

Mr. Hoyt presented the following resolution:

Resolved, That a committee of five, to be named by the president, be appointed, whose duty it shall be to report at the earliest moment practicable the titles of the standing committees deemed necessary as a means of facilitating the work of drafting a constitution for Wyoming.

The resolution was lost.

Mr. Burritt moved a reconsideration of the resolution appointing a committee on rules. Carried.

On motion of Mr. Hoyt the subject of standing committees was referred to the committee on rules.

Mr. Morgan moved that the members originally named by the president, as the committee on rules, shall constitute the committee on rules. Carried.

On motion of Mr. Riner, the convention adjourned till ten o'clock a. m., Sept. 4th.

M. C. BROWN, Pres. Con.

H. S. ELLIOTT, Pres. pro tem.

Attest: JOHN K. JEFFREY, Secretary.

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THIRD DAY.

HALL OF THE CONSTITUTIONAL CONVENTION, }  
 CAPITOL BUILDING, }  
 Cheyenne, Wyo., Sept. 4, 1889. }

The convention was called to order at 10 o'clock a. m.

Mr. President in the chair.

Prayer by the chaplain.

Roll call.

All absent members were excused on motion of Mr. Clark.

Mr. Burritt, from the committee on rules presented the following report:

To the Constitutional Convention:

Gentlemen:—Your committee appointed to draft "Rules of the Constitutional Convention of the Territory of Wyoming" for submission for your consideration, have attended to that duty and submit herewith a draft of rules, such as your committee believe will facilitate the transaction of business, and we recommend their adoption.

M. C. BROWN, Chairman.

CHARLES H. BURRITT, Secretary.

RULES OF THE CONVENTION.

1. The president shall take the chair every day precisely at the hour to which the convention shall have adjourned on the preceding day, and shall immediately call the convention to order.

In case the president is absent, or fails from any cause to take the chair, the convention shall appoint a president pro tem.

2. The president shall have general direction of the hall, and shall have the right to name any member to perform the duty of the chair, but such substitute shall not extend beyond adjournment.

3. He shall preserve order and decorum in the proceedings of the convention and in case of any disturbance or disorderly conduct in the galleries or lobby, the president or chairman of the committee of the whole convention shall have the power to cause the same to be cleared.

4. No smoking shall be allowed in the hall while the convention is in session.

5. Reporters for newspapers or stenographers wishing to take down debates may be admitted within the bar of the convention by the president who shall assign such places to them as shall not interfere with the conveniences of the convention.

6. The president shall appoint the following standing committees on business.

No. 1. A committee of five to be known as the committee on preamble and declaration of rights and executive.

No. 2. A committee of ten to be known as the legislative committee.

No. 3. A committee of ten to be known as the committee committee.

No. 4. A committee of seven to be known as the committee on election and right of suffrage, and qualifications to office.

No. 5. A committee of five to be known as the committee on education, public buildings, state institutions, public health, and public morals.

No. 6. A committee of five to be known as the committee on county, city and town organization.

No. 7. A committee of seven to be known as the committee on corporations.

No. 8. A committee of ten to be known as the committee on taxation, revenue and public debt.

No. 9. A committee of five to be known as the committee of printing, publication, accounts and expenses.

No. 10. A committee of seven to be known as the committee on schedule, future amendments, and miscellaneous matters.

No. 11. A committee of five to be known as the committee on irrigation, water rights and mining.

No. 12. A committee of seven to be known as the committee on agriculture, manufactures, commerce, live stock interests and labor.

No. 13. A committee of ten to be known as the committee on boundaries and apportionment.

No. 14. A committee of five to be known as the committee on salaries of public officers, and homestead exemptions.

No. 15. A committee of five to be known as the committee

on federal relations, public lands and military affairs.

No. 16. A committee of ten to be known as the committee on railroads and telegraph.

No. 17. A committee of five to be known as the committee on revision and adjustment.

