

S. 2445.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1888.

Mr. TELLER introduced the following bill; which was read twice and referred to the Committee on Territories.

FEBRUARY 27, 1889.

Reported by Mr. PLATT with an amendment, viz: Strike out all after the enacting clause and insert the part printed in *italics*.

A BILL

To provide for the formation and admission into the Union of the State of Wyoming, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That the inhabitants of the Territory of Wyoming are hereby~~
4 ~~authorized to form for themselves a State government, with~~
5 ~~the name of the State of Wyoming.~~

1 ~~Sec. 2. That the said State shall consist of all the terri-~~
2 ~~tory embraced within the said Territory described as follows:~~
3 ~~Commencing at the intersection of the twenty seventh merid-~~
4 ~~ian of longitude west from Washington with the forty fifth~~
5 ~~degree of north latitude and running thence west to the thirty-~~
6 ~~fourth meridian of west longitude, thence south to the forty-~~
7 ~~first degree of north latitude, thence east to the twenty sev-~~
8 ~~enth meridian of west longitude, and thence north to the place~~
9 ~~of beginning.~~

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1 ~~Sec. 3. That in order to the formation of such State gov-~~
2 ~~ernment the qualified electors resident within said boundaries~~
3 ~~are hereby authorized, after due proclamation by the governor~~
4 ~~of Wyoming Territory, and in conformity to the laws of said~~
5 ~~Territory relative to the election of a Delegate to Congress~~
6 ~~and the election of members of the legislative assembly~~
7 ~~thereof, as nearly as practicable, and in so far as they may be~~
8 ~~applicable, and under such rules and regulations, and at such~~
9 ~~time and places as said governor may prescribe, to elect as~~
10 ~~many delegates, possessing the qualifications of such electors~~
11 ~~within the present limits of said Territory, as there are mem-~~
12 ~~bers of said legislative assembly, also two delegates at large~~
13 ~~in each county organized at the time of the issuing of said~~
14 ~~proclamation, and also fifteen such delegates in the Territory~~
15 ~~at large: Provided, That no election shall be called to be~~
16 ~~held under this section previous to the first day of June, anno~~
17 ~~Domini eighteen hundred and eighty nine.~~

1 ~~Sec. 4. That said delegates shall meet in convention in~~
2 ~~the city of Cheyenne, in said Territory, at such time as said~~
3 ~~governor may designate in his said proclamation, and, when~~
4 ~~organized, shall declare, on behalf of the people of the Terri-~~
5 ~~tory embraced within said boundaries, that they adopt the~~
6 ~~Constitution of the United States; and thereupon said con-~~
7 ~~vention is hereby authorized to form a constitution and State~~
8 ~~government for said Territory so bounded and described as~~

9 aforesaid: ~~Provided, nevertheless, That such~~ constitution shall
10 ~~be republican in form and make no distinction in civil and po-~~
11 ~~litical rights on account of race or color, except as to Indians~~
12 ~~not taxed, and not to be repugnant to the Constitution of the~~
13 ~~United States and the principles of the Declaration of Inde-~~
14 ~~pendence: Provided further, That said convention shall pro-~~
15 ~~vide by an ordinance that the inhabitants of the Territory em-~~
16 ~~brace within said boundaries do agree and declare that they~~
17 ~~forever disclaim all right and title to the unappropriated pub-~~
18 ~~lie lands and the lands the Indian title to which has not been~~
19 ~~extinguished by the United States lying therein, and that the~~
20 ~~same shall be and remain at the sole and entire disposition~~
21 ~~of the United States; that all grants and patents heretofore~~
22 ~~made by the United States to settlers and purchasers of school~~
23 ~~lands therein are confirmed by the State and the people~~
24 ~~thereof, and that other lands, to be selected as hereinafter pro-~~
25 ~~vided, are accepted by the State in lieu thereof; that the lands~~
26 ~~belonging to the citizens of the United States residing with-~~
27 ~~out said State shall never be taxed higher than the lands be-~~
28 ~~longing to the residents thereof; that no tax shall be imposed~~
29 ~~by the State on lands or property therein belonging to the~~
30 ~~United States, any Indian tribe, or Indian sustaining tribal~~
31 ~~relations, or which may hereafter be purchased by the United~~
32 ~~States; and that any navigable waters within said State shall~~

33 ~~be and remain public highways, free to all citizens of the~~
34 ~~United States.~~

1 ~~Sec. 5. That said convention, having formed such con-~~
2 ~~stitution as provided in this act, shall provide by ordinance~~
3 ~~for submitting the same to the people of said State for their~~
4 ~~ratification or rejection, at an election to be held at such time~~
5 ~~and place and under such regulations as said convention may~~
6 ~~prescribe.~~

