

to be disbursed by him on the properly audited vouchers of the convention. Also that the certificates issued for the payment of the employes, and for printing and be delivered to the secretary of the territory to be paid out to the proper parties, and that the secretary of the territory be requested to keep a record of his receipts and disbursements, on this account, for future reference.

Provided, That no certificate shall be issued, in excess of the amount or for any other purpose than those suggested in the report of the ways and means committee, without the further authority of this convention.

Mr. Fox submitted the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the chair to inspect from time to time the work performed by the stenographic reporter so far as the report is completed in type written manuscript, the approval of the report by said committee shall entitle the stenographer to the payment of the fees as designated in the report of the committee on ways and means and adopted by the convention.

Mr. Fox moved that the convention go into committee of the whole.

Lost on a rising vote.

On motion of Mr. Baxter the majority and minority reports of Committee No. 12, on files No. 19 and 22 were ordered printed.

Messrs. Elliott and Preston were excused for the day.

On motion of Mr. Campbell the convention adjourned until ten o'clock a. m., Sept. 11th.

M. C. BROWN, President Convention.

Attest: JOHN K. JEFFREY, Secretary.

---

## NINTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,  
 CAPITOL BUILDING, }  
 Cheyenne, Wyo., Sept. 11, 1889. }

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

Mr. President in the chair.

Prayer by the chaplain.

Roll call: 40 members present, absent members heretofore excused by the convention. Journal of previous session read and approved.

Mr. DeForest Richards, delegate elect from Converse county, appeared on the floor of the convention, and the oath of

office was administered to him by Justice of the Peace W. P. Carroll.

#### PROPOSITIONS.

The following propositions were read first time and referred:

File No. 59. By Mr. Fox.

“Qualifications to Office.”

Referred to Committee No. 7.

File No. 60. By Mr. Fox.

“Federal Relations.”

Referred to Committee No. 16.

File No. 61. By Mr. Campbell.

“Incorporations of Cities, Towns and Counties.”

Referred to Committee No. 15.

File No. 62. By Mr. Morgan.

“Legislative Department.”

Referred to Committee No. 2.

File No. 63. By Mr. Grant.

“Revenue.”

Referred to Committee No. 11.

File No. 64. By Mr. Morgan.

“General Oath of Office.”

Referred to Committee No. 5.

File No. 65. By Mr. McCandlish.

“Salaries of County Officers.”

Referred to Committee No. 15.

#### REPORTS OF STANDING COMMITTEES.

Committee No. 5 reported as follows:

Cheyenne, Wyo., Sept. 11th, 1889.

Mr. President:

Your Committee No. 5, having under consideration File No. 18, beg leave to return the same with the recommendation that it be re-referred to Committee No. 3 on executive department.

JOHN K. JEFFREY, Chairman.

On motion of Mr. Jeffrey File No. 18 was referred to committee No. 3.

Committee No. 18 submitted the following report:

To the Chairman of the Constitutional Convention, Wyoming:

Sir:—Your Committee No. 18 on Schedule, Future Amendments and Miscellaneous Matters, report as follows:

That File No. 46, concerning the distribution of powers, be and is returned to your body with the recommendation that it become a part of the constitution of the state of Wyoming.

That File No. 13 be and is referred back to your body with the recommendation that it do not pass, and your com-

mittee propose a substitute therefor with the recommendation that said substitute become a part of the constitution for the state of Wyoming, under the title of "Amendments,"

L. J. PALMER, Chairman.

On motion of Mr. Irvine File No. 46, and substitute for File No. 13 reported by Committee No. 18, were ordered printed.

### RESOLUTIONS.

The following resolution offered by Mr. Hoyt Sept. 7th and as amended by Mr. Jeffrey was adopted.