7. All committees shall be appointed by the president, unless it shall be otherwise directed by the convention; in which case they shall be appointed by a vote of the convention.

#### THE RIGHTS AND DUTIES OF MEMBERS.

8. Members and officers of the convention are required to be constantly in attendance upon the duties of their position, and leave of absence to such will only be granted by vote of the convention or by unanimous consent.

9. Whenever a member is about to speak he shall rise from his seat and respectfully address himself to "Mr. President," and he shall announce the gentleman from the county he represents; if there be more than one member from such county then by adding the name of the member. The member may then speak either from his seat or from the seat of any other member tendered him for the purpose or from the secretary's desk.

10. In all cases the member who shall first rise and address the chair shall speak first but when two or more members shall rise at once, the president shall name the member who shall speak first.

No 11. No member shall speak more than twice on the same subject, without leave of the convention, nor more than once until every member choosing to speak on the question pending shall have spoken, and he shall confine himself to the question under debate and avoid personality.

12. Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave.

13. Any member may ask for the statement of the question which the president may give sitting.

14. Any member may call for a division of the question and the decision of the president as to its divisibility shall be subject to appeal as in questions of order.

15. Every member present when the question is put shall vote unless the convention excuses him, and any member requesting to be excused from voting or desiring to explain his vote may make a brief verbal statement of his reasons for making such a request and the question shall then be taken without further debate. The president shall vote on all questions taken by yeas and nays, and in all elections and decisions called for by the members. And in case of a tie vote the proposition pending shall be lost.

16. While the president or chairman is putting the question or addressing the convention no one shall walk across the

hall; and while a member is speaking no one shall pass between him and the chair. No person or member shall go to or remain at the secretary's table while the yeas and nays are being called or ballots counted except the secretary and his assistants.

17. Any two members shall have the right to demand the yeas and nays upon any question before the result is announced; but if objection is made the demand shall be sustained by one-fifth of the members present; if not sustained any member may upon request have his vote upon the question recorded upon the journal and upon the call for yeas and nays the secretary shall call over the names alphabetically.

18. Any three members have the right to demand a call of the convention but if objection is made the demand shall be sustained by one-fifth of the members present; and upon a call of the convention the names of the members shall be called alphabetically and the absentees noted upon the journal.

19. Any five members have the right to demand the previous question. The previous question shall be put in this form: "Shall the main question now be put?" and, until decided, shall preclude all debate and all amendments and motions, except one motion to adjourn and one motion to lay on the table. All incidental questions or questions of order arising after a motion is made for the previous question and pending such motion shall be decided whether on appeal or otherwise without debate.

20. On motion for the previous question and prior to voting on same a call of the convention shall be in order, but after the demand for the previous question shall have been sustained, no call shall be in order, and the convention shall be brought to an immediate vote, first, upon the pending amendment in the inverse order of their age and then upon the main question.

21. If a call for the previous question be not sustained the subject under consideration shall not thereby be postponed.

#### ORDER OF BUSINESS FOR THE DAY.

22. As soon as the convention is called to order, prayer may be offered. The roll shall then be called and absentees noted, and a quorum being present the journal of the preceding day shall be read by the secretary, and if necessary, corrected by the convention.

23. A majority of the members of the convention shall be necessary to constitute a quorum to do business and a majority of those voting shall be sufficient to decide pending questions.

24. As soon as the journal is read and corrected, as aforesaid, the president shall call for presentation of petitions and memorials.

Reports of standing committees.

Reports of select committees.

Final readings.

The above business shall be disposed of in the order in which it is arranged and shall not be in order at any other time.

25. Every petition and memorial shall be referred on motion without putting the question for that purpose unless the reference is objected to by a member, at the time of its presentation. No petition or memorial or other matter shall be printed without the special order of the convention.

26. Communications from the executive department of the territory may be received, read and disposed of at any time except when the president is putting the question, while the yeas and nays are being called, or while ballots are being counted.