1 ~~Sec. 6. That at the election last aforesaid the legal~~
2 ~~voters of said new State shall vote directly for or against~~
3 ~~such proposed constitution, and the returns thereof shall be~~
4 ~~made to the governor of Wyoming Territory, who, with the~~
5 ~~secretary and chief justice thereof and the president of said~~
6 ~~convention, or any three of them, shall canvass the same;~~
7 ~~and if any majority of the legal votes so cast in said proposed~~
8 ~~State shall be for said constitution, said governor shall certify~~
9 ~~the same to the President of the United States, together with~~
10 ~~a copy of said constitution and ordinance.—That on receipt~~
11 ~~of such certification of the votes so cast at said election show-~~
12 ~~ing the adoption of said constitution by the people of said~~
13 ~~State as aforesaid and a copy of such constitution and ordi-~~
14 ~~nances, the President of the United States, if said constitu-~~
15 ~~tion and ordinances shall conform to the requirements of this~~
16 ~~act, shall issue his proclamation declaring the State admitted~~
17 ~~into the Union, and thereupon the said State shall be admitted~~

18 ~~into the Union on an equal footing with the original States~~
19 ~~without any further action on the part of Congress.~~

1 ~~Sec. 7. That until the next general census said State~~
2 ~~shall be entitled to one Representative in Congress.~~

1 ~~Sec. 8. That such Representative, and the governor, and~~
2 ~~other officers that may be provided for in the constitution of~~
3 ~~said State, shall be elected on a day to be fixed by said con-~~
4 ~~stitutional convention, and which may be the same as the one~~
5 ~~fixed for the submission of the proposed constitution to the~~
6 ~~people for ratification or rejection as aforesaid; and that until~~
7 ~~said State officers are selected and qualified the Territorial~~
8 ~~officers shall continue to discharge the duties of their re-~~
9 ~~spective offices.~~

1 ~~Sec. 9. That from and after the admission of said State~~
2 ~~into the Union in pursuance of this act, the laws of the United~~
3 ~~States not locally inapplicable shall have the same force and~~
4 ~~effect within the said State as elsewhere within the United~~
5 ~~States and said State shall constitute one judicial district and~~
6 ~~be called the district of Wyoming; that for said district a dis-~~
7 ~~trict judge, a marshal, and a district attorney of the United~~
8 ~~States shall be appointed by the President, by and with~~
9 ~~the advice and consent of the Senate, with the same rights,~~
10 ~~powers, and duties as provided by law for similar officers in~~
11 ~~the other districts, except as herein otherwise provided; that~~
12 ~~said district of Wyoming shall be attached to and constitute~~

13 ~~a part of the eighth judicial circuit court; and a term of the~~
14 ~~circuit court and district court for said district shall be held~~
15 ~~at the seat of government in the said State on the first Tues-~~
16 ~~days in January and June in each year, and one grand jury~~
17 ~~and one petit jury only shall be summoned and serve in both~~
18 ~~of said courts.~~

1 ~~Sec. 10. That the circuit and district courts for the dis-~~
2 ~~trict of Wyoming, and the judges thereof, respectively, shall~~
3 ~~possess the same powers and jurisdictions and perform the~~
4 ~~same duties possessed and required to be performed by the~~
5 ~~other circuit and district courts and judges of the United States,~~
6 ~~and shall be governed by the same laws and regulations.~~

1 ~~Sec. 11. That the district judge appointed for the dis-~~
2 ~~trict of Wyoming shall receive as his compensation the sum~~
3 ~~of three thousand five hundred dollars per annum, payable in~~
4 ~~four equal installments, on the first days of January, April,~~
5 ~~July, and October of each year.~~

1 ~~Sec. 12. That the marshal, district attorney, and clerk~~
2 ~~of the circuit and district courts of said district of Wyoming,~~
3 ~~and all other officers and persons performing duties in the~~
4 ~~administration of justice therein, shall severally possess the~~
5 ~~powers and perform the duties lawfully possessed and required~~
6 ~~to be performed by similar officers in other districts of the~~
7 ~~United States, and shall, for the services they may perform~~
8 ~~receive the fees and compensation allowed by law in the State~~

9 of Colorado to other similar officers and persons performing
10 similar duties.

1 ~~Sec. 13.—That all cases of writ of error or appeal hereto-~~
2 ~~fore prosecuted and now pending in the Supreme Court of the~~
3 ~~United States upon any record from the supreme court of the~~
4 ~~Territory of Wyoming, or that hereafter may be lawfully pros-~~
5 ~~ecuted from either of said courts, may be heard and determined~~
6 ~~by said Supreme Court of the United States; and where the~~
7 ~~same arose within the limits of said State, the mandate of~~
8 ~~execution or of further proceedings shall be directed by the~~
9 ~~Supreme Court of the United States to the circuit or district~~
10 ~~court herein provided for, or to the supreme court of said~~
11 ~~State, as the nature of the case may require; and each of said~~
12 ~~last-mentioned courts shall be the successor of the supreme~~
13 ~~court of said Territory as to all such cases, with full power~~
14 ~~to proceed with the same and to award mesne or final process~~
15 ~~therein; and that from all judgments and decrees of the su-~~
16 ~~preme court of said Territory, rendered prior to the admission~~
17 ~~of said State, the parties to such judgments and decrees shall~~
18 ~~have the same right to prosecute writs of error and appeals to~~
19 ~~the Supreme Court of the United States as they shall have~~
20 ~~had prior to such admission; and as to all such cases arising~~
21 ~~within the limits of said State, the like subsequent proceed-~~
22 ~~ings shall be had therein as aforesaid.~~