Whereas, It has been determined that a full record shall be made of the proceedings of this convention, with a view to its publication, and whereas it is desirable that such record be so prefaced as to show the successive official acts in which the convention had origin in order that such acts may become a permanent part of its history, therefore,

Resolved. That the standing committee on printing and publication is hereby instructed to embrace in the volume of proceedings to be so published, and as introductory thereto, the following official papers, to-wit:

1. The memorial of the Tenth Legislative Assembly, requesting of congress such legislation as will enable the people of Wyoming to form a constitution and state government.

### 2D. THE RESOLUTIONS ADOPTED BY THE SEVERAL BOARDS OF COUNTY COMMISSIONERS.

"Whereas, This board of county commissioners is satisfied, by an examination of senate bill No. 2,445, as unanimously and favorably reported to the United States senate by the committee on territories, that its provisions are absolutely fair for all sections of the territory of Wyoming, and

Whereas, The board is satisfied that there should be immediate action, as there would be greater probability of success by literally and speedily following the provisions of this bill; therefore be it

Resolved, That this board pledges itself to put in operation the election machinery under the laws of the territory for the election of delegates to a constitutional convention, and the submission of such constitution as may be presented by the said convention to the people of this county for ratification or rejection, if the governor, chief justice and secretary of the territory shall in their wisdom see fit to take the initiatory steps under the provisions of said senate bill for calling into existence a constitutional convention.

Resolved, That the chairman of this board be instructed to present copies of this resolution to the governor, chief justice and secretary, with the request that if other counties

of the territory make similar requests they shall divide the territory into districts, apportion the number of delegates to the several districts or counties, and do such other acts as may be necessary for the convening of such constitutional convention in the manner and form as is provided by the terms of said senate bill."

3. The certificate of the governor, chief justice and secretary of the territory, setting forth their apportionment of the number of delegates to said convention among the several districts of the territory dated June 3rd, 1889.

4. The proclamation of the governor dated June 3rd, 1889, directing an election throughout the territory for the choice of delegates to a constitutional convention to form at Cheyenne on the first Monday of September, 1889, for the purpose of framing a constitution for the state of Wyoming.

The following resolution submitted by Mr. Hoyt, relating to constitutional provisions, was on motion of Mr. Burritt adopted:

Resolved, That the constitution for Wyoming to be submitted to the people for their adoption or rejection, should be as comprehensive and general in its provisions as shall be consistent with definiteness of purpose, and that in the drafting of provisions there should be the avoidance of details which may be safely left to future legislation, to the end that with every necessary safeguard for interests general and vital, there may also be the freedom essential to a great and growing people in a rapidly advancing age.

On motion of Mr. Jeffrey Committee No. 1 was requested to report back the resolution relating to the adoption of the constitution of the United States.

Mr. Campbell moved the following resolution, which was adopted:

Resolved, That the following telegram be forwarded to Mrs. S. S. Cox, New York City:

In the death of your distinguished husband we recognize the loss of an earnest and able advocate for our admission as a state. Permit us to extend our sympathies in this, your hour of affliction.

The president announced the following special committee on stenographic report:

Messrs. Fox, Jeffrey and Baxter.

Mr. Holden offered the following resolution, which was adopted:

Resolved, That there be added to the committee appointed by this convention to meet and confer with the United States senatorial committee on arid lands which is expected to visit this city in the near future:

1. Hon. M. C. Brown, president of this convention.

2. That Hon. Joseph M. Carey, delegate to congress, be requested to act in conjunction with said special committee and that the secretary of this convention be instructed to notify him in writing of such request.

3. That the secretary be instructed to notify his excellency, Governor Warren, of the action of this convention upon the communication from the said senatorial committee, submitted to the convention by him.

Mr. Irvine, on behalf of the delegation from Converse county, designated Mr. DeForest Richards, as member of the special committee to meet the United States senate committee on irrigation.

The convention stood in recess until two o'clock p. m.

---

#### AFTERNOON SESSION.

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

The president in the chair.

Mr. Baxter of Committee No. 1, in accordance with the request of the convention, reported back the resolution offered by Mr. Jeffrey.