27. An interim between any two sessions of the convention on the same day shall be called a recess; and on re-assembling at the appointed hour any question pending at the time of taking such recess shall be resumed without motion to that effect.

#### MOTIONS AND QUESTIONS.

28. Every motion shall be reduced to writing if the president shall require it.

29. When a motion is made and seconded, it shall be stated by the president; or, being in writing, it shall be read audibly to the convention by the mover or the secretary before debate.

30. After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the convention, but it may be withdrawn by leave of the convention at any time before decision or amendment.

31. All questions in committee or convention except privileged questions shall be put in the order in which they are made except in filling blanks, the largest sum or number and longest time shall be put first.

32. When a question is under debate no motion shall be received but to adjourn, to take a recess, to proceed to the orders of the day, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, to postpone indefinitely; which several motions shall have precedence of each other in the order in which they are arranged.

33. When a motion is made to commit to committee of the whole convention or to a standing committee, it shall not be in order to amend such motion by substituting any other committee, but if any committee shall be suggested the motion shall first be put upon the committee first named and afterwards upon the committee or committees suggested in the order in which they are named; but a motion to refer to a committee of the whole convention, to a standing committee or to

a select committee shall have precedence in the order here named.

34. A motion to postpone to a day certain or indefinitely being decided shall not again be allowed at the same stage of the proposition.

35. A motion to adjourn shall always be in order but being negatived shall not again be entertained until some motion, call or order shall take place.

36. The following questions shall be decided without debate, to-wit: To adjourn, to take recess, to take from the table, to go into committee of the whole on the orders of the day.

#### AMENDMENTS.

37. No motion or proposition differing from that under consideration shall be admitted under color of amendment.

38. A motion to strike out and insert shall be deemed divisible and a motion to strike out on a division being negatived, or a motion to insert being decided in the affirmative, shall be equivalent to agreeing to a matter, in that form, but shall not preclude further amendment, provided that substitutes for the pending propositions, shall, for the purpose of amendments, be treated as original propositions.

#### RECONSIDERATIONS.

39. A motion to reconsider must be made by a member voting with the prevailing side, and such motion to be in order must be within the next day of actual session of the convention after such vote was taken, and the same shall take precedence of all motions except a motion to adjourn.

#### QUESTIONS OF ORDER.

40. If any member in speaking or otherwise, shall transgress the rules of the convention, the president shall, or any member of the convention may, call him to order, and the member called to order shall take his seat, if required to do so by the president, until the question of order is decided.

41. The president shall decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the convention, except the member appealing, who may speak twice; and the president may speak in reference to any other member.

42. If the division be in favor of the member called to order, he shall be at liberty to proceed; if otherwise he shall not be permitted to proceed, in case any member object, without the leave of the convention.

43. If a member call another to order for words spoken in debate, he shall, if required by the president, reduce to writing the language used by the member which he deemed out of order.

## OF COMMITTEES.

44. It shall be in order for the committee on revision and adjustment to report at any time when the convention is not otherwise engaged.

45. All reports of the committees shall be signed by the members thereof who concur therein, and the report, with the name of the member or members signing the same, shall be read by the secretary, or from the secretary's desk by the member making the report, without a motion, unless the reading be dispensed with by the convention. Where the report is unanimous it may be signed by the chairman alone.

46. No committee shall sit during the daily sessions of the convention unless by special leave.

## COMMITTEE OF THE WHOLE

47. When the committee shall be ready to proceed with the orders of the day, a motion to go into committee of the whole on orders of the day, shall have precedence over all other motions, except to adjourn, to take a recess or for the previous question.

48. In forming a committee of the whole convention the president shall leave the chair and appoint a chairman who shall preside and vote as other members.

49. In committee of the whole, propositions shall be read by the chairman and considered item by item unless otherwise directed by the committee, leaving the preamble, if any, last to be considered. The body of the proposition shall not be defaced or interlined, but amendments shall be noted by the chairman or secretary upon a separate piece of paper, as the same shall be agreed to by the committee and so reported to the convention. After being reported the propositions with the amendments thereto by the committee of the whole shall be immediately taken up for consideration unless it shall be otherwise ordered by the convention, and again be subject to discussion or amendment before the question to engross for final reading shall be taken.