1 ~~Sec. 14.—That in respect to all cases, proceedings, and~~

~~2 matters pending in the supreme or district courts of the Ter-~~
~~3 ritory of Wyoming, at the time of the admission of said State~~
~~4 into the Union, arising within the limits of said State, whereof~~
~~5 the circuit or district court by this act established might have~~
~~6 had jurisdiction under the laws of the United States had such~~
~~7 courts existed at the time of the commencement of such cases,~~
~~8 the said circuit and district courts, respectively, shall be the~~
~~9 successors of said supreme and district courts of said Territory;~~
~~10 and all the files, records, indictments, and proceedings relating~~
~~11 thereto shall be transferred to said circuit and district courts,~~
~~12 respectively, and the same shall be proceeded with therein in~~
~~13 due course of law:-- Provided, however, That in all civil~~
~~14 actions, causes, and proceedings in which the United States is~~
~~15 not a party, such transfer shall not be made except upon the~~
~~16 written request of one of the parties to such action or pro-~~
~~17 ceeding filed in the proper court.~~

~~1 Sec. 15. That the legislature provided for in said con-~~
~~2 stitution shall have the power to provide by an act to that~~
~~3 effect, for the transfer of all actions, cases, proceedings, and~~
~~4 matters pending in the supreme or district courts of the Terri-~~
~~5 tory of Wyoming, at the time of the admission of said State~~
~~6 into the Union, arising within the limits of said State, and not~~
~~7 included within the provisions of the foregoing section, to~~
~~8 such courts as shall be established under the constitution to~~
~~9 be thus formed; and no indictment, action or proceeding~~

10 ~~shall abate by reason of any change in the courts, but the~~
 11 ~~same shall be transferred to and proceeded with in the State~~
 12 ~~courts according to the laws thereof.~~

1 ~~Sec. 16. That sections sixteen and thirty six in every~~
 2 ~~township within said State, or in case any of said lands have~~
 3 ~~been disposed of under the provisions of any act of Congress~~
 4 ~~to settlers or purchasers from the United States, or in case of~~
 5 ~~any of said sections sixteen or thirty six are fractional in~~
 6 ~~quantity, or wanting by reason of the township being frac-~~
 7 ~~tional, or shall be found, when surveyed, to be mineral~~
 8 ~~lands, or worthless for agricultural purposes, other lands~~
 9 ~~equivalent in quantity thereto, in legal subdivisions of not~~
 10 ~~less than forty acres, to be selected within said State as the~~
 11 ~~constitution and legislature thereof may provide, with the~~
 12 ~~approval of the Secretary of the Interior, are hereby granted~~
 13 ~~to said State, when admitted, for school purposes.~~

1 ~~Sec. 17. That the grant of five hundred thousand acres~~
 2 ~~of unappropriated lands of the United States made to said~~
 3 ~~State, on its admission, by the provisions of section twenty~~
 4 ~~three hundred and seventy eight of the Revised Statutes of the~~
 5 ~~United States, may be used for school purposes; and said land~~
 6 ~~shall be selected within said State as provided in the pre-~~
 7 ~~ceding section of this act.~~

1 ~~Sec. 18. That one hundred other sections of the unap-~~

2 ~~propriated non-mineral public lands of the United States~~
 3 ~~within said State, to be so selected as aforesaid, are hereby~~
 4 ~~likewise granted to said State for the use and support of an~~
 5 ~~agricultural college and for the promotion of industrial science~~
 6 ~~therein.~~

1 ~~Sec. 19. That eighty other sections of such lands, to~~
 2 ~~be selected as aforesaid, are hereby likewise granted to said~~
 3 ~~State for the erection and maintenance of suitable public~~
 4 ~~buildings at the seat of government thereof when permanently~~
 5 ~~located, for legislative, executive, and judicial purposes.~~

1 ~~Sec. 20. That twenty-five other sections of such lands,~~
 2 ~~to be selected as aforesaid, are hereby likewise granted to said~~
 3 ~~State for the erection of a State penitentiary therein.~~

1 ~~Sec. 21. That twenty other sections of such land, to be~~
 2 ~~selected as aforesaid, are hereby likewise granted to said State~~
 3 ~~for the erection of an asylum for the insane therein.~~

1 ~~Sec. 22. That the lands granted to the Territory of Wy-~~
 2 ~~oming by the act of February eighteenth, eighteen hundred~~
 3 ~~and eighty one, entitled "An act to grant lands to Dakota,~~
 4 ~~Montana, Idaho, and Wyoming for university purposes," so~~
 5 ~~far as the same have been selected and located in said Terri-~~
 6 ~~tory, shall, under the provisions and limitations of said act, be~~
 7 ~~vested in the proposed State of Wyoming: Provided, That none~~
 8 ~~of said lands shall be sold for less than eight dollars per acre.~~
 9 ~~And such portions of said lands as have been selected and lo-~~

