for the election of the persons in nomination. Certificates of nomination herein directed to be filed with the county clerk shall be filed not more than sixty days, and not less than twenty days before the election; certificates for the nomination of candidates for municipal offices shall be filed with the clerk of the respective municipal corporations not more than thirty days, and not less than three days previous to the day of election: *Provided*, That the provisions of this

Time of filing certificate of nomination.

section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise.

Duties of sec-
retary of Wy-
oming.

SEC. 93. Not less than twenty-five nor more than thirty days before an election to fill any public office, the secretary of Wyoming shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the names and description of each person nominated for such office as specified in the certificate of nomination with the said secretary.

Nominations
shall be pub-
lished.

SEC. 94. At least ten days before an election to fill any public office, other than a municipal office, the county clerk of each county shall cause to be published in one or more newspapers within the county, if there be any, the nominations to office certified to him under the provisions of this act. The county clerk shall make such publication daily until the election, in counties where daily papers are published, but if there be no daily newspaper published within the county, two publications in each newspaper, if there be any, will be sufficient. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before election. In the case of municipal elections such publications shall be made in one or more newspapers, if there be any, devoted to the dissemination of general news and published within the municipal corporation in which the election is to be held at least three days before the election, the publication to be daily until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper, if there be any, shall be sufficient. If no newspapers are published in the county or municipal corporation the clerk of either such county or municipal corporation shall post the said notices at not less than five conspicuous places within the county or municipal corporation, as the case may be, at least ten days before the election, if possible.

Declining
nomination.

SEC. 95. Whenever any person nominated for public office as in this act provided, shall at least twenty-five days before election, except in the case of municipal elections, in a writing signed by him and acknowledged before an officer qualified to take acknowledgements, notifying the officer with whom the certificate nominating him is by this act required to be filed that he declines such nomination, such nomination shall be void. In municipal elections such declination must be made at least two days before the election.

Vacancies--
nominations.

SEC. 96. Should any person so nominated die before the printing of the tickets, or decline the nomination as in this act provided, or should any certificate of nomination be, or become insufficient, or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations.

Filling va-
cancies.

SEC. 97. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may upon the occurring of any such vacancies proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies and such

further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the same manner, and shall have the same force and effect as an original certificate of nomination.

SEC. 98. When such certificate shall be filed with the secretary of the territory he shall on certifying the nominations to the various county clerks insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forth his certificate he shall certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Secretary of territory certifying to nomination.

SEC. 99. When any vacancy occurs before election day and after the printing of the tickets, and any person is nominated according to the provisions of this act to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed shall thereupon have printed a requisite number of stickers, and shall mail them by registered letter to the judges of election in the various precincts interested in such election and the judges of election whose duty it is to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector.

Nominations after tickets are printed.

SEC. 100. A sticker shall be a strip or piece of paper bearing upon one side the printed or written name or names of a candidate or candidates for office, and bearing upon the other side an adhesive substance.

Sticker defined.

SEC. 101. Whenever a proposed constitution or constitutional amendment, or other question is to be submitted to the people of Wyoming for popular vote the secretary of the territory shall not less than thirty days before election certify the same to the clerk of each county, and the clerk of each county shall include the same in the publication hereinbefore provided. Questions to be submitted to the people of a county or municipality shall be advertised as provided for nominees for office.

Duties of secretary of territory when question to be voted on.

SEC. 102. Except as in this act otherwise provided, the clerk of each county shall provide printed ballots for every election for public officers other than city, town or school district officers, in which the electors or any of the electors within the county participate, and to cause to be printed in the ballot the name of every candidate whose name has been certified to, or filed with the county clerk, in the manner provided for in this act. Ballots other than those printed by the respective county clerks, according to the provisions of this act shall not be cast or counted in any election. In all the municipal elections the duties herein specified, as devolving on the county clerk, shall devolve on the municipal clerk.

Printed ballots.

SEC. 103. Nothing in this act contained shall prevent any voter from writing on his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter; and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in making or preparing his ballot, except otherwise provided in section one hundred and twenty-one.

Voter may write name of his candidate on ballot.

What ballot shall contain. SEC. 104. All ballots prepared under the provisions of this act shall be white in color and of a good quality of paper, and the names shall be printed thereon in black ink. Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act and no other name. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order according to surnames, except that the names of electors of president and vice-president of the United States, presented in one certificate of nomination, shall be arranged in a separate group. Every ballot shall also contain the name of the party or principle which the candidates represent as contained in the certificate of nomination.

At the end of the list of candidates for each office shall be left a blank space large enough to contain as many written names of candidates as are necessary to fill such office. And on the ballot may be printed such words as will aid the voter to vote, as "vote for one," "vote for two," "vote for three," "yes," "no," and the like.

There shall be a margin on each side, at least half an inch wide, and a reasonable space between the names to be printed upon the ballot, so that the voter may clearly indicate in the way herein-after provided the candidate or candidates for whom he wishes to cast his ballot.

Ballots—when question submitted. SEC. 105. Whenever the secretary of the territory has duly certified to the county clerk any question to be submitted to a vote of the people, the county clerk shall have printed on the regular ballots the question in such form as will enable the electors to vote upon the question so presented in the manner hereinafter provided. The county clerk shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality, and not to the territory generally; *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the municipal clerk to provide the necessary ballots.

Number of ballots to be furnished. SEC. 106. The county clerk of each county shall provide for each election precinct in the county, two hundred ballots for every fifty or fraction of fifty electors registered in the precinct. If there is no registry in the precinct, the county clerk shall provide ballots to the number of two hundred for every fifty or fraction of fifty electors who voted at the last preceding general election in the precinct; *Provided, however,* That in municipal elections it shall be the duty of the municipal clerk to provide tickets as specified in this section.

New ballots. SEC. 107. In case the ballots to be furnished to any voting precinct in accordance with the provisions of this act shall for any reason not be duly delivered, or if after delivery they shall be lost, destroyed or stolen, the county clerk or municipal clerk, as the case may be, shall cause other ballots to be prepared substantially in the form of the ballots so wanting. The judges of election upon the receipt of said other ballots shall make a statement under oath that the original ballots have been lost, stolen or destroyed, and that the said clerk has furnished them with the new ballots. The judges of election shall then cause the new ballots to be used in lieu of the original ballots.

SEC. 108. Ballots shall be printed and in possession of the county clerk at least ten days, and of a municipal clerk at least two days if possible before election and subject to inspection by the candidates and their agents. If any mistake is discovered the county clerk shall cause the same to be corrected without delay.

When ballots shall be printed.

SEC. 109. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the ballots, the district court of the county, or the judge thereof shall upon application of any elector by order require the county or municipal clerk to correct such error, or to show cause why such error should not be corrected.

Errors in ballots.

SEC. 110. At or before the opening of the polls the county clerk or the municipal clerk in the case of municipal elections shall cause to be delivered to the judges of election of each polling precinct which is within the county (or within the municipality in the case of municipal elections) and in which the election is to be held at the polling place of the precinct, the proper number of ballots as provided for in section one hundred and six of this act. He shall also deliver to the said judges a rubber or other stamp with ink pad for the purpose of stamping or designating the official tickets as hereinafter provided. Said stamp shall contain the words "Official Ballot," the name and number of the polling precinct, the name of the county or municipality as the case may be, the date of the election, and the name and official designation of the clerk who furnishes the tickets.

Clerk shall furnish ballots.

Stamp.

SEC. 111. The ballots and stamp for each precinct shall be enclosed in a package under seal, and the person delivering them to the judges of election shall take a receipt therefor, and file the same in the county or municipal clerk's office, as the case may be.

Receipt for ballots and stamp.

SEC. 112. The sheriff of the county in general and county elections, and the city marshal in municipal elections, shall provide in each polling place designated by them a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots screened from observation, and a guard rail so constructed that only persons within such rail can approach within ten feet of the ballot boxes, or the places, booths, or compartments herein provided for.

Voting places to prepare ballots.

SEC. 113. The expense of providing such places or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses.

Expense.

SEC. 114. The number of such places, booths, or compartments shall not be less than one for every one hundred electors, or fraction thereof, registered in the precinct.

Number of places to prepare ballots.

SEC. 115. In precincts containing less than twenty-five voters, as shown by the last preceding election returns, the election may be conducted under the provisions of this act without the preparation of such booths or compartments as required in section one hundred and twelve.

Precincts containing less than 25 voters.

SEC. 116. No person other than electors engaged in receiving, preparing, or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot shall be permitted to be within said rail, and in case of small

Persons allowed inside of rail.

precincts where places, booths, and compartments are not required, no persons engaged in preparing their ballots shall in any way be interfered with by any person unless it be some one authorized by the provisions of this act to assist him or them in preparing his or their ballots.

Instructions
for preparing
ballots.

SEC. 117. The county clerk of each county or municipal clerk, as the case may be, shall cause to be printed in large type on cards in English instructions for the guidance of electors in preparing their ballots. He shall furnish six of such cards to the judges of election in each election precinct, and one additional card for each one hundred registered electors, or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling places, upon the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to the voter as to what should be done, viz.:

First—To obtain ballots for voting.

Second—To prepare the ballots for deposit in the ballot boxes.

Third—To obtain a new ballot in the place of one spoiled by accident or mistake, and said card shall also contain a copy of sections one hundred and seventy-three and one hundred and seventy four of this act.

There shall also be posted in each of the compartments or booths one of the official tickets, without the official stamps hereinbefore provided for, and not less than three of such tickets posted elsewhere in and about the polling places upon the day of election.

What vot-
ing booth
shall contain.

SEC. 118. The voting booth shall not contain anything except the card of instructions, and the sample ballot, each of which shall be posted therein, and necessary writing and marking materials to enable the voter to speedily mark his ballot. There shall not be in said voting booth any placards, notices, or devices of any kind whatsoever to call the attention of the voter to any candidate, or to urge the voter to vote for any candidate; neither shall said booth contain anything for the use or comfort of the voter whereby the claims of any candidate are directly or indirectly urged upon the voter. The judges of election shall see that the above instructions are strictly complied with.

Official bal-
lot.

SEC. 119. At each election the judges of election shall designate two of said judges who shall deliver the ballots to the qualified electors. Before delivering any ballot to an elector the said judges shall print on the back and near the top of the ballot with a rubber or other stamp provided for that purpose the designation "Official Ballot," and the other words on the said stamp as hereinbefore provided; and one of the said judges shall write his name or initials upon the back of each ballot, and directly under the said official stamp. No number or any mark for identification shall be put upon any official ballot except as hereinbefore provided. Each qualified elector shall receive from the said judges one ballot prepared as aforesaid.

Elector pre-
paring his bal-
lot.

SEC. 120. On receipt of his ballot the elector shall forthwith and without leaving the polling place, retire alone to one of the places, booths, or compartments provided to prepare his ballot. He

shall prepare his ballot by marking a cross before or after the name of the person or persons for whom he intends to vote. For example "X" or in case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people, by crossing out therefrom parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted, or the elector may write in the blank spaces the name of any person for whom he may wish to vote.

SEC. 121. In marking a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have marked in advance of entering the polling place or booth, but no elector shall be at liberty to use or bring into the polling place any unofficial sample ballot printed in the exact style, manner, width, or character of paper of the official ballot. Ibld.

SEC. 122. After preparing his ballot the elector shall fold it so that the face of the ballot will be concealed, and so that the endorsement thereon may be seen. He shall then vote forthwith, and before leaving the polling place. Elector shall use official ballot.

SEC. 123. Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than five minutes, if the other booths or compartments are occupied. Booth, occupancy of.

SEC. 124. Any voter who shall by accident or mistake spoil his ballot may on returning such spoiled ballot, and not otherwise, receive another in place thereof, but no voter shall thus receive more than three ballots altogether. Spoiling ballots.

SEC. 125. No person shall take or remove any ballot from the polling place before the close of the polls. Removing ballots.

SEC. 126. Any voter who declares to the judges of election or when it shall appear to the judges of election that he cannot read, or that by blindness or other physical disability he is unable to mark his ballot, shall upon request receive the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance and shall thereafter give no information regarding the same. Voter unable to mark his ballot.

SEC. 127. Either of the judges may require such declaration of disability to be made by the voter under oath before them and they are hereby qualified to administer the same. No elector other than one who may because of his disability to read or physical disability be unable to mark his ballot shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote or to ask or receive the assistance of any person within the polling place in the preparation of his ballot. Voter.

