

COUNCIL CHAMBER, Nov. 7, 1877.

To the Hon. Speaker of the House:

I am instructed to inform your honorable body that the Council accepts the invitation to meet the House in joint session for the purpose of hearing the Governor's message.

What hour will be convenient to meet your honorable body?

Respectfully,

C. W. BRAMEL,

Secretary.

On motion of Mr. Foglesong, the House took a recess for five minutes to prepare the hall for joint session.

JOINT SESSION.

At two o'clock and thirty minutes, the members of the Council were received in the hall of the House.

The President of the Council in the chair, was introduced by the Speaker to the joint convention as presiding officer of the joint session.

Mr. Holliday moved that a joint committee, composed of one member of the Council and two members of the House, be appointed by the President to wait upon his excellency, Governor J. M. Thayer, and inform him that both houses of the Fifth Legislative Assembly of Wyoming Territory are now in joint session in the hall of the House, and ready to receive any communication he may have to make.

Carried.

The President appointed as such committee Messrs. Holliday, of the Council, and Hamma and McGlinchey, of the House.

The committee reported, announcing the arrival of the Governor.

The President introduced his excellency to the joint convention.

His excellency, the Governor, thereupon delivered his biennial message, as follows:

Gentlemen of the Legislative Assembly:

During the two years intervening since the adjournment of the last legislature, the affairs of the Territory have generally been in a prosperous condition. Business has enlarged: branches of industry have increased, and additional capital has found investment in different sections. The depression which has weighed so heavily upon the country at large, has not been felt by our people. The administration of justice has been efficient, and successful, and the laws have been faithfully executed, with one exception upon our extreme northern border.

The present year has been a marked one in some respects. During the past summer, most serious difficulties arose between several corporations and their employes, bringing on a conflict between the civil power and elements of lawlessness and disorder, which proved disastrous for a time to business interests, and destructive to human life. The lessons to be drawn from these events should be impressed upon the people of the whole country.

Labor is entitled to its full reward. Such compensation should be given as will enable the working man not only to support his family, but to lay aside something at the end of each year as a little sinking fund against future needs, for it is the moral right and duty of every one to improve his condition if he can. Every legitimate means should be used to elevate the condition and advance the interests of the working classes. Corporations and their employes should be brought into nearer relationship with each other, and be led more fully to appreciate the fact that the interests of each are the interests of the other.

While this is so, it is equally true, that the remedy for wrongs is in the law, and in the formation of enlightened public opinion. No combinations of men can be permitted to accomplish their purposes by unlawful means. Resistance to the civil power can remove no wrong; violations of law can work no remedies; acts of disorder can improve no one's condition. On the contrary, the cause which resorts to such agencies works an irreparable injury to itself. The law must be maintained under all circumstances, for in this rests the security of society and the maintenance of government.

REPORTS.

The auditor and treasurer are required to make their reports to your honorable body. They will be submitted in due time.

The reports of the superintendent of public instruction, and the Territorial librarian are herewith transmitted. Your attention is respectfully invited to the suggestions and recommendations contained in these several reports.

FINANCES.

The auditor has furnished me with the following abridged statement as to our financial affairs:

On hand at the beginning of his term.....	\$ 8,792.37	
Receipts for the last two years.....	43,698.49	\$52,490.86
Disbursements.....		50,635.34
Balance on hand.....	—————	1,844.52

The bills, amounting to about four thousand eight hundred dollars, for keeping the convicts during the months of August, Septem-

ber and October, have not been settled. After paying out the amount in the treasury, it leaves a deficiency of two thousand nine hundred and fifty-five dollars. This fact is explained by the increase in the number of prisoners, and by the payment of \$7,911.37 for the compilation and publication of the laws.

The total valuation of property as assessed for the year 1877 is \$9,275,811. The rate of assessment for Territorial purposes is three mills on the dollar. The amount of tax levied for this year is \$27,837. This amount will, in my judgment, be sufficient to meet all expenses, if certain recommendations herewith submitted are carried into effect.

KEEPING OF PRISONERS.