10 ~~eated within the bounds of the Territory of Wyoming shall~~
 11 ~~be vested in said State of Wyoming, subject also to the limita-~~
 12 ~~tions of said act of February eighteenth, eighteen hundred~~
 13 ~~and eighty one. And there is hereby granted to said State~~
 14 ~~of Wyoming so much of the public lands in said State selected~~
 15 ~~under said act of February eighteenth, eighteen hundred and~~
 16 ~~eighty one, as will give the full amount of seventy two entire~~
 17 ~~sections, all of which shall be held and used in accordance~~
 18 ~~with the provisions of the act aforesaid.~~

1 ~~Sec. 23. That twenty five per centum of the net pro-~~
 2 ~~ceeds of the sales of public lands lying within said State shall~~
 3 ~~be paid to said State for school purposes.~~

1 ~~Sec. 24. That the lands granted by the preceding sec-~~
 2 ~~tions of this act shall not be sold for less than eight dollars per~~
 3 ~~acre; and the proceeds of those granted for school purposes~~
 4 ~~as well as all moneys paid to said State under the provisions~~
 5 ~~of the preceding section, shall constitute a permanent fund,~~
 6 ~~the interest only of which shall be expended for the support~~
 7 ~~of the public schools therein. But any of said lands may, un-~~
 8 ~~der such regulations as the legislature shall prescribe, be leased~~
 9 ~~for periods of not more than fifteen years in quantities not ex-~~
 10 ~~ceeding one section to any one person or company.~~

1 ~~Sec. 25. That to enable the said State of Wyoming to~~
 2 ~~assist in the construction of ditches, dams, flumes, and other~~
 3 ~~works for the reclamation of land within the State that will~~

4 ~~not produce an agricultural crop without artificial irrigation,~~
 5 ~~six million acres of said lands are hereby granted to the said~~
 6 ~~State:--Provided, That said lands shall be selected within~~
 7 ~~six years after the admission of the State:--Provided further,~~
 8 ~~That the said lands hereby granted shall only be disposed of~~
 9 ~~by the said State after their reclamation, or on such terms as~~
 10 ~~will insure their reclamation, and the said State shall not part~~
 11 ~~with its title to any tract of said lands until the reclamation~~
 12 ~~of such tract is complete.---Said lands shall be selected under~~
 13 ~~such rules and regulations as may be presented by the Secre-~~
 14 ~~tary of the Interior, conforming as near as may be to the laws~~
 15 ~~now in force for the selection of swamp lands under the act of~~
 16 ~~Congress granting swamp lands to the several States, approved~~
 17 ~~twenty eighth of September, eighteen hundred and fifty, and~~
 18 ~~acts amendatory thereto.~~

1 ~~Sec. 26. That all mineral lands shall be excepted from~~
 2 ~~the operation of any grants of this act, and the lands selected~~
 3 ~~under this act shall not be taken in tracts containing less than~~
 4 ~~one quarter section:--Provided, That all salt springs within~~
 5 ~~said State, not exceeding twelve in number, with six sections~~
 6 ~~of land adjoining, and as contiguous as may be to each, shall~~
 7 ~~be granted to said State for its use, said lands to be selected~~
 8 ~~by the governor of said State within two years after the ad-~~
 9 ~~mission of the State, and when so selected to be used and~~

10 ~~disposed of on such terms, conditions, and regulations as the~~
 11 ~~legislature shall direct.~~

1 ~~Sec. 27. That the Secretary of the Treasury shall ascer-~~
 2 ~~tain and audit the expenses incident to the formation of said~~
 3 ~~constitution and the submission of the same to the people of~~
 4 ~~said proposed State, including such compensation to the officers~~
 5 ~~and members of said convention as is allowed to the officers~~
 6 ~~and members of the territorial legislature; and the sum of~~
 7 ~~thirty five thousand dollars, or as much thereof as may be~~
 8 ~~necessary, is hereby appropriated, out of any money in the~~
 9 ~~Treasury not otherwise appropriated, for the payment thereof:~~
 10 ~~Provided, That any money hereby appropriated not necessary~~
 11 ~~for such purpose shall be covered into the Treasury of the~~
 12 ~~United States.~~

3 *That the inhabitants of all that part of the area of the United*
 4 *States now constituting the Territory of Wyoming, as at*
 5 *present described, may become the State of Wyoming, as*
 6 *hereinafter provided.*

1 *SEC. 2. That all persons who are qualified by the laws*
 2 *of said Territory to vote for representatives to the legislative*
 3 *assembly thereof are hereby authorized to vote for and*
 4 *choose delegates to form a convention in said proposed*
 5 *State; and the qualifications for delegates to such conven-*
 6 *tion shall be such as by the laws of said Territory persons*
 7 *are required to possess to be eligible to the legislative as-*