SEC. 128. No judge of election shall deposit in any ballot box any ballot upon which the official endorsement hereinbefore provided for does not appear. Official ballots.

SEC. 129. All ballots spoiled by the voter shall by the judges be immediately cancelled and together with those not distributed to voters shall be preserved and all returned to the county or municipal clerk, as the case may be, when the returns as herein required are made. Spoiled ballots.

SEC. 130. In the canvass of the votes any ballot which is not endorsed by the official stamp or has not the name or initials of the Only official ballots shall be counted.

judge of election as provided in this act, shall be void and shall not be counted. Any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted; *Provided*, That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

Canvassing
vote.

SEC. 131. As soon as the polls of the election shall be closed the judges shall proceed immediately to canvass the vote given and shall continue without adjournment until the canvass is completed. The canvass must commence by a comparison of the poll lists and they must be made to agree; the ballot box shall then be opened and the ballots counted by the judges and clerks, unopened, and if there are more ballots than names upon the poll list, the ballots must be returned to the box, shaken up, and one of the judges shall draw from such box ballots enough to make the remainder agree with the poll list, which ballots so drawn shall be destroyed, and two or more ballots being found so folded as to bear the appearance of having been voted by one person shall not be counted, but preserved with the poll books; the poll list and ballots being made to agree the judges and clerks shall then proceed to count and ascertain the number of votes for each person named upon such ballots.

Record of
votes in poll
books.

SEC. 132. When the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person receives such vote or votes and the number he did receive, the numbers being expressed in words at full length and also in figures, such entry to be made substantially in the following form, to-wit: "At an election held at election district No. and polling precinct No. in county, Wyoming, on the day of A. D., eighteen hundred and, the following named persons received the number of votes annexed to their respective names, for the following offices: (here insert names of candidates voted for, with office and number of votes received; the number of votes cast in each case to be spelled out in full as well as written in figures.)

Certified by us:

.....
.....
.....

Judges of election.

Attest:

.....
.....

Clerks of election.

Dated at"

And as soon as all the votes shall have been read off and counted, the judges of election shall make out a certificate under their hands as herein provided.

Election
turns. re-

SEC. 133. The judges of election shall then enclose and seal one of the poll books together with all the ballots cast and affidavits of electors concerning the qualification of persons voting returned by voters as spoiled and ballots not cast and accounting for those posted as by law required, under cover directed to the county clerk of the county in which such election is held, or municipal clerk, as

the case may be, and the packet thus sealed shall be conveyed by one of the judges or clerks of election (to be determined by lot if they cannot agree otherwise), and the said packet shall be delivered to the postmaster at the nearest postoffice and registered within forty-eight hours from the closing of the polls. The judges of election shall retain the other poll book in their possession.

SEC. 134. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine in the order in which they have been read and shall be delivered, together with the poll books, to the clerk as hereinbefore specified, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning without the package being previously opened; *Provided*, If any contest of election shall be pending in which such ballots may be required as evidence, the same shall not be destroyed until such contest is finally determined.

Disposition of
ballots count-
ed.

SEC. 135. Informality in the delivery of the returns, as hereinbefore specified, in the absence of fraud shall not invalidate the vote of any precinct. If at an election any polling precinct is not opened and no ballots cast therein, such failure shall not invalidate such election.

Returns.

SEC. 136. Should the returns from such election be not received by the county clerk within ten days of the time such election was held, then the county clerk may send a special messenger, whose mileage and per diem shall be paid by the county as in other cases. The judges of election shall make out a certified copy of the poll book of such election in their possession, enclose and seal the same and deliver the same to said messenger.

Messenger--
election re-
turns.

SEC. 137. On the fifteenth day after the close of any county or general election, or sooner if all the returns be received, the clerk of the county, taking to his assistance two justices of the peace of his county (one of whom shall be of a different political party from himself, if one can be found in his county) shall proceed to open said returns and make abstracts of the votes in the following manner: The abstract of votes for delegate to congress shall be on one sheet and the abstract of votes for members of the council and house of representatives shall be on another sheet, and the abstract of votes for county and precinct officers shall be on another sheet, and the clerk of the county shall immediately make out a certificate of election to each of the persons having the highest number of votes for county and precinct officers, respectively, and deliver such certificate to the person entitled to it on his making application for the same to the clerk at his office.

Abstract of
votes.

SEC. 138. In canvassing the returns the vote of every precinct returned within fifteen days after the election to the county clerk shall be counted and the canvassers shall not throw out the vote of any precinct so returned.

Canvassing
returns.

SEC. 139. The county clerk immediately after making out abstracts of the votes given in his county shall make a copy of such abstract and transmit the same by mail or by some proper person to the office of the secretary of the territory and it shall be the duty of the county clerk to certify that such copy of the abstract of votes is a full, true and correct copy of the abstract of the returns of all votes cast in the county, and when the returns are opened and the abstracts of the votes are made before fifteen days have elapsed

Copy of ab-
stract to sec-
retary of terri-
tory.

the county clerk shall certify that the returns from each and every precinct have been received and have been counted and are embodied in such abstract.

When secretary shall send messenger after election returns.

SEC. 140. If the returns of the election of any county shall not be received at the office of the secretary of the territory within thirty days after the election the secretary shall forthwith send a messenger to the county clerk of such county whose duty it shall be to furnish such messenger with a copy of the abstract aforesaid and the said messenger shall be paid out of the territorial treasury the sum of three dollars per day for each day necessarily employed and fifteen cents per mile for each mile he shall necessarily travel in going to and returning from the office of said clerk.

Canvassing board.

SEC. 141. The secretary, auditor and treasurer of the territory or any two of them in the presence of the governor shall proceed within thirty days after the election and sooner if all the returns be received to canvass the vote given for delegate in congress and all members of the council and house of representatives, and the governor shall give a certificate of such election to the persons having the highest number of votes for each office. In case there shall be no choice by reason of any two or more persons having an equal number of votes for the same office the governor shall call a special election in the manner provided by law.

Salary of judges and clerks of election.

SEC. 142. The judges and clerks of general county and municipal elections shall receive three dollars each for each full day for their services in attending such elections and ten hours shall constitute one day and the judge or clerk who carries the returns to the postmaster at the nearest postoffice shall also receive ten cents per mile each way by the nearest traveled route unless he has to travel in another way than by railroad. Then ten cents per mile each way and three dollars per day for each day necessarily and actually employed in such travel, also the amount expended for postage and the registration fee upon such returns; constables serving shall receive three dollars per day.

Certificate of compensation

SEC. 143. The clerk of each county or municipality, as the case may be, shall, on the canvass of the election returns of any election, make out his certificate stating therein the compensation to which the judges or clerks of such election and constables may be entitled for services and lay the same before the county commissioners or city or town council as the case may be at its next meeting and the compensation aforesaid shall be ordered to be paid out of the treasury of such county, city or town.

Contest of election of members of legislature.

SEC. 144. The council and house of representatives shall respectively hear and determine contests of the election of any of their respective members.

Hearing of contested elections.

SEC. 145. The district court of each county shall hear and determine contests of the election of all county, precinct and municipal officers in that county and all contests relating to the removal of county seats or relating to any other subject which may be submitted to the vote of the electors of such county.

Who may contest election of member of legislature.

SEC. 146. The election of any member declared duly elected to a seat in the council or house of representatives may be contested by any qualified voter of the county or district to be represented by such member of the council or house of representatives.

SEC. 147. The contestants shall within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election expressing the points on which the same will be contested, and shall also on or before the next session of the legislature deliver a copy of such notice to the secretary of the territory and in case the person whose election is contested is absent from the county of his residence, or cannot be found therein, service may be had by leaving a copy of such notice at his last or usual place of residence with some person of suitable age and discretion.

Notice of contest of election of member of legislature.

SEC. 148. Whenever a notice shall have been given of intention to contest an election as provided in the next preceding section, either party may proceed to take testimony of any witness before any officer authorized to take and certify depositions on giving to the adverse party or his attorney ten days notice of the time and place of taking the same and one day in addition thereto (Sunday excluded) for every fifty miles travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days notice shall be sufficient.

Testimony in contest.

SEC. 149. The officer before whom depositions are taken shall have the power to compel the production of papers and the attendance of witnesses and the same proceedings may be had to compel the attendance of witnesses as are provided in the cases of taking depositions to be used in the district courts.

Ibid.

SEC. 150. A copy of the notice to take depositions with proof of the service thereof together with the depositions shall be sealed up and transmitted by mail or otherwise to the secretary of the territory with an indorsement thereon showing the names of the contesting parties, the office contested, and the nature of the papers.

Papers on contest shall be sent to secretary of territory.

SEC. 151. The secretary of the territory shall deliver the copy of the notice deposited with him by the contestant and the depositions unopened to the presiding officer of the branch of the legislature to which the contest relates, on or before the second day of its session next after the receipt of the same, and the presiding officer shall immediately give notice to his house that such papers are in his possession.

Notice of contest to legislature.

SEC. 152. Nothing herein contained shall be construed to abridge the right of either house of the legislature to grant commissions to take depositions or to send for and examine any witness it may desire to hear on such trial or to declare the right of membership to their respective houses.

Legislature may hear evidence.

SEC. 153. The election of any person declared elected to any office other than member of the council or house of representatives may be contested by any elector of the county, town, precinct, ward or city for which the person is declared elected.

Contesting election of officer other than member of legislature.

SEC. 154. The person desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the district court of that county a petition in writing setting forth the points on which he will contest the election, which statement shall be verified by affidavit of the party bringing such contest, as in pleadings in the district court.

Ibid.

Notice to person whose office is contested. SEC. 155. Upon the filing of such petition summons shall issue against the person whose office is contested and he may be served with process or notified to appear, in the same manner as is provided in civil actions in the district court.

Evidence. SEC. 156. Evidence may be taken in the same manner and upon like notice as in civil actions in district court and such cases shall be tried in like manner as in civil actions.

Contest--when question voted on. SEC. 157. Any five electors of the county, city or town may contest an election upon any subject which may by law be submitted to a vote of the people of the county, city or town, upon filing in the district court of the county within thirty days after the result of the election shall have been determined, a petition in like form as in other cases of contested elections in the district court. The county, city or town, as the case may be, shall be made defendant, and process shall be served as in civil actions against the county and like proceedings shall be had as in other cases of contested elections before such court.

Defending contest. SEC. 158. In case the county, city or town board shall fail or refuse to defend such contest, the court shall allow any one or more electors of the county, town or city to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestants.

Judgment of court. SEC. 159. The judgment of the court in cases of contested elections shall confirm or annul the election, according to the right of the matter, or in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

When equal votes cast. SEC. 160. If it appears that two or more persons have or would have had, if the legal ballots cast or intended to be cast for them had been counted, the highest and equal number of votes for the same office, the persons receiving such votes shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected, and the judgment shall be entered accordingly.

Certified copy of judgment of court. SEC. 161. A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers.

Election void. SEC. 162. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualifications on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

Contested elections--supreme court. SEC. 163. All cases of contested elections in the district courts may be taken to the supreme court in the same manner and upon like conditions as is provided in the case of civil actions.

Duties of officers. SEC. 164. *First*—No officer shall deposit in the ballot box any ballot except a lawful one. A lawful ballot is an official ballot officially stamped and marked with the initials or name of a judge of the election, and offered by a qualified elector during the time of election.

Second—No officer shall allow an unqualified elector to vote.

Third—No officer shall count the ballot of an elector more than once.

Fourth—No officer shall open or unfold any ballot presented by any elector.

Fifth—No officer shall reveal how any elector has voted.

Sixth—No officer shall ascertain or allow any person to ascertain how an elector voted; *Provided, however*, an officer may assist a qualified but incapacitated elector to vote as hereinbefore provided.

Seventh—No officer shall refuse a qualified elector the right to vote.

Eighth—No officer shall be guilty of any fraud, corruption or misbehavior in the receiving or canvassing or returning of votes.

Ninth—No officer shall change any ballot voted.

Tenth—The word officer as used in this section shall include judges and clerks of election, county and municipal clerks, justices of the peace, messengers and all others who are in any way connected with the conduct of an election or the canvassing or returning thereof.