50. The rules for proceeding in the committee of the whole shall be the same as in the convention so far as may be applicable.

51. All reports of the committees containing matters to be incorporated in the constitution shall be considered in the order in which the reports are made, and upon their introduction and full reading before the convention such matters to be incorporated shall be laid upon the table and (when so ordered) be printed and when printed (if so ordered) shall be placed upon the calender to be considered in the committee of the whole convention, and if not ordered printed they shall be immediately placed upon the calender to be considered by the committee of the whole.

52. When such propositions shall have been considered in the committee of the whole and amendments thereto have been disposed of by the convention, the question shall be on ordering the final reading and fixing the time thereof.

53. So soon as any entire proposition for incorporation in the constitution shall have been disposed of, such proposition if agreed to by the convention shall be referred to the committee on revision and adjustment, to be by that committee embodied in the constitution. The committee shall have full power to revise the language used in the various propositions and to arrange the same so as to be clearly expressive of the sense of the convention and to make the instrument complete and consistent within itself.

54. The committee on revision having completed its revision as provided in the preceding rule, shall report the article or articles of the constitution to the convention, when it shall be fully read, and when it is thus read, the question shall be on the article or articles so revised and amended, and if the same shall be decided in the affirmative the constitution as a whole shall be carefully enrolled under the supervision of the committee on revision and adjustment and signed by the president and members of the convention.

55. The final vote agreeing to each proposition and upon agreeing to the instrument as a whole shall be taken by the yeas and nays, and no such proposition shall be considered as agreed to, nor the instrument as a whole except a majority of the delegates present vote therefor.

#### RESOLUTIONS.

56. Resolutions giving rise to debate shall lie over one day before being acted upon, if upon their introduction any member shall give notice of a desire to discuss the propositions therein contained.

57. No compensation shall be voted to any officer, employee, or appointee of the convention other than fixed originally by resolution; and this rule shall not be altered or suspended except on three days' notice and by a two-thirds vote of the members elected to the convention.

#### CALENDER.

58. The calender of each successive day's business shall be prepared by the secretary and six copies printed or written and one copy laid upon each table and one copy laid upon the president's table every morning. Upon each calender all propositions for final readings and all special orders shall be placed in order of priority in which the order is made. Propostions for final reading on a particular day not reached on that day shall be placed upon the calender in order of final reading, each succeeding day until disposed of. No proposition found



upon the calender shall be taken up and read by the secretary out of its order thereon except by direction of the convention.

#### ON RULES OF THE CONVENTION.

59. These rules shall not be altered except after at least one day's notice of the intended alteration, and then only by a majority vote of the members of the convention, and no rule shall be suspended except by two-thirds of those present.

60. Cushing's Manual and Law of Legislative Assemblies shall be received as authority in all cases not provided for in the foregoing rules.

Upon motion of Mr. Potter, the convention resolved itself into committee of the whole for the consideration of the report of the committee on rules.

Mr. Smith in the chair.

When the committee arose it reported as follows:

HALL OF THE CONSTITUTIONAL CONVENTION, )  
 CAPITOL BUILDING, )  
 Cheyenne, Wyo., Sept. 4, 1889. )

Mr. President:—Your committee of the whole having had under consideration the report of the committee on rules, beg leave to report progress and ask leave to sit again.

G. C. SMITH,  
 Chairman.

On motion the report was adopted. The convention then on motion of Mr. Riner stood in recess until two o'clock p. m.

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#### AFTERNOON SESSION.

The convention convened at two o'clock p. m.

Mr. President in the chair.

On motion of Mr. Morgan the convention went into committee of the whole for the consideration of the report of the committee on rules.

Mr. Smith in the chair.