At the last legislative session an act was passed creating a commission composed of Herman Haas, James France, W. H. Holliday and the Governor, whose duty was to investigate the relative cost of transporting to and keeping prisoners in the penitentiary at Laramie and other penitentiaries beyond the limits of the Territory; and if their keeping could be secured in the latter, at less expense, it was authorized to make the change. Their report will be submitted. I will, however, briefly state, that the cost of maintaining prisoners in the House of Correction, at Detroit, was found to be far less than at Laramie; but the commission met with an unexpected difficulty. It was found that the tariff of charges allowed to sheriffs for transportation of prisoners was so large that the greater portion of the appropriation for their subsistence would be exhausted in their transfer to Detroit. To take six prisoners there would cost nearly two thousand dollars. It was therefore deemed best to postpone any action in the premises till the next legislature should have an opportunity to reduce the charges down to the expenses actually incurred in their transportation, which is earnestly recommended.

There are now sixty-seven Territorial prisoners in the United States penitentiary at Laramie at a cost of one dollar per day per man, which is the contract price with the government. It will thus be seen, the Territory is paying sixty-seven dollars a day for their keeping. I have had a correspondence with the Attorney General of the United States at different times, claiming a reduction, but without success. A portion of the prisoners have been hired out to labor during parts of the last two seasons. I have claimed credit to the Territory for their labor, but it has been refused. The last appropriation on account of prisoners was twenty thousand dollars, which was to cover the succeeding two years, to the present time. Owing to the increase of convicts, that amount was exhausted on the first of last February, consequently the auditor declined to draw any more warrants on penitentiary account. The United States mar-

shal then applied to the District Court of the Third Judicial District for a peremptory mandamus upon the auditor to audit the accounts and draw warrants accordingly. Upon the hearing of the case, the Court issued the peremptory mandamus applied for, and under it, the auditor has audited and paid out eight thousand five hundred and ninety-eight dollars; and on the first of the present month there was due four thousand eight hundred dollars, to which reference has been made.

This large and increasing expense must, and can be, reduced. After careful consideration of the subject, I am clearly of the opinion that this result can be reached by sending convicts with more than two years to serve, to Detroit. The cost of keeping them there is \$1.25 a week per prisoner.

REDUCTION OF COUNTY EXPENSES

Is a subject which demands consideration and action at your hands. I believe the people expect it from you, for it has received considerable attention from them. The charging of fees as compensation to incumbents of office is, in my judgment, unwise. Under this system the emoluments of some of the county offices have grown to be very large, far beyond any proportion to the amount of time and labor involved. Full and just compensation should be paid for all labor performed; but exorbitant allowances should cease. I therefore recommend that fees be abolished, and that fixed, reasonable salaries be established for the county offices. I also recommend that the collection of taxes be vested in the county treasurer, and the percentage on collections be abolished or greatly reduced. There is no necessity for an intermediary officer between the treasurer and the people. By adopting this course a large saving can be secured.

AMENDMENT OF STATUTES.

Experience and practice have demonstrated the advisability of certain modifications of several laws now in force. Chief Justice Fisher has, in response to my request, favored me with some proposed changes, which, his observations have convinced him, would prove beneficial to the administration of justice. His long experience upon the bench entitles them to your consideration. They seem to be based upon sound law, equity, and common sense.

First—Subdivision 10, Section 187, Compiled Laws of Wyoming, relating to attachments, discriminates harshly against the interests of poor men and small dealers. In case of a debt of two hundred and fifty dollars and less, an attachment may issue in ten days from maturity of the obligation. Above that sum, it cannot. An alteration of this provision of the civil code in the interest of equity, is

certainly to be desired. Laws should bear with equal force upon all alike.

CHANGE OF VENUE.

Second—There is in reality now no restriction in regard to the application for a change of venue, in both civil and criminal cases. An unscrupulous person may make oath either that the judge is biased against him, or that he thinks the people of the county will not do him justice, and the court has no discretion; the order for a change of venue must issue, regardless of the expense to which the people are subjected in the transportation of witnesses to the new place of trial. The court should be invested with some discretion in the matter.

PENALTIES.