Eleventh—Any officer violating any of the provisions of this section, shall be imprisoned in the penitentiary not more than five years and not less than one year, or be fined not more than two thousand dollars and not less than one hundred dollars, or may be both imprisoned and fined as aforesaid, and shall forever thereafter be incapacitated from holding any civil office or of exercising the elective franchise in Wyoming.

SEC. 165. Any officer or person upon whom any duty is imposed by this act, who shall willfully do or perform any act by this act prohibited, or who shall neglect or omit to perform any duty imposed upon him by this act, shall be imprisoned in the penitentiary not more than five years and not less than one year, or be fined not more than two thousand dollars and not less than one hundred dollars, or may be both imprisoned and fined as aforesaid. Penalty.

SEC. 166. If any person shall mutilate or erase any name, figure or word in a poll book, taken or kept at any election, or shall take away such poll book from the place where it has been deposited for safe keeping, with an intention to destroy, mutilate, change or injure the same, or to procure or prevent the election of any person; or shall destroy any poll book kept at any election, he shall be fined not exceeding five hundred dollars and imprisoned in the county jail not exceeding one year. Penalty.

SEC. 167. All willful, corrupt and false swearing or affirming before any registry agent shall be the crime of perjury and shall be punished as such. Perjury.

SEC. 168. Any registry agent or other person who in any manner shall willfully or corruptly permit any person not entitled to registration or to a certificate of registration, to be registered or have a certificate of registration, or who delays or fails to deliver the certified copies of the official register and the check list to the judges of election as required by this act, or who permits any person to register after the date on which the registration books close, or who shall otherwise willfully or corruptly violate any of the provisions of this act, the penalty for which is not herein specially prescribed, shall be punished for each and every offense by imprisonment in the penitentiary for a term of not less than one year nor more than five years, or by a fine not less than one hundred nor Penalty.

more than two thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Penalty for
false register-
ing.

SEC. 169. Any person who shall willfully cause or endeavor to cause his name to be registered in any other election district than that in which he resides or will reside prior to the day of the next ensuing election, except as herein otherwise provided, and any person who shall cause or endeavor to cause his name to be registered, knowing that he is not a qualified elector and will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made, and any person who shall induce, aid or abet any one in the commission of either of the acts in this section enumerated and described, shall be fined not less than fifty dollars, nor more than five hundred dollars, or be confined in the county jail for not less than one month nor more than six months, or both. Any person who shall take down, tear down or deface any officially posted registry list, shall be guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days, or more than ninety days, or by both such fine and imprisonment.

Penalty.

SEC. 170. Any person who shall falsely make or willfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or sign any such certificate or paper contrary to the provisions of this act; or who shall file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made; or who shall suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed; or who shall forge or falsely make the official endorsement on any ballot; or who shall willfully destroy or deface any ballot; or who shall willfully delay the delivery of any ballots, shall be fined not exceeding one thousand dollars or be imprisoned in the county jail not more than one year, or both.

Penalty.

SEC. 171. Any person who shall, prior to an election, willfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall willfully deface, tear down, remove or destroy any card of instructions or any specimen ballot printed or posted for the instruction of electors, or who shall during an election willfully remove or destroy any of the supplies or conveniences furnished to enable an elector to prepare his ballot, or who shall willfully hinder the voting of others, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Penalty.

SEC. 172. Any person or officer of election who shall put, or permit to be put into a voting booth any placard, notice or device, except the sample ballots and cards of instruction as herein provided, intended or likely to call the attention of the voter to any candidate, or to urge the voter to vote for any particular candidate, or shall put or allow anything to be put into such booth for the use or comfort of the voter whereby the claims of any candidate are urged upon the voter, either directly or indirectly, shall be imprisoned in the county jail not to exceed three months, or fined not to exceed five hundred dollars, or both.

SEC. 173. Any person who declares or swears falsely concerning his incapacity to vote at any election without the aid of an election officer, or who swears falsely concerning the qualification of any person offering to vote, shall be imprisoned in the county jail not to exceed six months, or be fined not to exceed five hundred dollars, or both. Penalty for false swearing.

✓ SEC. 174. *First*—No person shall vote or offer to vote at any election except he shall be a qualified elector. Voter.

Second—No person shall vote in the name of any registered elector except his own.

Third—No person shall vote more than once at any election.

Fourth—No person shall aid or abet any unqualified person to vote.

Fifth—No person, other than the properly designated election officer, shall put any ballot or thing into a ballot box. Election officer.

Sixth—No person shall either directly or indirectly employ, engage or hire any one, for any fee or reward or promise thereof, to secure the election or defeat of any candidate for office. Electioneering.

Seventh—No person shall receive or demand either directly or indirectly any fee or reward for aid given to secure the election or defeat of any candidate for office.

✓ *Eighth*—No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him, or by any other means. Influencing vote.

Ninth—No person shall in any way offer a bribe to an elector to influence his vote. Bribing voter.

Tenth—No person shall prevent or attempt to prevent any qualified elector from voting. Preventing vote.

Eleventh—No person shall give or offer to give any valuable thing or bribe to any officer, judge or clerk of election, as a consideration for some act to be done or omitted to be done, contrary to his official duty, in relation to any election. Bribing officer.

Twelfth—No officer of election shall do any electioneering on election day. Officer—electioneering.

Thirteenth—No person whatsoever shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within twenty yards thereof, nor obstruct the doors or entries there to, or prevent free ingress to and egress from such building or place. Electioneering.

Fourteenth—No person shall remove any ballot from the polling place before the closing of the polls. Removing ballots.

Fifteenth—No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit any elector to show the same. Revealing vote.

Sixteenth—No person except a judge of election shall receive from any elector any ballot prepared for voting. Judge of election.

Seventeenth—No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such judge of election deliver a ballot to such elector. Delivering ballot to elector.

Ballot to be voted. *Eighteenth*—No elector shall vote or offer to vote any ballot except such as he has received from a judge of election having charge of the ballots.

Identified ballot. *Nineteenth*—No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him.

Unused ballot. *Twentieth*—Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots, shall, before leaving the polling place, return such ballot to said judges.

Revealing vote. *Twenty-first*—No person shall ascertain, or publish, or reveal how any elector voted at any election.

Penalty. *Twenty-second*—Whoever shall violate any of the provisions of this section shall be imprisoned in the county jail not to exceed six months, or be fined not to exceed five hundred dollars, or both.

Liquor. SEC. 175. Any person introducing in any way, upon election day, or during the counting of the ballots, into any place where an election is held, any spirituous or malt liquor, and any judge or clerk of election drinking any such liquor in such place, or being intoxicated therein during such election or counting, shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding five hundred dollars, or both.

Municipal list of voters. SEC. 176. The clerk of each county shall supply each clerk of a municipality with a certified and full and complete list of all voters registered within the said municipality as last returned by the registry agents, upon the request of the clerk of said municipality, and within three days after such request. The county clerk shall receive therefor no fee; *Provided, however*, the clerk of such municipality shall not make such request unless an election in the municipality will occur within thirty days.

Poll tax. SEC. 177. This act shall as far as possible apply to all incorporated cities and towns, except as to the canvass of the votes, which canvass may be provided for by ordinance; but if not so provided for this act shall prevail. But at no election whatsoever held under the laws of Wyoming shall it be necessary for any elector to pay a poll tax to entitle such elector to vote. When the charter or law relating to any city or town shall indicate a different procedure than herein set forth, the provisions of this act shall prevail, and the charter or law relating to such city or town shall not be followed. When this act does not fully provide for the conduct of election, in any city or town, such city or town may by ordinance, not inconsistent herewith, provide for a complete election and canvass thereof.

Meaning of term municipal. SEC. 178. The term municipal and municipalities herein used, shall mean and refer to incorporated cities and towns.

School district elections. SEC. 179. All school district elections shall be carried on as provided by law, but the qualifications of voters at such elections shall be the same as at any other election.

Librarian shall publish copies of election law. SEC. 180. The territorial librarian shall cause to be printed three thousand copies of this act, in pamphlet form, and shall distribute the same among the several boards of county commissioners.

County commissioners. SEC. 181. The boards of county commissioners receiving printed copies of the election laws, shall provide the judges of each voting precinct with a copy thereof at each election.

Legal holidays. SEC. 182. All days upon which regular territorial or county elections are held, are hereby declared legal holidays.

SEC. 183. Sections ten hundred and thirty, ten hundred and thirty-one, and sections ten hundred and eighty-three to eleven hundred and seventy-seven, both inclusive of the Revised Statutes of Wyoming, and section one of an act entitled, "An Act to Amend and Re-enact Section Eleven Hundred and Twenty-nine of the Revised Statutes of Wyoming," approved March second, eighteen hundred and eighty-eight, and section one of an act entitled, "An Act to Amend and Re-enact Sections Eleven Hundred and Seventy-five (1175) and Eighteen Hundred and Ninety-nine (1899) of the Revised Statutes of Wyoming," approved March ninth, eighteen hundred and eighty-eight, are each and all hereby repealed.

Repeal.

SEC. 184. This act shall take effect and be in force on and after the first day of July in the year eighteen hundred and ninety. The officers and persons herein charged with any duty at or on account of any special election held after this act takes effect shall perform the same respecting the establishing and laying out of election districts and voting precincts and the registration of voters at any time after this act takes effect notwithstanding the limitations herein contained.

In force.

Special election.

Approved March 14, 1890.

CHAPTER 81.

BANKS.

AN Act to Amend and Re-enact Section Nine (9) of an Act Entitled: "An Act to Provide for the Organization, Management and Control of Banks, Banking Institutions, Savings Banks and Loan and Trust Companies." Approved March 9, 1888.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section nine (9) of an act entitled "An Act to Provide for the Organization, Management and Control of Banks, Banking Institutions, Savings Banks and Loan and Trust Companies," approved March 9, 1888, be and the same is hereby amended and re-enacted so as to read as follows: "Section 9. No banking association deriving any of its powers or privileges from this act shall at any time be indebted or in any way liable to an amount exceeding the whole amount of its capital stock at such time actually paid in and remaining as capital stock undiminished by losses or otherwise, except on the following accounts, that is to say:

Amendment
S. 9, Ch. 88,
Session Laws
1888.Limitation
upon corpor-
ate liabilities

First—On account of moneys deposited with or collected by such association.

Second—On account of bills of exchange or drafts drawn against money actually on deposit to the credit of or due to such association.

Third—On account of re-discount of paper for cash.

Fourth—Liabilities to shareholders on account of money paid in on capital stock and dividends thereon.”

In force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 82.

IRRIGATION.

AN ACT to Amend and Re-enact Section Thirteen Hundred and Thirty-One and Section Thirteen Hundred and Thirty-nine of the Revised Statutes of Wyoming Territory.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That Section thirteen hundred and thirty-one of the Revised Statutes of Wyoming be amended and re-enacted so as to read as follows: “Section 1331. The lands now irrigated or which may hereafter be irrigated from ditches, taking water from the following described rivers and natural streams of this territory, are hereby declared to constitute irrigation districts. District number one shall consist of all lands irrigated from ditches from the North Platte river and its tributaries, except the Laramie river between its intersection with the boundary line between Nebraska and Wyoming and its intersection with the boundary line of Laramie county, Crow creek, Lone Tree creek, Pole creek, Horse creek, Chugwater creek, Cheyenne river, Niobrara or Running-Water river, and their tributaries. District number two shall consist of all lands irrigated from ditches taking water from the Laramie river and tributaries, except Chugwater creek, North Platte river, and its tributaries between its intersection with the western boundary line of Laramie county and the mouth of the Sweetwater, Sabille creek and North Laramie creek, and also the following named streams situate in whole or in part in the county of Albany, namely: Douglas creek, Lake creek, the three Beaver creeks, Four Mile creek, Dutton creek, Cooper creek, Rock creek, and tributaries, Sabille, Sheep creek, Deer creek and tributaries, Antelope creek, Fish creek and its tributaries, Dale creek and its tributaries, and also the following named lakes, to-wit: Cooper lake, James lake, Ione lake, Sportsman’s lake, Lake Hutton, Lake Creighton, Lake George, Steamboat lake, Horse Creek lake, Lake Hattie and Lake Owen. District number three shall consist of all lands irrigated from ditches taking water from the North Platte river and its tributaries to the line of Carbon county, and all streams or continuations of streams lying within Carbon county. District number four shall consist of all lands irrigated from ditches taking water from Green river and its tributaries. District number five shall consist

Amendment
S. 1331 R. S.
Wyo.