8 *sembly thereof; and the aforesaid delegates to form said*
9 *convention shall be apportioned within the limits of the*
10 *proposed State in such districts as may be established as herein*
11 *provided, in proportion to the population in each of said dis-*
12 *tricts, as near as may be, to be ascertained at the time of*
13 *making said apportionment by the persons hereinafter author-*
14 *ized to make the same, upon the basis of the votes cast for Dele-*
15 *gate in Congress at the last general election, in each of which*
16 *districts the number of delegates apportioned to such district*
17 *shall be elected That said apportionment shall be made*
18 *by the governor, the chief-justice, and the secretary of*
19 *said Territory; and the governor of said Territory shall,*
20 *by proclamation, order an election of the delegates*
21 *aforesaid to be held on the second Monday in July,*
22 *eighteen hundred and eighty-nine, which proclamation shall*
23 *be issued on the first Monday in June, eighteen hundred and*
24 *eighty-nine; and such election shall be conducted, the re-*
25 *turns made, the result ascertained, and the certificates to per-*
26 *sons elected to such convention issued in the same manner*
27 *as is prescribed by the laws of the said Territory regula-*
28 *ting elections therein for Delegate to Congress; and the num-*
29 *ber of votes cast for delegates in each precinct shall also*
30 *be returned. The number of delegates to said conven'ion*
31 *shall be fifty-five, and all persons resident in said pro-*
32 *posed State who are qualified voters of said Territory,*

33 *as herein provided, shall be entitled to vote upon the*
34 *election of delegates, and under such rules and regulations*
35 *as said convention may prescribe, not in conflict with this*
36 *act, upon the ratification or rejection of the constitution.*

1 *SEC. 3. That the delegates to the convention elected as*
2 *provided in this act shall meet at the seat of government of said*
3 *Territory on the first Monday in September, eighteen hundred*
4 *and eighty-nine, and, after organization, shall declare, on be-*
5 *half of the people of said proposed State, that they adopt the*
6 *Constitution of the United States; whereupon the said con-*
7 *vention shall be, and is hereby, authorized to form a consti-*
8 *tution and State government for said proposed State. The*
9 *constitution shall be republican in form, and make no distinc-*
10 *tion in civil or political rights on account of race or color, except*
11 *as to Indians not taxed, and not to be repugnant to the Con-*
12 *stitution of the United States and the principles of the Declar-*
13 *ation of Independence. And said convention shall provide,*
14 *by ordinances irrevocable without the consent of the United*
15 *States and the people of said State,*

16 *First. That perfect toleration of religious sentiment shall*
17 *be secured, and that no inhabitant of said State shall ever be*
18 *molested in person or property on account of his or her mode*
19 *of religious worship.*

20 *Second. That the people inhabiting said proposed State*
21 *do agree and declare that they forever disclaim all right and*

22 *title to the unappropriated public lands lying within the boun-*
23 *daries thereof, and to all lands lying within said limits owned*
24 *or held by any Indian or Indian tribes; and that until the title*
25 *thereto shall have been extinguished by the United States, the*
26 *same shall be and remain subject to the disposition of the United*
27 *States, and said Indian lands shall remain under the absolute*
28 *jurisdiction and control of the Congress of the United States;*
29 *that the lands belonging to citizens of the United States re-*
30 *siding without the said State shall never be taxed at a higher*
31 *rate than the lands belonging to residents thereof; that no*
32 *taxes shall be imposed by the State on lands or property*
33 *therein belonging to or which may hereafter be purchased by*
34 *the United States or reserved for its use. But nothing herein,*
35 *or in the ordinances herein provided for, shall preclude the*
36 *said State from taxing as other lands are taxed any lands*
37 *owned or held by any Indian who has severed his tribal rela-*
38 *tions, and has obtained from the United States or from any*
39 *person a title thereto by patent or other grant, save and ex-*
40 *cept such lands as have been or may be granted to any Indian*
41 *or Indians under any act of Congress containing a provision*
42 *exempting the lands thus granted from taxation; but said*
43 *ordinances shall provide that all such lands shall be exempt*
44 *from taxation by said State so long and to such extent as such*
45 *act of Congress may prescribe.*

46 *Third. That the debts and liabilities of said Territory*
 47 *shall be assumed and paid by said State.*

48 *Fourth. That provision shall be made for the establish-*
 49 *ment and maintenance of systems of public schools, which*
 50 *shall be open to all the children of said State and free from*
 51 *sectarian control.*

1 *SEC. 4. That if the proposed State shall reject the constitu-*
 2 *tion which may be submitted for ratification or rejection at the*
 3 *election provided therefor, the governor of the Territory shall*
 4 *issue his proclamation reconvening the delegates elected to the*
 5 *convention which formed such rejected constitution, fixing the*
 6 *time and place at which said delegates shall assemble; and when*
 7 *so assembled they shall proceed to form another constitution or to*
 8 *amend the rejected constitution, and shall submit such new con-*
 9 *stitution or amended constitution to the people of the proposed*
 10 *State for ratification or rejection, at such time as said conven-*
 11 *tion may determine; and all the provisions of this act, so far*
 12 *as applicable, shall apply to such convention so re-assembled*
 13 *and to the constitution which may be formed, its ratification or*
 14 *rejection, and to the admission of the proposed State.*

1 *SEC. 5. That the constitutional convention shall provide*
 2 *in like manner for submitting the constitution formed by it to*
 3 *the people of said proposed State, for ratification or rejection,*
 4 *at an election to be held in said proposed State on the first*