Third—In case of a person convicted, say, of grand larceny to the amount of twenty-five dollars, the law provides that he must be imprisoned in the penitentiary *not less than one year*. To any who have been familiar with the administration of criminal justice, it must be evident that in some cases, one year is too long a term of imprisonment for a crime of that grade. I would therefore change this by abolishing the minimum of punishment, leaving the maximum to stand, and entrust the determining the length of imprisonment to the judgment of the court. And in this connection I submit the opinion that justice will be more impartially administered by relieving the jury in all cases of the duty of fixing the penalty and leaving it in the hands of the courts, who are better qualified for an intelligent discharge of such a duty than juries can be.

WITNESSES.

Under our laws, there is no provision for paying mileage to witnesses. This, in many cases, works great hardship; for, oftentimes, witnesses are summoned from distant points, and their expenses are considerable. A witness called in from the street, and detained half an hour, is entitled to three dollars, while one who is forced to come one hundred miles or more, is only entitled to the same amount. If mileage is allowed them, then it may be suggested whether three dollars per day to witnesses and jurors may not be reduced.

SERVICE ON JURIES.

It seems to me that the classes of persons exempt from serving on juries, and the facilities for evading such service, should be diminished. Any person who will state that his serving on a jury will interfere with his business, can demand his discharge. As a conse-

quence, the benefit of having good, substantial citizens, the business men of the county, in the jury-box, is lost, and the officer is obliged, oftentimes, to call in to fill their places, professional jurors who hang around the courts of justice in pursuit of three dollars per day. The duty of a jurymen is one neither to be sought nor declined. Every good citizen should regard it as incumbent upon himself to discharge it when called upon by the proper authority, for each and all are interested in the faithful execution of the laws and the impartial administration of justice.

Your attention is respectfully invited to the subject of providing for

THE PUBLICATION OF THE DECISIONS OF THE SUPREME COURT.

Section 8, of chapter 106, page 546, Compiled Laws of Wyoming, provides that as soon as one hundred cases have been disposed of, the court may appoint a reporter, who shall receive such compensation as shall be provided by law. Over eighty decisions have already been made, and as the number will exceed one hundred before another session of the Legislature, it is desirable that provision be made before your adjournment, for the publication of a volume when the number shall reach one hundred.

Many of the States have furnished to the Territorial library their Supreme Court reports for a few years past. Letters have been received from officers of several States, asking us to exchange with them, and notifying us that if we do not they will cease to forward theirs. Upon being informed of the facts, they have continued to send them, but will not much longer unless we provide for an exchange.

ANNUAL ELECTIONS.

Reflection has led me to the conclusion that annual elections can be dispensed with, and no detriment result to the public interests.

The passage of a law is recommended which shall provide that the next election of members of the legislature shall occur on the same day in the autumn of 1880, and every two years afterwards, when county officers and Delegate to Congress are chosen; to be followed by a legislative session in December or January succeeding. If the suggestion is adopted, there will be no meeting of the legislature for three years. For this interval, you can make such provision as may seem best, so that no interests may suffer.

The advantage of this course consists in the fact that besides avoiding the agitation incident to a political contest, the expense of elections on alternate years will be saved to the counties.

It is evident that the administration of county affairs would be benefited by changing

THE TENURE OF OFFICE OF COUNTY COMMISSIONERS,

So that one commissioner would go out of office every year; or, in case of biennial elections, the offices of two should expire every two years. In either event there would be one, or two, as the case might be, holding over, whose experience and knowledge of county affairs would be available to new incumbents of such offices.

Among the interests which absorb the attention of our people, that of

STOCK RAISING

Is conspicuous. The experience of each successive year has furnished additional and conclusive evidence of the adaptability of these vast plains to the raising of horses, cattle and sheep. The following tables of shipments from our Territory will show the progress of this business from its small beginning to its present magnitude:

1873.....	286	cars of stock;
1874.....	738	" " "
1875.....	975	" " "
1876.....	1,344	" " "
1877.....	1,649	" " "

These cars carry twenty to the car. There have, therefore, been shipped this year, 32,480 head. These cattle have yielded a net return to their owners, of thirty dollars per head, making the aggregate sum of nine hundred and seventy-four thousand four hundred dollars.