Irrigation
districts.

of all lands irrigated from ditches taking water from the Powder river and its tributaries to the Sheridan county line and all of the Big Horn river and its tributaries that are within the limits of Johnson county. District number six shall consist of all lands irrigated from ditches taking water from the Little Powder, Little Missouri river and the Belle Fourche and their tributaries. District number seven shall consist of all lands irrigated from ditches taking water from that portion of Green river lying within Uinta county, and Bear river. District number eight shall consist of all lands, ditches and streams in Fremont county. District number nine shall consist of all lands, ditches and streams within the boundaries of Sheridan county. Other irrigation districts may be formed from time to time by the governor on petition of the parties interested, comprising territory not within any of the above established irrigation districts.

SEC. 2. That section thirteen hundred and thirty-nine be amended and re-enacted so as to read as follows: "Section 1339. ^{Amendment S. 1889, R. S. Wyo.} For the purpose of hearing, adjudicating and settling all questions concerning the priority of appropriation of water between ditch companies and other owners of ditches, drawing water for beneficial purposes from the same stream, or its tributaries within the same irrigation districts, and all other questions of law and questions of right growing out of, or in any way involved or connected therewith, jurisdiction is hereby vested exclusively in the several district courts as follows: For district number one, in the district court of Laramie county. For district number two, in the district court of Albany county. For district number three, in the district court of Carbon county. For district number four, in the district court of Sweetwater county. For district number five, in the district court of Johnson county. For district number six, in the district court of Crook county. For district number seven, in the district court of Uinta county. For district number eight, in the district court of Fremont county. For district number nine, in the district court of Sheridan county. All streams, lakes and reservoirs not herein enumerated shall be for all purposes, attached to, and belong to the irrigation district in which the greater portion of its water is, it being the intent and meaning hereof to add to each irrigation district all waters not hereinbefore enumerated, the majority of which lie within their respective areas, for the purposes of acquiring rights to the appropriation and use thereof and adjudicating the same. ^{Jurisdiction of courts to settle water rights.}

SEC. 3. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

CHAPTER 83.

COUNTY SURVEYOR.

AN ACT For Defining the Duties of the County Surveyor in Re-establishing Lost or Obliterated Corners.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

CORNER MONUMENTS. SECTION 1. Whenever the proper location of any monument which marks the corner of any tract or tracts of land shall be in dispute between the owners of lands of which it is the common monument or boundary, the said monument shall be established in the following manner: The county surveyor of the county in which said corner is located, upon the application of any of the parties in interest, shall immediately give notice in writing to all the parties interested in the establishment of said corner, naming a day when he will be upon the ground and make the necessary surveys to establish the said corner, and if such service of written notice cannot be made upon the owners or agents by reason of non-residence, then in that case such notice shall be published for four consecutive weeks in some newspaper published in the county, or if there be no newspaper published therein, then in some newspaper of general circulation published nearest such county. The proper notice being given as above set forth, the county surveyor shall upon the day named in said notice proceed to establish such monument in accordance with the instructions issued by the general land office of the United States government. He shall firmly plant a suitable monument at the point by him so found. Shall accurately take and note courses and distances from said point to one or more prominent objects of a permanent nature, if such there be in the vicinity; shall make a map or plat of the survey so by him made and shall record the same together with a statement of the whole proceedings, including the application notice and names of the parties in interest in the records of his office. Such monuments established as provided in this section shall be held to be the true and legal monument defining the boundary corners as stated in the record of said survey.

IN FORCE. SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 84.

UNIVERSITY LANDS.

AN ACT to Provide Rules and Regulations for the Leasing of University Lands in the Territory of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. No lease is to be made for a period exceeding five years and all leases shall be subject to cancelation within six months next after the territory becomes a state, as provided by the act of congress, approved August 9th, 1888. Leasing.

SEC. 2. Leases will be divided into two classes, namely: agricultural and grazing, and grazing. Classes.

SEC. 3. The value of lands to be leased shall be ascertained as set forth in the following blank form of application for lease: Value—a p-
plication.

Territory of Wyoming,.....county, post office of applicant,.....date.....

To the Honorable Board for Leasing University Lands of Wyoming Territory:

GENTLEMEN:—I desire to lease the land described in this application, and I agree to pay the sum of five per centum of the value established by the board as annual rental in advance:

No. of Acres.	Subdivision of Section	Section	Township.	Range.	Value of Improvements.	Name of Occupant or owner of Improvements.

Applicants will answer briefly the following questions and the answers will be considered a part of the application:

For what purpose is the land wanted?

Is any person living on the land?

If so who, and how long?

Are there improvements of any description on the land? If so give name of owner and description of improvements.

State value of same on each government 40-acre tract and describe them.

Is there any timber on the land? If so, what kind and quality?

If it can be irrigated, state source and conditions?

If so, how many acres and on what government 40-acre tract situated.

Does it contain stock water? If so give a full description of the same?

Is any portion of it natural hay land? If so how many acres and on what government 40-acre tract situated?

Describe the general character of the land, locate buildings, fences and other improvements with tracings of streams, springs, etc., on section diagram.

If the information given herein shall not be satisfactory to the board for leasing university lands for the Territory of Wyoming, the board of trustees of the university of Wyoming are hereby made, appointed and constituted a board of appraisers to ascertain the value of the land and the said board of trustees may appoint a committee from among their members, or of such other persons as they may deem proper, to investigate and ascertain the true value of such lands and to report their findings to said board. And the board of trustees shall in all cases report their findings of values to the board for leasing university lands. And the board of trustees of the University of Wyoming shall pay all expenses connected with the leasing of said university lands; but in the first instance the person or party making application for such lease shall deposit therewith the sum of twenty dollars to pay the expense of ascertaining the true value of lands applied for; but in case the information furnished by the applicant shall be deemed sufficient and further investigation not required, and if the applicant shall perfect the lease within thirty days after notice of acceptance of application, then the twenty dollars shall be refunded; but a failure to perfect the lease within the thirty days shall work a forfeiture of the twenty dollars to the university income fund.

Name of applicant..... I, do solemnly swear, or affirm, that the answers to questions in the foregoing application are true to the best of my knowledge and belief, so help me God.

Subscribed and sworn to before me this....day of....A.
D. 18.. ..

Rental.

SEC. 4. The rental value shall be five per centum per annum, or any fractional part of a year, of the ascertained and appraised value of lands.

Preference--
right to lease.

SEC. 5. The resident or occupant possessing or controlling in any way the land to have the preference right to lease at rental value which shall be established.

Occupants.

SEC. 6. In cases where more persons than one are settled or living on the section, each shall have the preference right to the quarter section subdivision, more or less, which he is occupying prior to January 1, 1889.

Conflicting
interests.

SEC. 7. In cases where legal subdivision lines could not apply in determining prior rights of settlers on any section, or in all cases of conflicting interests on the same it shall be the duty of the board of trustees of the University of Wyoming to act as a board of arbitrators or appoint three persons, who shall be absolutely disinterested, to act as a board of arbitrators to settle and define the rights and interests of all the settlers who may desire to lease. The board may require the services of the county surveyor in all such cases, and the decision of the board of arbitrators shall be final after filing the proceedings in the office of the territorial auditor.

SEC. 8. In case the occupant resident or person controlling the land fails, refuses or neglects to lease according to the rental value established, then such land shall be placed on the same level with those lands unoccupied or unclaimed by possessory right. ^{Occupant neglecting to lease.}

SEC. 9. Parties claiming possessory rights who fail, neglect or refuse to lease at the rental value established shall have sixty days from date of notice to remove their improvements consisting of houses, barns, fences, etc., but all water rights of every description consisting of dams, reservoirs, ditches, flumes etc., etc., shall not be disturbed, removed, destroyed or in any way impaired in value. And in case such person claiming possessory rights shall neither lease nor vacate the premises nor give up the land, open, free and untrammelled, but shall continue to use and utilize the same either directly or indirectly, it shall be the duty of the board for leasing university lands to immediately take the proper legal steps to have the party or parties removed from the land and compel the payment of the established rental value thereof, and if such party or parties shall fail to lease or remove their improvements from said lands for the period of sixty days after notice then all such improvements, houses, barns, fencing, etc., shall be deemed to be forfeited as satisfaction for the prior use of said lands and the subsequent lessee thereof shall have the right to use, occupy and enjoy said houses, barns, fencing and other improvements so forfeited and the same shall be deemed fixtures upon such land and shall be considered by the appraisers in fixing the value thereof. ^{Improvements.}

SEC. 10. In case there shall be more than one applicant for the leasing of any of the lands at the established rental value then the land shall be subject to lease to the highest bidder, upon due notice by letter to the parties in interest that such public leasing shall take place on the first Tuesday of the succeeding month, at twelve o'clock noon, at the office of the territorial auditor provided that notice must be given the parties in interest at least twenty days prior to the public leasing. ^{More than one applicant to lease.}

SEC. 11. It shall be the duty of the board for leasing university lands, to furnish a copy of their rules and regulations for leasing university lands to the board of trustees of the University of Wyoming, which said board upon the receipt thereof shall immediately advertise in one or more papers in each of the counties of the territory wherein such lands are situate, for such term as said board shall deem expedient, that all university lands in such county will be leased upon application made in due form and board of trustees will furnish all necessary blanks, including blank leases. ^{Advertising to lease.}

All applications must be filed with said board of trustees on or before twelve o'clock noon on the first Tuesday in each month. And the board of trustees shall thereupon proceed to determine the value of the said lands applied for and after determining said value shall forward their finding together with the application to the territorial auditor for the final action of the board for leasing university lands.

SEC. 12. The following shall be the form of leases to be used and none other and the following form of bond shall be executed in double the amount of the annual rental value and be filed with and become a part of the leases. ^{Form of lease.}

SEC. 13. The form of lease and bond for the leasing of university lands shall be of the same tenor and effect as those described. ^{Lease and bond.}

ignated by law for the leasing of school lands in this territory, but the lease and bond shall be in the name of the territory of Wyoming and the money shall be paid to the treasurer of the board of trustees of the University of Wyoming. The board for the leasing of university lands is authorized to make such changes in the form of said lease and bond as may become necessary in carrying out the provisions of this act.

Lease expiring. SEC. 14. At the expiration of any lease, the lessee shall have the preference right to re-lease at the then established rental value; *Provided*, He shall have lived up to all the obligations and requirements of the expiring lease.

Duplicate lease. SEC. 15. All leases shall be made in duplicate, one to be kept on file in the office of the territorial auditor and one to be furnished the lessee.

Board shall keep record. SEC. 16. The board for leasing university lands shall keep a record of all the proceedings connected with the leasing of the university lands separate and apart from the ordinary proceedings of the board and such record shall be open at all times to the inspection and examination of any tax-payer.

Rules and regulations. SEC. 17. The board of trustees of the University of Wyoming may make such rules and regulations for carrying out the provisions of this act as are not in conflict with said act.

Payments. SEC. 18. It shall be the duty of the treasurer of the board of trustees of the University of Wyoming to indorse each payment on the lease and to immediately notify the auditor of said territory of each payment. It shall be the duty of the auditor to make a like indorsement upon the lease in his office upon receipt of such notice, and to charge such treasurer with the amount.

In force. SEC. 19. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 85.

MILITIA.

AN ACT Authorizing the Organization of a Territorial Militia.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Volunteer companies. SECTION 1. The militia of Wyoming shall consist of volunteer companies to be composed of male residents of Wyoming between the ages of eighteen and forty-five years.

How known. SEC. 2. The organized militia shall be known as the "Wyoming National Guard," and may be ordered into active service to aid the civil authorities to suppress or prevent riot or insurrection, or to repel or prevent invasion.

Governor. SEC. 3. The governor shall be commander-in-chief of the militia and shall commission such officers of the line as shall be rec-

ommended to him by vote of the several militia organizations, as hereinafter mentioned; *Provided*, Such officers so recommended shall have the necessary qualifications to warrant their commission as officers.

SEC. 4. The secretary of Wyoming shall be ex-officio adjutant general of the territorial militia.

Secretary of Wyoming.

SEC. 5. The organized militia shall be composed of such companies, troops and batteries as may hereafter be organized pursuant to the provisions of this act; *Provided, however*, That the provisions of this act shall apply to all companies now in existence.