On motion the resolution was referred to Committee No. 20.

Mr. Organ of Committee No. 20 made the following report.

Cheyenne, Sept. 11, 1889.

Mr. President:

Your Committee No. 20, to whom was referred the resolution of Mr. Jeffrey, concerning the adoption of the constitution of the United States by this convention, beg leave to report that we return said resolution to the convention together with a substitute therefor, and that we recommend the adoption of the substitute.

Respectfully,

C. P. ORGAN, Acting Chairman.

The convention stood in recess until three o'clock.

On reassembling, by general consent, the report of Committee No. 20 in relation to the resolution adopting the constitution of the United States, was placed first on the general file.

Mr. Palmer, of Committee No. 18, made a report which was ordered printed.

Committee No. 6 obtained leave to sit during the present session of the convention.

On motion of Mr. Potter the convention went into committee of the whole.

Mr. Organ in the chair.

When the committee arose it made the following report:

Mr. President:

Your committee of the whole having had under consideration the general file, beg leave to report with the following recommendations:

That the substitute resolution submitted by Committee No. 20, in relation to the adoption of the constitution of the United States be adopted.

That File No. 58 be amended as follows:

Amend Sec. 1 by striking out all after the word "class" in the fifth line.

Amend Sec. 2 of said file by striking out the words "according to law" and inserting in lieu of the words "in the manner and under such regulations as may be prescribed by law."

Amend Sec. 3 by adding "except in the event that money so raised shall not be required or needed for the purpose for which the same was raised."

Amend by adding Sec. 5.

Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law, for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators, upon the payment of just compensation, such water as may be necessary for the well being thereof, and for domestic uses.

And that as amended, File No. 58, be embodied in the constitution.

C. P. ORGAN, Chairman.

On motion the report of the committee of the whole was received and placed on file.

The convention ordered final reading of the resolution adopting the constitution of the United States.

The yeas and nays on the adoption of the resolution, resulted as follows:

Yeas, Messrs.

Barrow,	Elliott,
Baxter,	Ferris,
Burdick,	Foote,
Burritt,	Fox,
Campbell,	Frank,
Casebeer,	Grant,
Chaplin,	Hay,
Coffeen,	Harvey,
Conaway,	Holden,

Hoyt,  
Irvine,  
Jeffrey,  
Jones,  
Johnston,  
Menough,  
Morgan,  
Morris,  
McCandlish,  
Organ,  
Palmer,

Potter,  
Preston,  
Reid,  
Richards,  
Riner,  
Russell,  
Scott,  
Smith,  
Sutherland,  
Teschemacher,  
Mr. President—40.

Nays—None.

Absent—Messrs. Baldwin, Butler, Clark, Downey, Hopkins, Knight, McGill, Nickerson, Vagner—9.

Thereupon the president announced that the convention had passed the resolution adopting the constitution of the United States.

On motion of Mr. Burritt the further consideration of File No. 58 was postponed until the next session.

Committee No. 5 by general consent made the following report:

Cheyenne, Wyo., Sept. 11, 1889.

Mr. President:

Your Committee No. 5 having had under consideration files numbered 16, 25, 29, 32, 39 and 47, return the same with an article entitled "Suffrage" containing such portions of said files as your committee deem desirable, which article we recommend as a substitute to be incorporated in the constitution.

Also, having had under consideration File No. 49, return the same herewith without our approval.

On motion of Mr. Jeffrey the report was accepted and ordered printed.

On motion of Mr. Organ the convention adjourned till ten o'clock Sept. 12th.

M. C. BROWN, President Convention.

Attest: JOHN K. JEFFREY, Secretary.

---

### TENTH DAY.

HALL OF THE CONSTITUTIONAL CONVENTION,  
CAPITOL BUILDING, }  
Cheyenne, Wyo., Sept. 12, 1889. }

The convention was called to order at ten o'clock a. m.  
Mr. President in the chair.