5 *Tuesday in November, eighteen hundred and eighty-nine. At*
6 *the election provided for in this section the qualified voters of*
7 *said proposed State shall vote directly for or against the pro-*
8 *posed constitution and for or against any articles or prop-*
9 *ositions separately submitted. The returns of said election*
10 *shall be made to the secretary of said Territory, who, with the*
11 *governor and chief-justice thereof, or any two of them, shall*
12 *canvass the same; and if a majority of the legal votes cast*
13 *shall be for the constitution the governor shall certify the re-*
14 *sult to the President of the United States, together with a*
15 *statement of the votes cast thereon and upon separate articles*
16 *or propositions, and a copy of said constitution, articles, prop-*
17 *ositions, and ordinances.*

1 *SEC. 6. That until the next general census, or until other-*
2 *wise provided by law, said State shall be entitled to one Repre-*
3 *sentative in the House of Representatives of the United States,*
4 *and the Representative to the Fifty-first Congress, together*
5 *with the governor and other officers provided for in said con-*
6 *stitution, may be elected on the same day of the election for*
7 *the ratification or rejection of the constitution; and until said*
8 *State officers are elected and qualified under the provisions of*
9 *such constitution and the State is admitted into the Union, the*
10 *Territorial officers shall continue to discharge the duties of their*
11 *respective offices in the said Territory.*

1 *SEC. 7. That upon the admission of said State into the*

2 *Union, sections numbered sixteen and thirty-six in every*
3 *township of said proposed State, and where such sections, or*
4 *any parts thereof, have been sold or otherwise disposed of by*
5 *or under the authority of any act of Congress, other lands*
6 *equivalent thereto, in legal subdivisions of not less than one-*
7 *quarter section, and as contiguous as may be to the section in*
8 *lieu of which the same is taken, are hereby granted to said*
9 *State for the support of common schools, such indemnity*
10 *lands to be selected within said State in such manner as the*
11 *legislature may provide, with the approval of the Secretary of*
12 *the Interior: Provided, That the sixteenth and thirty-s xth*
13 *sections embraced in permanent reservations for national pur-*
14 *poses shall not, at any time, be subject to the grants nor to*
15 *the indemnity provisions of this act, nor shall any lands em-*
16 *braced in Indian, military, or other reservations of any char-*
17 *acter, be subject to the grants or to the indemnity provisions*
18 *of this act until the reservation shall have been extinguished*
19 *and such lands be restored to and become a part of the pub-*
20 *lic domain: Provided, That the act of Congress of August*
21 *ninth, eighteen hundred and eighty-eight, entitled "An act to*
22 *authorize the leasing of the school' and university lands in the*
23 *Territory of Wyoming, and for other purposes," shall apply*
24 *to the school and university lands of the said State of Wyoming,*
25 *so far as applicable.*

1 *SEC. 8. That all lands herein granted for educational pur-*

2 *poses shall be disposed of only at public sale, the proceeds to*
3 *constitute a permanent school-fund, the interest of which only*
4 *shall be expended in the support of said schools. But said*
5 *lands may, under such regulations as the legislature shall*
6 *prescribe, be leased for periods of not more than five years,*
7 *in quantities not exceeding one section to any one person or*
8 *company; and such land shall not be subject to pre-emption,*
9 *homestead entry, or any other entry under the land laws of*
10 *the United States, whether surveyed or unsurveyed, but shall*
11 *be reserved for school purposes only.*

1 *SEC. 9. That upon the admission of said State into*
2 *the Union, in accordance with the provisions of this act, fifty*
3 *sections of the unappropriated public lands within said State,*
4 *to be selected and located in legal subdivisions as provided in*
5 *section seven of this act, shall be, and are hereby, granted to*
6 *said State for the purpose of erecting public buildings at the*
7 *capital of said State for legislative, executive, and judicial*
8 *purposes.*

1 *SEC. 10. That five per centum of the proceeds of the*
2 *sales of public lands lying within said State which shall be*
3 *sold by the United States subsequent to the admission of said*
4 *State into the Union, after deducting all the expenses inci-*
5 *dent to the same, shall be paid to the said State, to be used*
6 *as a permanent fund, the interest of which only shall be ex-*

7 *pended for the support of the common schools within said*
8 *State.*

1 *SEC. 11. That the lands granted to the Territory of Wyo-*
2 *ming by the act of February eighteenth, eighteen hundred and*
3 *eighty-one, entitled "An act to grant lands to Dakota, Mon-*
4 *tana, Arizona, Idaho, and Wyoming for university purposes,"*
5 *are hereby vested in the State of Wyoming if such State*
6 *is admitted into the Union, as provided in this act, to*
7 *the extent of the full quantity of seventy-two sections to*
8 *said State, and any portion of said lands that may not have*
9 *been selected by said Territory of Wyoming may be selected*
10 *by the said State; but said act of February eighteenth, eight-*
11 *een hundred and eighty-one, shall be so amended as to pro-*
12 *vide that none of said lands shall be sold for less than ten*
13 *dollars per acre, and the proceeds shall constitute a perma-*
14 *nent fund to be safely invested and held by said State and*
15 *the income thereof be used exclusively for university purposes.*
16 *The schools, colleges, and universities provided for in this*
17 *act shall forever remain under the exclusive control of the*
18 *said State, and no part of the proceeds arising from the*
19 *sale or disposal of any lands herein granted for educational*
20 *purposes shall be used for the support of any sectarian or*
21 *denominational school, college, or university. The section of*
22 *land granted by the act of May twenty-eighth, eighteen hun-*
23 *dred and eighty-eight, to the Territory of Wyoming for a*