Composition of.

SEC. 6. The infantry shall be organized as follows: Each company shall have a captain, a first lieutenant, a second lieutenant, a first sergeant, four sergeants, four corporals, two musicians, a wagoner, two artificers and not less than twenty-four privates, nor more than seventy privates. Each battalion shall consist of not less than two companies nor more than four companies. A battalion of four companies shall be entitled to a major. Each regiment shall consist of not less than six nor more than twelve companies. A full regiment shall be entitled to a colonel, a lieutenant colonel and three majors. The battalion and regimental staff officers shall consist of an adjutant and quartermaster, who shall be extra lieutenants, a chaplain with the rank of captain, and in regiments, of a surgeon with the rank of captain. The battalion and regimental non-commissioned staff shall consist of a sergeant-major, a quartermaster, a hospital steward, a drum-major with the rank of sergeant, and a battalion or regimental band to be enlisted and organized by its commanding officer at his discretion, to comprise not more than nineteen musicians, namely: The leader, to rank as sergeant-major, two principal musicians and sixteen privates.

Infantry.

SEC. 7. Each troop of cavalry shall have a captain, a first lieutenant, a second lieutenant, a first sergeant, five sergeants, four four corporals, two trumpeters, two farriers and blacksmiths, two saddlers, and two wagoners and the same number of privates as a company of infantry, and each battalion shall be entitled to the same officers as a battalion of infantry, as prescribed in section six of this act.

Cavalry.

SEC. 8. Each two-gun battery shall have a captain, a first lieutenant, a second lieutenant, a first sergeant, a quartermaster-sergeant, and two sergeants, four corporals, a trumpeter, one artificer and one wagoner and not less than twenty, nor more than forty privates.

Battery.

SEC. 9. A company, troop or battery may be organized upon the petition of a number of persons subject to military duty equal to the minimum required for the organization proposed. Such petition shall be forwarded to the governor, who, if it appears to him that the proposed organization is properly composed, that its location is suitable and that it can be made efficient, shall thereupon direct the petitioners to assemble at a convenient time and then inspect and receive them into the service of the territory for a term of three years, unless sooner discharged, such of the petitioners and other persons not less than the minimum required, as in his judgment are proper persons to enter the same. He shall require the persons so received to elect by ballot the officers to be commissioned and shall require a muster roll of the organization duly signed by the persons so received, together with a certified state-

How organized.

ment of said election, showing the names of the officers elected, and such persons so received into the service shall be considered duly enlisted.

**Constitution
and by-laws.**

SEC. 10. Any company, troop or battery, shall have power to adopt such constitution and by-laws for its government and to discipline not inconsistent with the laws of the United States or of this territory, as a majority of the members thereof shall deem proper. Such constitution and by-laws, upon approval by the governor, shall form a part of this law.

Recruits.

SEC. 11. After the organization of a company, troop or battery or band, recruits may be enlisted into the same and shall sign their names to an enlistment roll to be furnished by the adjutant general for that purpose, and such signing shall be a legal enlistment.

**Field and
line officers.**

SEC. 12. Field officers of battalions and regiments shall be elected by ballot by the commissioned officers of such organizations to serve for a term of three years, unless sooner discharged, and line officers shall be elected in like manner by the members of their respective companies, troops or batteries, to serve for a like term. In all cases a majority of all the votes cast at an election shall be necessary to a choice.

Officers.

SEC. 13. Commissioned and non-commissioned staff officers and the leader and sergeants of the band of each battalion and regiment, and non-commissioned officers of each company, troop or battery shall be appointed by the commanding officer of their respective organizations and each non-commissioned officer shall be furnished with a warrant of authority signed by the commandant of the company, troop or battery, of which he is a member, but if a member of a company, troop or battery attached to a battalion or regiment, the warrant on recommendation of the company commander will be issued from the headquarters of such organization signed by the commandant and adjutant thereof.

Oath.

SEC. 14. The oath or affirmation to be administered to officers and enlisted men upon entering the service shall be as follows: "I, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America and to the territory of Wyoming; that I will serve them honestly and faithfully against all their enemies and oppressors, whatever, and that I will observe and obey the orders of the President of the United States, the governor of this territory and the orders of the officers appointed over me, according to the rules and articles of war for the government of the armies of the United States and of this territory, and the by-laws of the organization to which I may belong." The above oath shall be administered by a commissioned officer duly appointed by the adjutant-general.

Commissions

SEC. 15. All commissions shall be issued under the seal of the adjutant-general's office, signed by the governor, and countersigned by the adjutant-general. An officer duly commissioned shall, within ten days after the receipt or tender of his commission, take and subscribe to the above oath, which shall be transmitted to the adjutant-general, who shall file the same in his office; *Provided*, That no officer shall be commissioned without the certificate of the inspector-general as to his fitness and qualifications for such commission, after a full and fair examination, and, *Provided further*, That officers elected shall have three months from date of election in

which to prepare for said examination. All officers failing to appear for, or to pass, the examination shall have their commission declared vacant and an election shall be ordered to fill the same. No charge shall be allowed or pay received for any commission issued under the provisions of this act. The inspector general referred to in this act shall be appointed by the commander-in-chief and shall be a commissioned officer of the territorial militia with the rank of major.

SEC. 16. The rank of officers hereafter commissioned shall date from the date of the commission and any officer who may serve continuously in the same grade for more than one term by re-election or re-appointment shall take rank from the date of the first commission in that grade. Rank.

SEC. 17. The resignation of officers shall be addressed to the governor and transmitted to the adjutant-general through the regular military channel and commanding officers before forwarding resignations shall endorse thereon their approval or disapproval together with all the facts bearing on the case, but an officer tendering his resignation shall not be considered as having vacated his office or out of the service until his resignation has been accepted. Resignation of officers.

SEC. 18. Any commissioned officer may be removed by the governor upon the sentence of a court martial convened according to law, which sentence shall have been approved by the commander-in-chief. Any enlisted man who by infringement of his company's by-laws has made himself liable to expulsion shall be dishonorably discharged from the service by the commanding officer of the organization to which he belongs upon the recommendation of the court martial through the judge-advocate. Removals.

SEC. 19. The command of any military force when on parade or called into service under the provisions of this act, shall devolve upon the senior officer of such force, unless otherwise ordered by the governor. Senior officer.

SEC. 20. Every officer and enlisted man shall be held to service for the term of three years, unless he sooner be disabled or discharged, and upon the expiration of the service of any enlisted man as aforesaid, and upon his demand, the commandant of his company, troop or battery, shall forward through the proper military channels to the adjutant-general, a certificate thereof and to such enlisted man, and on demand to all officers whose service has expired as aforesaid. The adjutant-general, upon the approval of the governor, shall issue and transmit a discharge, which shall show the reason therefor and the term of the service. And any enlisted man who may from sickness or disease become disabled during his term of service may receive an honorable discharge upon a proper certificate from a duly authorized physician or surgeon, stating reasons of said disablement; *Providing*, Said reasons be deemed sufficient by the governor. All members of militia companies already in existence who have served honorably from date of their enlistment shall have such time applied to their term of service as provided by this act. Term of office.

SEC. 21. The adjutant-general shall, at the expense of the territory, provide the several departments, on their requisition, the necessary rosters, books of record, blank commissions, enlistments, discharges, rolls and other papers required by law and regulations. Duty of adjutant general

Government. SEC. 22. Companies, troops and batteries, bands, batallions and regiments, shall be governed by the military law of the territory, the orders of the governor, and the regulations, articles of war and regulations of the United States army, so far as they may be applicable, and in all drills and ceremonies shall conform to the standard tactics of the said army.

**Court mar-
tials.** SEC. 23. Regimental, battalion and company court martials shall be convened by the order of the commandants thereof. The proceedings of all such court martials shall be transmitted to the adjutant-general for a reviewal by a judge advocate to be detailed for that purpose by the commander-in-chief.

**Court mar-
tials, witnesses** SEC. 24. The president of a court martial may issue subpoenas and enforce the attendance of witnesses and punish a refusal to be sworn as provided for by the articles of war and regulations for the government of the armies of the United States.

Dues. SEC. 25. Dues levied by the by-laws of any duly organized military organization may be collected by civil suit. All fines shall be assessed in the name of the territory, all suits for the collection of fines or dues shall be brought in the name of the territory of Wyoming for the use of the certain company, troop or battery.

Fines. SEC. 26. When fines assessed by a court martial are not paid within thirty days after the sentence is approved by the reviewing officer and returned to the commandant, a list thereof and of the delinquent shall be placed in the hands of the justices of the peace within the township, in which the delinquents reside, who thereupon render judgment against such delinquents separately, together with the costs of suit, without issuing process, and shall issue execution thereon, directed to any constable of the proper township, who shall collect the same, and the money so collected shall, after deduction of costs, be paid by the said justices to the treasurer of the proper company, troop or battery for the use of said organization.

Minor fines. SEC. 27. For a fine assessed or dues levied against a minor, in case such minor enlisted with the consent of his father, master or guardian, the father shall be liable jointly and severally with his son, the master with his apprentice, and the guardian with his ward for the amount of his ward's funds in his hands.

**Court mar-
tial.** SEC. 28. Upon the petition of two-thirds of the members of any company, troop or battery the governor shall order a court martial for the trial of officers and enlisted men of the National Guard, on proper charges and specifications, the proceedings of which shall be as provided in the articles of war and regulations for the government of the United States army, so far as they may be applicable, and in ordering a court martial he shall detail a judge advocate and provost marshal for the same, the proceedings to be transmitted to him for approval, and whose decision shall be final.

Uniform. SEC. 29. The uniform shall be such as may at this time be in use by active militia companies in existence and as may hereafter be adopted by the Territory of Wyoming. The buttons, belt plates and cartridge-box plates shall be inscribed with the monogram W. N. G.

Expenses. SEC. 30. The legislature shall provide by suitable legislation for armory rent and incidental expenses for the various militia organizations of the territory. All accounts for above armory rent and incidental expenses shall be signed by the commander of each company, troop or battery, and approved by the adjutant general.

SEC. 31. Officers and enlisted men when serving under orders of the governor or of a sheriff, mayor or judge to prevent or suppress riot or insurrection or to repel or prevent invasion shall receive pay at the following rates: For a period not exceeding fourteen consecutive days each field officer and surgeon five dollars per day; each line officer and staff officer ranking not higher than a captain four dollars per day; each enlisted man two dollars per day, and thereafter while in active service at the same rate of pay and allowances made to officers and enlisted men of like grades in the army of the United States. Necessary transportation and medical attendance, supplies and quarters shall also be provided for all officers and enlisted men and a reasonable allowance shall also be made for animals necessarily used.

Salary.

SEC. 32. The governor may require that every company, troop or battery, battalion or regiment, shall for the period of one week once each year assemble for field and camp duty for the purpose of study in the school of the soldier, and the governor shall designate the point where said militia shall assemble and if possible name a point most convenient for the entire assemblage of the territorial militia.

Camp duty.

The compensation for officers and enlisted men while on such duty shall be one-half the rate named in section thirty-one of this act for the fourteen consecutive days while in active service.

SEC. 33. Whenever in any county there is a tumult, riot, mob or any body of men acting together with intent to commit a felony or to do or offer violence to person or property, or by force or violence to break or resist the laws of the territory, or in case of an Indian outbreak and the civil authorities are unable to suppress the same, or there is reasonable apprehension thereof, the governor, or sheriff of the county, or the mayor or judge during the absence of the governor, may issue his call to the commanding officer of any regiment, battalion, company, troop or battery, to order his command or any part thereof, describing the same, to be and appear at a time and place therein specified to act in aid of the civil authority.

When militia subject to call.

SEC. 34. The officer to whom the call is directed shall forthwith order the troops therein mentioned to parade at the time and place appointed, and if he neglects or refuses to obey, or if any officer neglects or refuses to obey any order issued in pursuance to such call he shall be cashiered and be further punished by a fine not less than one hundred and not over one thousand dollars; and any person who advises or endeavors to persuade an officer or enlisted man to refuse or neglect to appear at such time and place, or to obey such order, shall be punished by a fine of not less than one hundred and not more than one thousand dollars on conviction thereof.

Duty of officer in ordering out troops.