When the committee arose it made the following report, which was adopted:

HALL OF THE CONSTITUTIONAL CONVENTION, )  
 CAPITOL BUILDING, )  
 Cheyenne, Wyo., Sept. 4, 1889. )

Mr. President:—Your committee of the whole having had under consideration the report of the committee on rules, beg

leave to recommend that said rules be adopted with the following amendments:

Amend Sec. 6. Subdivision by striking out the words "an executive" also add a new committee, to be known as the "committee on the executive department," said committee to consist of seven members.

Amend Subdivision 6, by striking out the word "five" and inserting the word "seven."

Amend Subdivision eleven (11) by striking out the word "five" and inserting the word "seven," by striking out the words "and mining" and by adding the word "agriculture" preceding the word "irrigation."

Amend Subdivision 12 by striking out the word "agriculture."

Amend Subdivision 14 by striking out the words "and homestead exemptions."

Amend Sec. 6 by adding a committee on mines and mining to consist of five members.

GEO. C. SMITH, Chairman.

On motion of Mr. Morgan, the rules, as amended by the committee of the whole, were referred to the committee on rules.

The convention thereupon took a recess of twenty minutes.

After reconvening, Mr. Burritt, from the committee on rules, presented the following report:

COMMITTEE ROOM, CAPITOL BUILDING, }  
Cheyenne, Wyo., Sept. 4, 1889. }

To the Constitutional Convention of Wyoming Territory:

Your committee on rules to whom was reported Rule No. 6, for reclassification and rearrangement of the committees in accordance with the expressed wishes of the convention report back a substitute for said Rule No. 6 (hereto attached) embodying the amendments and changes suggested by the convention.

M. C. BROWN, Chairman.

CHAS. H. BURRITT, Secretary.

6. The president shall appoint the following standing committees on business:

No. 1. A committee of five to be known as the committee on preamble and declaration of rights.

No. 2. A committee of ten to be known as the committee on legislative department.

No. 4. A committee of ten to be known as the committee on judiciary.

No. 5. A committee of five to be known as the committee on elections, right of suffrage, and qualifications to office.

No. 6. A committee of ten to be known as the committee on boundaries and apportionment.

No. 7. A committee of five to be known as the committee on education, public buildings, state institutions, public health and public morals.

No. 8. A committee of seven to be known as the committee on agriculture, irrigation and water rights.

No. 9. A committee of five to be known as the committee on mines and mining.

No. 10. A committee of seven to be known as the committee on manufactures, commerce, live stock interests and labor.

No. 11. A committee of ten to be known as the committee on taxation, revenue and public debt.

No. 12. A committee of five to be known as the committee on county, city and town organizations.

No. 13. A committee of seven to be known as the committee on corporations.

No. 14. A committee of ten to be known as the committee on railroads and telegraphs.

No. 15. A committee of five to be known as the committee on salaries of public officers.

No. 16. A committee of five to be known as the committee on federal relations, public land and military affairs.

No. 17. A committee of five to be known as the committee on printing, publication, accounts and expenses.

No. 18. A committee of seven to be known as the committee on schedule, future amendments and miscellaneous matters.

No. 19. A committee of five to be known as the committee of revision and adjustment.

On motion of Mr. Grant the above report was adopted and the committee on rules discharged.

Mr. Riner moved the adoption of the rules as the rules to govern this convention. Carried.

Mr. Coffeen of Sheridan county stated that he was instructed by the mass convention of Sheridan county that elected him to this convention, to oppose the formation of a state constitution at this time, by this convention, and announced that he was ready to second any motion to that effect if any member of the convention would make such motion, he having no colleague from his own county to aid him in this move.

On motion of Mr. Fox, the secretary was instructed to procure 100 printed copies of the rules.

The president presented the following communication from Mr. E. A. Slack:

OFFICE OF THE CHEYENNE DAILY SUN, }  
Cheyenne, Wyo., Sept. 4, 1889. }

Hon. M. C. Brown, President Constitutional Convention:

Sir: The "Sun" from the initiation of the question of statehood, for Wyoming, has been active in its advocacy of such

measures as would speedily insure Wyoming's admission as a state.