24 *fish hatchery and other public purposes shall, upon the admis-*
 25 *sion of said State of Wyoming into the Union, become the*
 26 *property of said State.*

1 *SEC. 12. That the penitentiary at Laramie City, Wyo-*
 2 *ming, and all lands connected therewith and set apart and*
 3 *reserved therefor and unexpended appropriations of money*
 4 *therefor, are hereby granted to the State of Wyoming.*

1 *SEC. 13. That ninety thousand acres of land, to be se-*
 2 *lected and located as provided in section ten of this act, are*
 3 *hereby granted to said State for the use and support of an*
 4 *agricultural college in said State as provided in the acts of*
 5 *Congress making donations of lands for such purpose.*

1 *SEC. 14. That in lieu of the grant of land for purposes of*
 2 *internal improvement made to new States by the eighth*
 3 *section of the act of September fourth, eighteen hundred and*
 4 *forty-one, which act is hereby repealed as to the State of*
 5 *Wyoming, and in lieu of any claim or demand by the said*
 6 *State, under the act of September twenty-eighth, eighteen*
 7 *hundred and fifty, and section twenty-four hundred and sev-*
 8 *enty-nine of the Revised Statutes, making a grant of swamp*
 9 *and overflowed lands to certain States, which grant it is*
 10 *hereby declared is not extended to the State of Wyoming,*
 11 *and in lieu of any grant of saline lands to said State, the fol-*
 12 *lowing grants of land are hereby made, to wit:*

13 *To the State of Wyoming: For the establishment and*

14 maintenance of a scientific school, one hundred thousand acres;
 15 for State normal schools, one hundred thousand acres; for
 16 State charitable, educational, penal, and reformatory institu-
 17 tions, three hundred thousand acres. None of the lands
 18 granted by this act shall be sold for less than ten dollars per
 19 acre.

1 *SEC. 15. That the State of Wyoming shall not be entitled*
 2 *to any further or other grants of land for any purpose than as*
 3 *expressly provided in this act. And the lands granted by this*
 4 *section shall be held, appropriated, and disposed of exclusively*
 5 *for the purposes herein mentioned, in such manner as the*
 6 *legislature of the State may provide.*

1 *SEC. 16. That all mineral lands shall be exempted from*
 2 *the grants made by this act. But if sections sixteen and*
 3 *thirty-six, or any subdivision or portion of any smallest sub-*
 4 *division thereof in any township shall be found by the De-*
 5 *partment of the Interior to be mineral lands, said State is*
 6 *hereby authorized and empowered to select, in legal subdivi-*
 7 *sions, an equal quantity of other unappropriated lands in*
 8 *said State, in lieu thereof, for the use and the benefit of the*
 9 *common schools of said State.*

1 *SEC. 17. That all lands granted in quantity or as indem-*
 2 *nity by this act shall be selected, under the direction of the*
 3 *Secretary of the Interior, from the surveyed, unreserved,*
 4 *and unappropriated public lands of the United States within*

5 *the limits of the State entitled thereto. And there shall be de-*
6 *ducted from the number of acres of land donated by this act*
7 *for specific objects to said State the number of acres heretofore*
8 *donated by Congress to said Territory for similar objects.*

1 *SEC. 18. That the sum of twenty thousand dollars, or so*
2 *much thereof as may be necessary, is hereby appropriated, out*
3 *of any money in the Treasury not otherwise appropriated, to*
4 *said Territory for defraying the expenses of the said conven-*
5 *tion and for the payment of the members thereof, under the*
6 *same rules and regulations and at the same rates as are now*
7 *provided by law for the payment of the Territorial legislatures.*
8 *Any money hereby appropriated not necessary or such pu r-*
9 *pose shall be covered into the Treasury of the United States.*

1 *SEC. 18. That the said State, when admitted as afore-*
2 *said, shall constitute a judicial district, the name thereof to*
3 *be the same as the name of the State; and the circuit*
4 *and district courts therefor shall be held at the capital*
5 *of the State for the time being, and the said district*
6 *shall, for judicial purposes, until otherwise provided,*
7 *be attached to the eighth judicial circuit. There shall*
8 *be appointed for said district one district judge, one United*
9 *States attorney, and one United States marshal. The judge of*
10 *said district shall receive a yearly salary of three thousand five*
11 *hundred dollars, payable in four equal installments, on the first*
12 *days of January, April, July, and October of each year, and*

13 shall reside in the district. There shall be appointed clerks
14 of said courts in each district, who shall keep their offices at the
15 capital of said State. The regular terms of said courts shall be
16 held in said district at the place aforesaid on the first Monday
17 in April and the first Monday in November of each year, and
18 only one grand jury and one petit jury shall be summoned in
19 both said circuit and district courts. The circuit and district
20 courts for said district, and the judges thereof, respectively,
21 shall possess the same powers and jurisdiction, and perform
22 the same duties required to be performed by the other circuit
23 and district courts and judges of the United States, and shall
24 be governed by the same laws and regulations. The marshal,
25 district attorney, and clerks of the circuit and district courts
26 of said district, and all other officers and persons performing
27 duties in the administration of justice therein, shall severally
28 possess the powers and perform the duties lawfully possessed
29 and required to be performed by similar officers in other
30 districts of the United States; and shall, for the services they
31 may perform, receive the fees and compensation allowed by
32 law to other similar officers and persons performing similar
33 duties in the State of Oregon.