SEC. 35. Whenever a commander of any company, troop or battery orders out his command he shall cause a notice to be served upon each member of such command, and such notice shall specify the time and place of meeting. A written or printed order signed by the commandant or a non-commissioned officer of the command, left at the residence of any enlisted man shall be considered a sufficient notice.

Notice to members.

SEC. 36. Whenever a company, troop or battery becomes reduced in numbers below one-half of the minimum strength, or from general insubordination, contention or other cause becomes

Disbandment

demoralized and inefficient, and its disbandment is therefore necessary for the good of the service, the governor may disband the same and order the officers thereof to be mustered out of the service; but no member of a company, troop or battery shall be dishonorably discharged except upon due trial and conviction by court martial.

Equipments. SEC. 37. All duly organized militia organizations shall be supplied by the commander-in-chief with a sufficient number of arms and accoutrements to properly equip the same. Said arms and accoutrements shall be delivered to the commanding officer of each organization, who shall give bond therefor with approved security for the return of said arms and accoutrements upon lawful application for such return by any lawful authority.

Repeal. SEC. 38. Chapter one of title twenty-nine and sub-division eleventh of section (566) five hundred and sixty-six, and section (577) five hundred and seventy-seven of the Revised Statutes of Wyoming, and all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Militia, State of Wyoming. SEC. 39. The militia of the Territory of Wyoming already organized or to be organized under this act shall become the militia of the State of Wyoming on the admission of said territory as a state of the Union.

In force. SEC. 40. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

CHAPTER 86.

ROADS AND HIGHWAYS.

AN ACT Concerning Roads and Highways.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

Control of by county commissioners. SECTION 1. All county roads shall be under the supervision, management and control of the board of the county commissioners of the county wherein said road is located, and no county road shall be hereafter established, nor shall any such road be altered or vacated, in any county in this territory, except by the board of the county commissioners of the county wherein such road is located, except as is in this act provided.

S. 8868 R. S. Wyo. SEC. 2. Section thirty-eight hundred and sixty-eight (3868) of the Revised Statutes of Wyoming, relative to the width of county roads, is hereby continued in force, and shall not be construed as to be repealed by any of the provisions of this act.

Road petitions. SEC. 3. Any person desiring the establishment, vacation or alternation of a public road, shall file in the office of the county clerk of the proper county, a petition signed by ten or more

electors of the county residing within fifteen miles of the road proposed to be established, altered or vacated, in substance as follows:

To the Board of the County Commissioners of.....
county. The undersigned ask that a public road, com-
 mencing at.....and running thence.....
and terminating at.....be
 established (altered or vacated, as the case may be.)

SEC. 4. The board of the county commissioners may require, in their discretion that the petitioners for the establishment, alteration or vacation, of a public road, shall deposit with the county clerk, a sufficient sum of money to defray the expenses of laying out, vacating or alteration of such road, and such expense, when so incurred, shall be paid out of such deposit. If the road is finally established, altered or vacated, the money so deposited shall be returned to the person who deposited the same. Deposit of money.

SEC. 5. Upon the filing of such petition the board of the county commissioners, at a regular or special meeting, or the chairman of said board, if in his judgment an emergency exists, shall appoint a suitable and disinterested elector of the county, who may be a member of the board of the county commissioners, to examine into the expediency of the proposed road, alteration or vacation thereof, and to report immediately. Appointment of viewer.

SEC. 6. The person so appointed shall be termed a viewer, and he shall not be confined to the precise matter of a petition, but may inquire or determine whether that, or any road, in the vicinity of the proposed road, answering the same purpose, be required. Viewer.

SEC. 7. In forming his judgment, the viewer shall take into consideration, both the public and private convenience, and also the expense of the proposed road. Viewer.

SEC. 8. The said viewer shall report in writing to the board of the county commissioners, whether or not, in his judgment, said proposed road is practicable and ought or ought not to be established, altered or vacated, as the case may be, stating the probable expense of the same, including damages to property owners along the line thereof, the benefits thereto, and such other matters therein as shall enable the said board to act understandingly in the premises. Report of viewer.

SEC. 9. The board of the county commissioners shall allow the said viewer such reasonable compensation for his services as they shall determine and fix upon. Compensation of viewer.

SEC. 10. If, upon considering and acting upon the report of the viewer, or otherwise, the board of the county commissioners shall decide to lay out said road, they shall cause the county surveyor to make an accurate survey thereof, if such survey is necessary, and to plat and record the same in the books provided by the county for such purpose; and a copy of such plat and notes of survey shall, without unnecessary delay, be filed in the office of the county clerk. Duty of county surveyor.

SEC. 11. If the board of the county commissioners shall determine to establish, lay out or alter any road, they shall appoint a day, not less than thirty days after such determination, on or before which day all objections to the establishment, alteration or vacation of the proposed road, and claims for damages by reason thereof, shall be filed with the county clerk. Duties of county commissioners.

Notice.

SEC. 12. Notice shall be published of the proposed location, alteration or vacation of any road, for three successive weeks in three successive issues, in some weekly newspaper published in the county, if any such there be, or if there be no newspaper published therein, and such notice shall also be posted, in at least three public places along the line of said proposed road, or altered or vacated road, which notice may be in the following form. *Provided*, The county clerk shall mail a written notice to the last known postoffice address of all parties whose lands are affected by such location, alteration or vacation:

To all whom it may concern: The board of county commissioners having decided to locate, vacate or alter, (as the case may be), a road commencing at.....in..... county, Wyoming, running thence (describe in general terms the points and course thereof) and terminating at..... and all objections thereto, or claims for damages, must be filed in writing with the county clerk of said county, before noon of theday of.....A. D....., or such road will be established (vacated or altered), without reference to such objections or claims for damages.

.....
County Clerk.

Dated.....A. D.....

The publication or posting of such notice shall be a legal and sufficient notice to all persons owning lands over which any road is proposed to be located, and to all persons interested in the location, alteration or vacation of any road, of the location, alteration or vacation thereof, and to make their objections thereto and to file their claims for damages by reason thereof.

Filing claims
for damages.

SEC. 13. No objections or claims for damages shall be filed or made after the noon of the day fixed for filing the same, and if no objections or claims for damages are filed, on or before noon of the day fixed for filing the same, they shall be disregarded, and not considered, and shall be deemed to have been waived and barred.

Filing of ob-
jections.

SEC. 14. If objections to the establishment, altering or vacating of the road, or if any claims for damages shall be filed, the further hearing of the application may be continued by the board until the matter can be properly disposed of.

Appraisers.

SEC. 15. When claims for damages are filed, at the next regular meeting or special meeting of the board of the county commissioners, or so soon thereafter as may be practicable and convenient, the said board shall appoint three suitable and disinterested electors of the county as appraisers, to view the ground, on a day fixed by said board, and they shall report their doings in the matter and file their report in writing with the county clerk within thirty days after the date of their appointment, fixing the amount of the damages sustained by the claimants.

Appraiser to
be notified of
appointment.

SEC. 16. The county clerk shall cause the said appraisers to be notified of their appointment, fixing the hour at which they are to meet at his office.

Appointment
of new ap-
praisers.

SEC. 17. If the appraisers are not all present within one hour after the time fixed by the county clerk, the said clerk shall fill any vacancy in their number by the appointment of another or others. The appraisers and the viewer mentioned in this act shall be sworn to discharge their duties faithfully and impartially. Should the report of the appraisers be not filed in time, or should any other

cause for delay exist, the county clerk may postpone the time for final action on the subject, and may, if expedient, appoint other appraisers, with the approval of the chairman of the board of county commissioners.

SEC. 18. At the next meeting of the board of the county commissioners after the report of the appraisers has been filed, or so soon thereafter as may be practicable, the said board may hear testimony, consider petitions for and remonstrances against the establishment, vacation or alteration, as the case may be, of any road, and may establish, vacate or alter any road, or may refuse so to do, as in their judgment the public good may require; but in case there shall be no claims for damages filed, they shall act as speedily as possible in the matter. Said board may increase or diminish the damages allowed by the appraisers, and may make such establishment, vacation or alteration of any road, dependent or conditioned upon the payment, in whole or in part, of the damages awarded or expenses incurred in relation thereto, by the petitioners for such road, or alteration or vacation thereof.

Hearings by
county com-
missioners.

SEC. 19. The establishment of a new road on the route of a road already established according to law, shall not vacate any road previously established, unless such vacation shall be ordered by the board of county commissioners.

When old
roads shall be
vacated.

SEC. 20. Whenever a public road is ordered to be established or altered according to the provisions of this act, which shall pass through, or on enclosed lands, the road overseer, or other proper officer, shall give the owner, agent or occupant of such lands, notice in writing to remove the fences thereon, and if such owner, agent or occupant shall not move his fence, within thirty days thereafter, the same may be removed by the proper officer and the road opened and worked; and such owner shall forfeit and pay twenty dollars for each day he shall permit his fence to remain after said thirty days, and shall pay all necessary cost of removal, to be collected by the proper officer, in any court of competent jurisdiction for the use and benefit of the general county road fund.

Roads
through en-
closed lands.

SEC. 21. All public streets of towns or villages, not incorporated are a part of the public road; and all road overseers, or persons having charge of the same, in their respective districts or counties, shall work the same as provided by law or ordered by the board of the county commissioners of the proper county.

Streets of un-
incorporated
towns or vil-
lages.

SEC. 22. Public roads may be established, without the appointment of a viewer, or without any other proceedings, than the order of the board of county commissioners; *Provided*, That the written consent of all the owners of the land to be used for that purpose, be first filed in the office of the county clerk, and when it is shown to the satisfaction of the said board that the supposed road is of sufficient importance to be opened and traveled, they shall make an order establishing the same. The board of the county commissioners, when in their judgment such action shall be in the interests of economy or the public good may purchase or receive donations of rights of way for a public road, or any alteration thereof, or any part thereof, from any and all persons along the route thereof, and declare the same opened, whenever the consent of the owners of the land, through which said proposed road or alteration shall run, has been obtained, either by the donations of land, or when an amicable adjustment of the amount to be paid therefor,

Public roads.

has been made between such land owners and said board; and all roads or parts of roads or alteration of roads heretofore opened or made, by consent or adjustment of damages, without recourse to other proceedings, are hereby declared to be public roads, the same as if such roads had been legally opened, or said alterations legally made.

Appeal to district court. SEC. 23. Any applicant for damages claimed, or caused by the establishment or alteration of any road, may appeal from the final decision of the board of the county commissioners, to the district court of the county, in which the land lies, for the taking of which for a public road, damages are asked; but notice of such appeal must be made to the county clerk, within thirty days after such decision has been made by the said board, or such claim shall be deemed to have been abandoned.

Duties of county clerk. SEC. 24. The county clerk shall, within ten days after the notice of an appeal as provided for in the preceding sections, is filed in his office, make out and file in the office of the clerk of the district court, in his county, a transcript of the papers on file in his office, and the proceedings of the board in relation to such damages.

Damages. SEC. 25. The amount of damages to which the claimant shall be entitled on such appeal, shall be ascertained in the same manner as in a civil action, and the amount so ascertained, if any, shall be entered of record, but no judgment shall be entered therefor. The amount thus ascertained shall be certified by the clerk of the court to the county clerk, who shall thereafter proceed as if such amount had been allowed by the board of the county commissioners to the claimant, as damages.

Road districts SEC. 26. The board of the county commissioners of any county may divide their county into road districts of convenient size, and may change and alter said districts from time to time, or abolish them altogether, and such board may, in their discretion, appoint a road supervisor for each district or for the entire county, or such board may dispense with the services of such officer or officers, as they may determine.

Road tax. SEC. 27. In case said district supervisors are continued in office, as permitted in the preceding section, the board of such county, continuing such officers, may at their discretion levy the special road tax provided for in section thirty-eight hundred and seventy-seven (3877) of the Revised Statutes, and where any board of county commissioners shall continue such district road supervisor in office, the provisions of sections thirty-eight hundred and seventy-five (3875), as amended, thirty-eight hundred seventy-six (3876), thirty-eight hundred seventy-seven (3877) as amended, thirty-eight hundred seventy-eight (3878), thirty-eight hundred seventy-nine (3879), thirty-eight hundred eighty (3880), thirty-eight hundred eighty-one (3881), thirty-eight hundred eighty-two (3882), thirty-eight hundred eighty-three (3883), thirty-eight hundred eighty-four (3884), as amended, thirty-eight hundred eighty-five (3885), thirty-eight hundred eighty-six (3886), thirty-eight hundred eighty-nine (3889), of the Revised Statutes of Wyoming, are hereby continued in force, so far as the same does not conflict with this act.