It is anxious in any way in its power to promote the objects of the convention.

The "Sun" will furnish materials and do any or all printing that may be desired by the convention, on bids or estimates as may be agreed upon, trusting to compensation therefor to be hereafter provided by the legislature of the territory or the congress of the United States.

Very respectfully,

E. A. SLACK, Publisher Daily Sun.

On motion of Mr. Hay the secretary was instructed to get the rules printed at the office of the Cheyenne Daily Sun.

Mr. Nickerson, from the committee on ways and means made the following report:

Mr. President:

Your committee on ways and means having considered the matter referred to them, beg leave to report:

That they recommended that the various officers of this convention receive the same compensation that like officers of the Tenth Legislative Assembly received, depending upon the United States or the next legislature to pay the same, and that the president and secretary be authorized to issue certificates to said officers.

Your committee estimate that the cash expense for books, printing and other incidental expense ought not to exceed \$500, and that we have under consideration means of defraying such expense, as well as to employ a stenographer at \$10 per day.

We herewith submit a proposition of Miss Louisa S. Smith, stenographer, and recommend that she be employed.

Your committee feel confident that arrangements can soon be made to raise the necessary funds to defray these expenses and ask for further time to report.

H. G. HAY, Chairman.

H. G. NICKERSON, Secretary.

Cheyenne, Wyoming, Sept. 4th, 1889.

Henry G. Hay, Chairman, Cheyenne, Wyoming.

Dear Sir:—I hereby offer to report the proceedings of the constitutional convention at the rate of ten dollars per diem.

Yours Respectfully,

LOUISE S. SMITH.

The report, on motion of Mr. Irvine, was received and further time granted.

Mr. Potter moved that Miss Smith be employed as official stenographer, in accordance with the report of the committee on ways and means.

Pending this motion, the convention, on the motion of Mr. Riner, adjourned until ten o'clock, a. m., Sept. 5th.

M. C. BROWN, President Convention.

Attest:

JOHN K. JEFFREY, Secretary.

### FOURTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,  
 CAPITOL BUILDING,  
 Cheyenne, Wyo., Sept. 5, 1889. }

The convention assembled at ten o'clock a. m.

In the absence of the president, Mr. Riner was chosen president pro tem, and took the chair.

Roll call—Forty members present.

Prayer by the chaplain.

Journal of the two previous sessions were read and approved.

The committee on credentials reported the presence of Mr. N. Baldwin, a duly elected delegate to this convention from the County of Fremont.

On motion of Mr. Grant the report was adopted, and Mr. Baldwin was sworn in by Justice of the Peace W. P. Carroll.

On motion of Mr. Fox the oath of office was then administered by Justice Carroll to Assistant Secretaries Mrs. B. Recker and H. Glafcke, Sergeant-at-arms O. P. Yelton and Door-keeper J. B. Walsh.

On motion of Mr. Teschemacher the convention took up the motion to employ an official stenographer.

Mr. Chaplin moved that we do not employ an official stenographer.

Mr. Teschemacher offered an amendment that we do employ an official stenographer.

Mr. McCandlish called for the yeas and nays on this question.

The amendment was adopted by the following vote:

Ayes—Messrs. Baxter, Burdick, Burritt, Butler, Campbell, Casebeer, Coffeen, Conaway, Davis, Elliott, Ferris, Foote, Fox, Frank, Hay, Holden, Irvine, Jeffrey, Johnston, Jones, Morgan, Morris, McCandlish, Nickerson, Organ, Palmer, Potter, Preston, Reed, Riner, Russell, Scott and Teschemacher.—33.

Nays—Messrs. Baldwin, Barrow, Chaplin, Menough, Sutherland.—5.

Absent and not voting—Messrs. Clark, Davis, Downing,