The quantity of wool shipped is as follows:

In 1873.....	85,077	pounds;
" 1874.....	215,242	"
" 1875.....	228,033	"
" 1876.....	333,919	"
" 1877.....	346,280	"

This, certainly, is a good exhibit for a portion of what was once regarded as the Great American Desert. These cattle have literally raised themselves for the market. They have been out upon the ranges during the whole of the winters without shelter and without feed from the stack, and have been prepared for slaughter almost without cost, save the expense of gathering them in and shipping them.

Winter grazing in Wyoming, so long doubted, has come to be an established fact, and the careful observer must be convinced that not very far in the future, our Territory will become one of the principal stock-raising sections of the continent. From here must come a large supply of the beef for the belt of States to the east of us,

including the Northern, the Middle, and the New England States. The business of fattening cattle for the market, upon corn and hay, under shelter during the cold season, cannot compare with that of raising them upon the nutritious grasses of the prairies and hills, without shelter during the winter months.

The Australian provinces are, to a considerable extent, devoted to the raising of stock; but their distant location renders it impracticable for them to compete with us in the markets of the world. So of the cattle-growing regions of South America. Great Britain, and the continental nations, being densely settled and divided into small farms, except the large landed estates in the former, are not adapted to this industry. Here, the almost limitless prairies are without these objections.

The disarrangements to business pursuits, and the interruption of commercial traffic, resulting from the apparent conflict between capital and labor, during the last season, have attracted attention to the question of a reduction of the expenses of living; a subject which affects every class of the community, and the producing and manufacturing interests. Those who shall be instrumental in furnishing cheap beef to the people, at remunerative prices, will render them an important service, for this must become an essential element in the economy of life.

The shipment of dressed beef to Europe, the facilities for which have been largely extended, as well as upon the hoof, has grown to be a business of considerable magnitude, and is rapidly increasing. From the first of January last to the first of October, there were shipped to Europe \$8,082,036 worth of fresh meat, while during the corresponding period of last year, only \$1,755,000 worth were shipped.

The exports of live cattle to Europe thus far this year, amount to \$1,950,000, against a very small sum last year.

Of mutton, too, \$113,000; while none last year. Of live sheep, \$51,110; last year, none. During the same period, that is, from January 1st to October, the shipments of butter were 12,250,690 pounds, while last year they were only 5,919,000 pounds: and of cheese, 89,650,350 pounds, against only 53,700,530 pounds last year. The export of grain, this year, exceeds that of last by more than thirty-five per cent. We have raised upwards of 23,000,000 bushels, over and above the amount of former years.

War is destructive, not only of human life, but of the means of sustaining life. Large armies fill their ranks mostly from the producing classes. The war now existing between Russia and Turkey is already a heavy drain upon the resources of both, and if prolonged through another year, must greatly impair, if it does not exhaust, their producing capacities beyond the demands of the people at home. The awful scourge of famine is compelling Eng-

land to ship large quantities of flour to supply the wants of the perishing subjects of her East Indian Empire.

These causes, together with the large and increasing export of cereals, and of meat, butter and cheese, must encourage and impart renewed confidence to agricultural and pastoral pursuits.

The consideration of this subject seems to justify the prediction that, in the not very distant future, the farmers of the western, central and eastern States will devote their attention mainly to the raising of grain, pork and working oxen, and the production of butter and cheese; while the prairies west of the Missouri must furnish the beef. And is not this a wise provision of nature, in accordance with climate and soil?

Whatever legislation is necessary to foster and protect this industrial pursuit in which so many of our people are engaged, and which is the main source of our prosperity and wealth, should receive your favorable consideration. In connection with this subject, it seems proper to call your attention to the advisability of

BRINGING OUR LANDS INTO MARKET.

Stock men find it necessary to have large tracts of land in compact bodies, and desirable to acquire title thereto, which, under the present system, they are unable to do. The odd sections for twenty miles wide on either side of the Union Pacific Railroad, have been set off to that road, while the alternate sections are retained by the government, where they have not been taken up by homestead or pre-emption. I respectfully recommend that you memorialize the proper Department and Congress with a view to making these lands open to purchase at very low rates. In this case it is to be hoped that the railroad lands could be obtainable on equally as favorable terms. If Congress would authorize the sale of these lands at ten or fifteen cents an acre, large quantities would find purchasers, and a large revenue would be yielded to the government.