Dispensing with road districts. SEC. 28. Whenever the board of county commissioners shall elect to dispense with road districts and road supervisors for districts, the provisions of the sections of the Revised Statutes continued in force in the preceding section, shall have no application, and

the said board shall have no power to levy the poll tax required to be levied, enforced and collected in said sections of the Revised Statutes so continued in force, but may levy a road tax on property as provided by section thirty-eight hundred seventy-seven (3877) of the Revised Statutes.

SEC. 29. The provisions of sections thirty-eight hundred and sixty-four (3864) and thirty-eight hundred and seventy (3870) shall apply to the viewer and the appraisers mentioned in this act. Provisions of S. 3864, 3870, R. Wyo.

SEC. 30. Any person, persons, co-partnership association of persons, corporation or corporations claiming damages for the maintenance, operation or laying out of any county road, or alteration thereof, or any road or alteration thereof, claimed to have been laid out or declared open heretofore by the board of the county commissioners of any county, who shall fail to make any application for damages to the board of the county commissioners of the county in which such road or alteration thereof lies, or who shall fail to bring suit in the proper court of competent jurisdiction within the period of six months after the passage of this act, shall be forever barred for asserting the same or prosecuting any suit, action or proceeding therefor, and from defending the same, and such road or alteration, or claimed road or alteration, shall become a public road or part of a public road, without any further or other proceedings; but if any such persons or corporations shall bring suit, within the time above limited, or apply to the county commissioners for damages for the construction of such road or alteration of a road, within such time, if such claimants have any rights in the premises, they shall be awarded such damages as may be found right and proper, in accordance with the true meaning, spirit, purport and effect of this act. Damages heretofore claimed.

SEC. 31. Chapter one (1) of title forty-four (44) of the Revised Statutes of Wyoming, is hereby amended and modified by this act, except sections 3859, 3860, 3861, 3862, and 3863, of the Revised Statutes of Wyoming which are hereby repealed. Amendment ch 1 title 44, R S Wyo.

SEC. 32. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as the same are in conflict with or inconsistent with the provisions of this act. Repeal of inconsistent law.

SEC. 33. This act shall take effect and be in force from and after its passage. In force.

Approved March 14, 1890.

RESOLUTIONS AND MEMORIALS.

THE STATE OF WYOMING.

House Joint Resolution No. 1.

Be it Resolved by the Council and the House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming, that the Congress of the United States of America, be Memorialized as Follows:

MEMORIAL.

The eleventh legislative assembly of the territory of Wyoming respectfully represents to the congress of the United States of America, the following:

The last preceding legislative assembly of this territory adopted and forwarded a memorial to congress, praying for admission into the Federal Union. Since that time, which was about two years ago, a bill for that purpose was introduced into each branch of congress, and reported favorably, in each house at the close of the last session, but too late for action by those bodies. Encouraged by these favorable movements on the part of the committees of congress the people of this territory, through the several boards of the county commissioners, petitioned the governor to proceed under the senate bill for the admission of Wyoming, to call a constitutional convention, and an election was ordered for such purpose. The members elect convened last September at the capitol of the territory, and after a thirty days session, framed a constitution for the State of Wyoming, which was submitted to the people at a special election held on the fifth day of November last, and adopted at that time, by a large majority. The proper committee of the constitutional convention, duly authorized thereby, has laid before your honorable bodies, the constitution, and their appeal for admission. We deem it our duty to renew the memorial adopted by our predecessors, which has been fortified by the vote of the people, a precedent followed by a number of states, which have obtained admission without an enabling act. All of the arguments for admission detailed in the memorial of the last legislative assembly, herein referred to, exist now in an augmented degree. The territory has largely increased in population and wealth. Our actual assessable property is nearly one hundred millions, while our territorial debt is but three hundred and twenty thousand dollars, representing an expenditure for public buildings, namely: a capitol, a university, an asylum for the insane, a deaf mute institute, and the preparation for a territorial penitentiary, which are worth much more than the sum expended in their erection. We annually expend for the support of our common schools, for county purposes, including internal improvements, for courts and for territorial purposes, more than twenty times the amount received from the government. Our territory will soon be traversed by three great trans-continental routes, in addition to one now crossing the southern part of the territory, and one piercing its center. Our great mineral resources are actual and no longer problematical, and with-

these, and our vast agricultural area and grazing area, we are fitted for a great, prosperous and stable commonwealth, while the small percentage of illiteracy within our limits demonstrates that we shall be governed wisely and economically by ourselves. Our people without regard to party affiliations, are ready and eager to assume and bear the additional burdens of statehood, and to escape from the disadvantages of territorial vassalage. We have witnessed the growth of three great commonwealths bordering us on three sides, and are impatient to share with them the benefits of home rule. Believing then, that the people of Wyoming are fully equipped for statehood, this legislative assembly, one branch of which is republican and the other democratic, in the name and by the authority of the people of this commonwealth, respectfully urges upon congress, the immediate admission of Wyoming, as a state of the federal union.

Be it further Resolved, That the governor be and he is hereby requested to forward a duly authenticated copy of these resolutions to the delegate in congress, to the end that the same may be speedily laid before the senate and the house of representatives.

STEPHEN W. DOWNEY,
Speaker of the House.
GEORGE T. BECK,
President of the Council.

GOVERNOR WARREN—A VOTE OF THANKS.

House Joint Resolution No. 2.

Be it resolved by the Council and House of Representatives of the Eleventh Legislative Assembly:

That in consideration of their appreciation of his earnest efforts for the welfare of the territory and his deep interest in the advancement of the proposed state of Wyoming, the thanks of the eleventh legislative assembly are due and are hereby tendered to his excellency, Francis E. Warren, governor of Wyoming; and further, that the thanks of the eleventh assembly are especially due to his excellency for the valuable suggestions bearing upon the future work of the legislature, contained in his very able, earnest and comprehensive message.

STEPHEN W. DOWNEY,
Speaker of the House.
GEORGE T. BECK,
President of the Council.

SECRETARY MELDRUM—A VOTE OF THANKS.

House Joint Resolution No. 3.

Be it resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming:

That the members of both houses of this legislative assembly do sincerely appreciate the careful preparation and comfortable and satisfactory arrangement of their elegant and commodious chambers in the new Capitol building, and that their hearty thanks are hereby extended to Hon. John W. Meldrum, secretary of the territory, for his praiseworthy and successful efforts in their behalf.

STEPHEN W. DOWNEY,
Speaker of the House.
GEORGE T. BECK,
President of the Council.

COMMITTEE TO INSPECT CERTAIN PUBLIC INSTITUTIONS.

House Joint Resolution No. 4.

Resolved by the Council and House of Representatives of the Territory of Wyoming:

That a joint committee consisting of two from the council and three from the house of representatives be appointed to visit and inspect and make report upon the condition thereof upon the following named territorial institutions:

The insane asylum at Evanston.

The penitentiary at Rawlins.

The university at Laramie City.

Provided, That the total expenses of such committee to be paid by the territory shall not exceed one hundred and fifty dollars.

STEPHEN W. DOWNEY,
Speaker of the House.
GEORGE T. BECK,
President of the Council.
FRANCIS E. WARREN,
Governor.

Approved February 4, 1890.

GALVESTON DEEP-HARBOR.

House Joint Memorial No. 1.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the eleventh assembly of the legislature of the Territory of Wyoming would most respectfully represent:—

That a convention was held in the City of Denver, Colorado, in August, 1888, composed of representative men of the several states and territories of the entire trans-Mississippi valley and at that convention a permanent inter-state deep harbor committee was appointed to urge upon the congress of the United States a liberal and sufficient appropriation for the construction of a deep harbor at some point on the Gulf of Mexico. That on October 1st, 1889, a session of the inter-state deep harbor convention in furtherance of the construction of such harbor was holden at the City of Topeka, Kansas, which convention was the most largely attended and thoroughly representative assembly that has ever been convened in the great west. In these conventions the leading and representative men of Wyoming territory have taken an active part. Boards of trade throughout our territory, the constitutional convention of the territory by resolutions have unanimously adopted the sentiments of these deep harbor conventions.

The interest taken in these great conventions by our representative men meets with the unqualified approval of the people of this territory.

"It will give some idea of the wealth of the country west of the Mississippi river which most all have its nearest Atlantic port in the harbor we ask the government to construct. When you are told that the agricultural lands are not half occupied and that the Rocky Mountain country is not only our greatest source of gold, silver, copper, and lead, but contains mostly undeveloped, the most extensive deposits of iron, of coal, and of oil."

Wyoming territory has all of these sources of wealth in abundance and yet her mining and agricultural industries are still in their infancy. The Territory of Wyoming, unaided by government assistance, laboring under all of the many disadvantages necessarily incident to a territorial form of government, has arrived at that stage of development when it is asking, as your memorialists believe justly, for admission into the sisterhood of states, we most respectfully call your attention to the fact that the great west has submitted the selection of the location for the deep water harbor to the judgment of the congress of the United States; that no locality has been demanded; that the congress has taken the judgment of an impartial and unbiased board of engineers of the war department as to location and cost of construction of said harbor. That this board have selected the harbor of Galveston, Texas, and recommended the immediate appropriation of \$6,200,000 for the work.

To the end therefore that Wyoming in common with its sister states and territories in the trans-Mississippi country may be afforded better facilities for reaching the Atlantic seaboard and that her almost unlimited resources may be more rapidly developed; that the railroad building now in progress within her borders may receive a new and additional impetus.

Your memorialists most respectfully and earnestly urge upon your honorable bodies the passage of the Galveston harbor bill and the appropriation of \$6,200,000 as recommended by the board of engineers of the war department.

STEPHEN W. DOWNEY,

Speaker of the House.

GEORGE T. BECK,

President of the Council.

UNION PACIFIC RAILWAY'S OBLIGATIONS TO THE GOVERNMENT.

House Joint Memorial No. 2.

Memorial requesting that congress take favorable action upon the bill now pending before it, granting to the Union Pacific Railway company an extension of time by giving additional security for the payment of its indebtedness to the government.

*To the Senate and House of Representatives of the United States of America
in Congress Assembled:*

Your memorialists, the eleventh legislative assembly of the Territory of Wyoming, respectfully represent that the large and varied interests of Wyoming require increased facilities of transportation for their proper development, and we feel that all proper encouragement should be extended to railway companies building main or branch lines within Wyoming, having due regard to proper restrictions upon corporate power to induce the construction of roads to meet the necessities of this western country, and to that end respectfully represent that the Union Pacific Railway company, whose main line traverses the territory along the southern boundary from east to west, should have an opportunity to extend a system of branch lines throughout the territory, which would greatly foster and encourage trade and would be of great value in building up and advancing the manufacturing and other interests of Wyoming.

And it has become evident that it is impossible for said railway company to carry on such system of extension and branch lines to enable it to meet the necessities of transportation in the western country through which it passes, including Wyoming, without the assistance of congress in extending the time for the payment of the obligations of said road to the government.

And the bill now before congress providing for an extension of time, and providing a method of adjustment, of the indebtedness of said company to the government of the United States, upon such terms as will make it possible for the said railway company to pay its indebtedness to the government, and at the same time protect and further the business interests of Wyoming, by the extension of branch lines, having been recommended by a majority of the Pacific railroad investigating committee and by the government directors appointed to investigate the affairs of said company, as a just and equitable basis of settlement between said railway company and the government of the United States, it seems to us that under the wise provisions of the said bill, the certain payment of the said company's indebtedness to the government will be amply secured and we believe it for the business interests of the west that congress grant

the extension asked upon the terms provided in said bill. And as in duty bound, your memorialists will ever pray, etc.

STEPHEN W. DOWNEY,
Speaker of the House.
 GEORGE T. BECK,
President of the Council.
 FRANCIS E. WARREN,
Governor.

Approved March 5, 1890.

MILITARY RESERVATIONS.

House Joint Memorial No. 3.