1 SEC. 20. That all cases of appeal or writ of error here-
2 tofore prosecuted and now pending in the Supreme Court of
3 the United States upon any record from the supreme court of

4 *said Territory, or that may hereafter lawfully be prosecuted*
5 *upon any record from said courts, may be heard and determined*
6 *by said Supreme Court of the United States. And the man-*
7 *date of execution or of further proceedings shall be directed*
8 *by the Supreme Court of the United States to the circuit or*
9 *district court hereby established within the said State*
10 *from or to the supreme court of such State, as the*
11 *nature of the case may require. And the circuit, dis-*
12 *trict, and State courts herein named shall, respectively,*
13 *be the successor of the supreme court of the Territory, as*
14 *to all such cases arising within the limits embraced within*
15 *the jurisdiction of such courts, respectively, with full power*
16 *to proceed with the same, and award mesne or final process*
17 *therein; and that from all judgments and decrees of the*
18 *supreme court of the Territory mentioned in this act, in any*
19 *case arising within the limits of the proposed State prior to*
20 *admission, the parties to such judgment shall have the same*
21 *right to prosecute appeals and writs of error to the Supreme*
22 *Court of the United States as they shall have had by law*
23 *prior to the admission of said State into the Union.*

1 *SEC. 21. That in respect to all cases, proceedings, and*
2 *matters now pending in the supreme or district courts of*
3 *the said Territory at the time of the admission into the Union*
4 *of the State of Wyoming and arising within the limits of*
5 *such State, whereof the circuit or district courts by this act*

6 *established might have had jurisdiction under the laws of the*
7 *United States had such courts existed at the time of the com-*
8 *mencement of such cases, the said circuit and district courts,*
9 *respectively, shall be the successors of said supreme and dis-*
10 *trict courts of said Territory; and in respect to all other cases,*
11 *proceedings, and matters pending in the supreme or district*
12 *courts of the said Territory at the time of the admission*
13 *of such Territory into the Union, arising within the limits of*
14 *said proposed State, the courts established by such State shall,*
15 *respectively, be the successors of said supreme and district*
16 *Territorial courts; and all the files, records, indictments, and*
17 *proceedings relating to any such cases shall be transferred to*
18 *such circuit, district, and State courts, respectively, and the*
19 *same shall be proceeded with therein in due course of law; but*
20 *no writ, action, indictment, cause, or proceeding now pend-*
21 *ing, or that prior to the admission of the State shall be pend-*
22 *ing, in any Territorial court in said Territory shall abate*
23 *by the admission of such State into the Union, but the same*
24 *shall be transferred and proceeded with in the proper United*
25 *States circuit, district, or State court, as the case may be:*
26 *Provided, however, That in all civil actions, causes, and pro-*
27 *ceedings in which the United States is not a party, transfers*
28 *shall not be made to the circuit and district courts of the*
29 *United States except upon written request of one of the par-*
30 *ties to such action or proceeding filed in the proper court;*

31 *and in the absence of such request such cases shall be pro-*
32 *ceeded with in the proper State courts.*

1 *SEC. 22. That the constitutional convention may, by or-*
2 *dinance, provide for the election of officers for full State gov-*
3 *ernment, including members of the legislature and Represent-*
4 *ative in the Fifty-first Congress ; but said State government*
5 *shall remain in abeyance until the constitution framed by*
6 *said convention and ratified by the people shall have been*
7 *approved, and said State admitted into the Union by*
8 *Congress. In case the constitution of said proposed State*
9 *shall be ratified by the people, but not otherwise, the*
10 *legislature thereof may assemble, organize, and elect two*
11 *Senators of the United States ; and the governor and secre-*
12 *tary of state of such proposed State shall certify the election*
13 *of the Senators and Representative in the manner required*
14 *by law, and when such State is admitted into the Union*
15 *the Senators and Representative shall be entitled to be*
16 *admitted to seats in Congress, and to all the rights and*
17 *privileges of Senators and Representatives of other States in*
18 *the Congress of the United States; and the officers of the*
19 *State government formed in pursuance of said constitution*
20 *as provided by the constitutional convention shall proceed to*
21 *exercise all the functions of such State officers; and all laws*
22 *in force made by said Territory, at the time of its admission*
23 *into the Union, shall be in force in said State, except as*

24 *modified or changed by this act or by the constitution of the*
25 *State.*

1 *SEC. 23. That all acts or parts of acts in conflict with*
2 *the provisions of this act, whether passed by a legislature of*
3 *said Territory or by Congress, are hereby repealed.*

A BILL

To provide for the formation and admission into the Union of the State of Wyoming, and for other purposes.

1888—MARCH 19.—Read twice and referred to the Committee on Territories.

1889—FEBRUARY 27.—Reported with an amendment.