AGRICULTURE.

It must not be inferred that Wyoming is destitute of agricultural resources. Raising wheat upon the Laramie Plains and in the Wind River Valley has been successfully tested during the last season and with satisfactory results.

MINING INTERESTS.

The development of our mining interests has continued with steady progress. The extinguishment of the Indian title and the removal of the lately hostile Indians from our borders, must stim-

ulate enterprise and induce explorations and development. The production of

COAL

Has increased during the past year, and our coal fields have been successfully worked.

THE SUBJECT OF FISH CULTURE

Was presented to the Legislature in my last message, but no action was taken. Your attention is now invited to it. Further reflection and observation have strengthened the conviction that a small appropriation judiciously expended will result in stocking the various streams of the Territory in the vicinity of the settlements with the best kinds of fish, and will greatly benefit the people, by furnishing them with a desirable article of food without cost.

THE PROPOSED FORMATION OF A NEW TERRITORY,

Embracing the Black Hills, a large portion of Northern Wyoming, and portions of Dakota and Montana, has received some attention. For this movement I am unable to perceive any sound reason. If the people of the Hills desire to sever their relations with Dakota, the proper course is for Congress to attach the Black Hills to this Territory. In this direction is their natural outlet. Our interests are in common. The distance between Cheyenne and Deadwood is but two hundred and sixty miles. Another year will undoubtedly witness the completion of a railroad between those points, giving the latter direct connection with the east. Sturdy and industrious pioneers are developing the wealth of the Black Hills, and they deserve the protection of good laws and good government. It must be evident that their interests will be best promoted by a union with Wyoming. If they can secure a new Territory, without interference with our limits, we certainly cannot object. But when they propose to take a part of our Territory to enable them to secure one, it then becomes the duty of our people to enter their solemn protest. They have anxiously awaited the time when the removal of the hostile Indians would open up the Big Horn region for settlement, and make its resources available. When the time comes for the realization of their hope, it is not just to wrest it from them. Again, they have a reasonable right to look forward to some point of time in the future when the population of Wyoming will justify its admission as a State. It would not be in accordance with fair dealing to destroy that prospective right, or postpone the exercise of it for an indefinite period of time.

I therefore recommend that you memorialize Congress against any curtailment of the present boundaries of Wyoming, and ask that the Black Hills be annexed to, and made a part of it.

INDIAN AFFAIRS.

The capture and surrender of most of the hostile Sioux, the abolition of the Indian title to the lands, and the moral effect of the unexampled pursuit and capture of Joseph and the Nez Percés, afford reasons for the hope and belief that peace will be maintained in this region of country, and that the settlement of Northern Wyoming, hitherto prevented by marauding Indians, will now go forward, and its mineral and pastoral wealth be made available by the industry of the settler. The removal of the Indian agencies from our northern border to points near the Missouri river, is now taking place, and this gives us additional confidence in the prospect of peace. In this connection I cannot refrain from expressing my thanks to Gen. Crook, the Department commander, for the promptness and efficiency with which he has responded to every call made upon him for protection to our people and their interests, which the limited means at his command have enabled him to give. To him, and to the officers and soldiers serving in the Department, is due the expression of our appreciation of the hard, laborious and dangerous service they have rendered in ridding our frontier of hostile foes.

GENTLEMEN:—In conclusion, as the duration of your session is limited to forty days, permit me to impress upon you the necessity of giving early deliberation to measures of necessary legislation, so that important bills may not be crowded into the closing hours of the session. Both Houses and the Executive should have ample time to consider every measure.

I trust you will be guided by wisdom, and judgment commensurate with your responsibilities, and that your labors will meet with the approbation of your constituents, and result in the increased prosperity of the Territory.

JOHN M. THAYER.

EXECUTIVE DEPARTMENT, Cheyenne, Nov. 6th, 1877.