Be it Resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming to Memorialize the Congress of the United States of America, as Follows:

The eleventh legislative assembly of the Territory of Wyoming in session assembled, respectfully represents to the congress of the United States of America, the following: That the Fort Sanders military reservation, the Fort Fetterman military reservation, the Fort Fetterman hay reservation and all the other military, hay and wood reservations included in the act of congress, entitled "An Act to Provide for the Disposal of Abandoned and Useless Military Reservations," approved July 5th, 1884, and lying within the Territory of Wyoming, have been abandoned for about seven years. That since the passage of said act, and in some cases prior thereto, many bona fide settlers, and residents have entered said reservations and have enclosed lands thereon, cultivated and irrigated the same and constructed valuable and permanent improvements thereon, without any protest or molestation from the United States officials, they believing that if such lands were sold and disposed of they would be entitled to purchase and enter the same under the land laws of the United States, in preference to others.

That in no case has any person entered, settled upon or improved any of the lands in such reservations for the purposes of speculation, but with the bona fide and actual intention to acquire homes thereon; and since their occupancy of said lands they have been engaged in the business of stockgrowing and agriculture thereon. That the lands of such military, hay and wood reservations are, in their natural state, desert and unproductive in character, and must be irrigated in order to produce agricultural crops, and they have been to a great extent so reclaimed by the parties who have settled upon said lands. That the present law does not apply to but few, if any, of the persons now occupying said lands, and if carried out will result in the ousting of these settlers and occupants and work a great hardship to them and in favor of speculators, as the lands can now be sold only in forty-acre tracts, and owing to the altitude of all the said reservations above sea level, each forty-acre tract will be of no value to actual settlers and only of value to speculators, who will become enriched by the toil and industry of other men. We therefore respectfully recommend that an act be passed by congress, amending said act, and that the same be so amended as to permit the land to be sold to the settlers and

occupants now located upon the same, each to the extent of one section at the price of one dollar and twenty-five cents an acre.

And your memorialists, as in duty bound will ever pray.

Resolved, That the governor of the territory be requested to forward a duly authenticated copy of this resolution and this memorial to our delegate in congress, to the end that this memorial may be speedily acted upon.

STEPHEN W. DOWNEY,

Speaker of the House.

GEORGE T. BECK,

President of the Council.

INDIAN DEPREDATION CLAIMS.

House Joint Memorial No. 4.

Memorial and joint resolution of the governor and legislative assembly of the Territory of Wyoming with reference to the payment of Indian depredation claims.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Wyoming, most respectfully represent that a large number of pioneers in and travellers through our western states and territories, have within the last thirty years unfortunately become the victims of Indian avarice, malevolence and robbery. That in thousands of cases the settlers upon the public domain have been ruthlessly robbed of their property, and in hundreds of instances the robbery was accompanied with murder and other crimes of the most hideous character, committed by the numerous bands of Indians inhabiting the country lying west of the Missouri river, and that notwithstanding the fact that treaties have been made between the United States and the tribes who have been guilty of depredating upon our citizens during that time, by the terms of which it was agreed that reparation should be made to those of our people who had suffered losses in property at hands of the Indians, and congress has passed laws prescribing the manner in which claims for losses thus sustained should be made out and established; and in pursuance thereof thousands of claims have been made and filed in the office of the commissioner of Indian affairs, and very many of these claims have been examined by the various incumbents of that office since said claims were filed therein, and found fully or partially proven and established as required by law; and more than one secretary of the interior has reported many of the claims to congress, recommending their payment in the amounts found proven as aforesaid. Yet congress has omitted to act upon the recommendations of Secretary Chandler and many of his successors in office, in this matter, and failed to make the appropriations of money necessary to pay the claims thus established and reported; but has by law created the office of special agent of the department for the purpose of re-investigating and taking testimony anew to re-establish and prove these claims, and made liberal appropriations for the compensation of and expenses of said special agents, whose work in a great measure we believe to be one of supererogation; certainly it

has borne no fruit for the claimant. Wherefor, we, your memorialists, respectfully ask that justice be meted out to the pioneers who endured the hardships of frontier life, made the roads, built the bridges, erected the school houses and churches and unlocked the treasure house of the nation in the Sierras and Rockies, making it possible for a higher civilization to exist in this trans-Missouri country, by making without further delay the necessary appropriation to pay all these claims that have been heretofore examined by any commissioner of Indian affairs and reported by such commissioner and his superior officer, the secretary of the interior, to congress with the recommendation that said claims be paid, in whole or in part, as the case may be, and that such further legislation be had as will insure the speedy and equitable adjustment and payment of all such claims that can be fairly proven to exist and have not for any reason heretofore been favorably reported to congress, and as in duty bound we will ever pray, etc.

Resolved, That his excellency, the governor of the Territory of Wyoming, be and he is hereby authorized and requested to cause to be furnished to Hon. Joseph M. Carey our delegate in congress, to the president of the senate and speaker of the house of representatives and to the chairman and each member of the committee on Indian depredation claims in the senate and house of representatives in congress, with copies of this joint memorial and resolution and to use all honorable means to cause to be made a speedy, fair and equitable adjustment and payment of all such of these claims as have been or may be proven to exist.

STEPHEN W. DOWNEY,

Speaker of the House.

GEORGE T. BECK,

President of the Council.

PHIL KEARNEY MASSACRE.

House Joint Memorial No. 5.

Relating to the Phil Kearney massacre of December 21st, 1866.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the eleventh legislative assembly of the territory of Wyoming, would respectfully represent: That on December 21st, 1866, now almost a quarter of a century ago, there occurred within the territorial limits of what is now known as Johnson and Sheridan counties, Wyoming, one of the most cruel and heart rending Indian massacres that the present century records, wherein Brevet Lieutenant William F. Fetterman, captain company "A," 18th regiment, U. S. Infantry, and eighty-seven others of his brave and loyal companions and including several private citizens laid down their lives in that terrible strife and sanctified the soil now inherited by the citizens of our territory by their life blood, freely and nobly spilled in the performance of duty.

Your memorialists further represent that no monumental shaft or even a lowly cross of wood has been placed to mark the spot where they so nobly exemplified their devotion to country and duty, and to this day no mark of

remembrance of the Phil Kearney massacre has been made save only in the name "Massacre Hill," by which the battle field is known.

Your memorialists further represent that citizens of this territory in humble appreciation and acknowledgment of their debt of gratitude to that gallant band of officers, soldiers and citizens, and to the end that their memories and the sacrifice which they made may be perpetuated in history, have organized and incorporated an association under the name of "The Massacre Hill Monument Association," for the following purposes expressed in their articles of incorporation on file in the office of the secretary of Wyoming, viz: "That the purposes for which the association is formed are to establish and maintain a society for the preservation of the history of the Phil Kearney massacre, of December 21st, 1866; to purchase or receive by gift or otherwise personal estates such as may be necessary or proper for the purposes of such corporation, and to dispose of the same. To purchase or receive by gift, grant, devise or otherwise, real estate such as may be necessary or proper for the purpose of the corporation; to erect and maintain a monument on the site of the Phil Kearney massacre to commemorate and honor the officers, soldiers and citizens who gave up their life on that fatal field; to collect and provide for the keeping and classification of relics of the said Phil Kearney massacre, and to collect, preserve and publish historical facts, data and history of the said Phil Kearney massacre."

Your memorialists further represent: That the site of said battle ground is vacant and unoccupied public lands, so high and broken that it is of no value for agricultural purposes and that no title thereto can be obtained by said association; that it will require a large sum of money to carry out the entire provisions of said association, and that the collection, preservation and publication of historical facts, data and history of said massacre should first receive attention while persons are still living having knowledge thereof.

Your memorialists therefore pray your honorable bodies to provide by suitable legislation for the donation of said battle ground to said association for the purposes of said association, and that the honorable secretary of war or a board of engineers of the war department may be authorized and required to co-operate with said association in the erection of the memorial monument on said battle ground, and that at least ten thousand dollars be appropriated therefor by the United States, to be expended under the direction of the honorable secretary of war, or under such other regulations as may to congress seem meet.

That an authenticated copy in duplicate of this memorial be forwarded by the honorable secretary of the territory to the Honorable J. M. Carey, our delegate in congress, for presentation to both houses of congress for consideration, and an additional copy for presentation to the honorable secretary of war.

STEPHEN W. DOWNEY,

Speaker of the House.

GEORGE T. BECK,

President of the Council.

FINANCE COMMITTEES.

Council Joint Resolution No. 1.

Relating to certain deficiencies.

Be it resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming:

That the finance committees of the council and house of representatives be and they are hereby requested to prepare, within three days, a bill for an act to provide for an appropriation of monies to cover such deficiencies as are reported by officers and commissions of the territory, and such as in the judgment of said committees require immediate action.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives.

AUDITING COMMITTEE.

Council Joint Resolution No. 2.

Relating to the appointment of a joint committee to examine the accounts of the auditor and treasurer of the territory.

Be it resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of Wyoming:

That A. H. Reel of Laramie county, on the part of the council, and William Taylor, of Albany county, and C. H. Burritt, of Johnson county, on the part of the house of representatives, be, and the same are hereby appointed a committee to examine and report upon the accounts of the treasurer and auditor, according to law.

GEORGE T. BECK.

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives.

COMMITTEE TO INSPECT THE TERRITORIAL EXHIBIT.

Council Joint Resolution No. 4.

Be it resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming:

That there be appointed by the president of the council and the speaker of the house of representatives, respectively, one member of the council and two members of the house to act as a committee to investigate the present condition of the territorial exhibit, now in store in the city of Cheyenne, and to report the result of such investigation as soon as possible, with such recommendations as to said committee may seem meet to the council and house of representatives.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives.

REVISING REVENUE LAWS.

Council Joint Resolution No. 5.

Relating to the establishment of a commission to revise the revenue laws of the territory.

WHEREAS, The revenue laws of this territory are in many cases conflicting and ambiguous, resulting in unnecessary litigation between several of the counties and the territory; therefore be it

Resolved, By the Council and House of Representatives of the Territory of Wyoming:

That the territorial auditor, territorial treasurer and attorney general, shall constitute a commission to revise the revenue laws of the territory, and suggest such amendments as they may deem necessary. Said commission shall make a report of such revision embodying the amendments suggested by them to the twelfth legislative assembly.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives.

CAPITOL BUILDING FUND.

Council Joint Resolution No. 6.

To apply certain funds to the use of the capitol building commission.

Be it Resolved by the Council and House of Representatives of the Eleventh Legislative Assembly:

That the sum of five thousand eight hundred and twelve dollars and forty cents, or so much thereof as may be necessary, of the capitol building fund of the territorial treasury be and the same is hereby applied to the uses of the capitol building commission to pay for its certain deficiency, and to aid in further carrying out the provisions of law creating such commission and prescribing its duties; *Provided further*, That that the sum of eighteen hundred and sixty-nine dollars and thirty-five cents (\$1869.35) is hereby appropriated out of the capitol building fund to re-imburse M. P. Keefe for loss sustained on non-interest bearing warrants issued to him in payment on contract for building wings of the capitol building.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives,

Approved March 6, 1890.

FRANCIS E. WARREN,

Governor.

JOINT RULE NO. 12.

Council Substitute for House Joint Resolution No. 7.

Relating to suspension of joint rule number twelve.

Be it resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming:

That joint rule number twelve be suspended during the remainder of the session.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives.

AUDITING COMMITTEE.

Council Joint Resolution No. 8.

Relating to the appointment of a joint committee to examine the accounts of the auditor and treasurer.

Be it Resolved by the Council and House of Representatives of the Eleventh Legislative Assembly of the Territory of Wyoming.

That a joint committee, to consist of one member of the council and two members of the house of representatives, be appointed to examine and settle the accounts of the territorial auditor and treasurer, as provided in section seventeen hundred and twenty-two of the revised statutes of the territory of Wyoming, and by section two of an act providing for reports of territorial officers and boards of public institutions, and for other purposes, approved March eighth, eighteen hundred and eighty-eight.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House of Representatives.

ELECTIONS.

Council Joint Resolution No. 11.

Be it resolved by the Council and House of Representatives of the Territory of Wyoming:

That his excellency, the governor, be requested to return to the honorable house, house enrolled act No. 35, being house bill No. 3, that a conference may be had thereon for the purpose of agreeing upon other and further amendment to said act as to the time said act shall take effect.

GEORGE T. BECK,

President of the Council.

STEPHEN W. DOWNEY,

Speaker of the House.

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