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Wyoming Pre-Statehood Legal Materials: An Annotated Bibliography

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Editor's Note

The following bibliography is Part I of a two-part guide to the history and development of Wyoming law, compiled and annotated by University of Wyoming College of Law Associate Law Librarian Debora A. Person. Part I on Wyoming Pre-statehood Legal Materials contains both primary and selected secondary resources covering pre-Wyoming Territory, the administration of the Wyoming Territory, and the establishment of Wyoming as a state. This section was previously published in 2005 in *Prestatehood Legal Materials: A Fifty-State Research Guide, Including New York City and the District of Columbia*, edited by Michael Chiorazzi, J.D., M.L.L. and Marguerite Most, J.D., M.L.L. It is reprinted here with permission from Haworth Press, Inc.

Part II of the annotated bibliography is forthcoming in *Wyoming Law Review*, Volume 7, Number 2, which will be published in summer, 2007. The article will cover primary resources from Wyoming's early statehood period along with notable secondary sources from both pre-statehood and early statehood, including materials on Indian law and early Dakota Territory events. The combined work will provide an invaluable tool for Wyoming legal scholars and practitioners seeking hard-to-find information regarding the state's legislative, constitutional, political, and judicial history and the development of the Wyoming common law.

WYOMING PRE-STATEHOOD LEGAL MATERIALS: AN ANNOTATED BIBLIOGRAPHY

*Debora A. Person**

INTRODUCTION

At one time part of Dakota, Utah, and Idaho territories, Wyoming began its quest for autonomy shortly after the Union Pacific moved through in 1867. With little to offer permanent settlers in the way of gold and silver mines or agriculture, it became a thoroughfare for those moving to friendlier regions. In time, the expanse of arid grassland proved effective for grazing, and the need to protect emigrants, railroad workers, and settlers from Indians brought the military. The boom that began with the Union Pacific dissipated as construction moved west out of the state, but slowly the citizen population grew.

Romantic notions of the West, cowboys driving herds, ranchers fighting ranchers, lawlessness and vigilantes, covered wagons bringing our ancestors across country, the frustration and difficulty of homesteading, women sitting on frontier juries, are no more represented in fiction of the Old West than they are right here in the various histories of this state. As a background for the establishment of the territory and eventual statehood, these elements flavor the legal history of Wyoming.

This chapter is organized into a semi-chronological arrangement. Divided into categories of Pre-Wyoming Territory, Establishment of the Wyoming Territory, Administration of the Wyoming Territory, and Establishment of the State, each section is also arranged by the government entity that produced the resource, that is, federal, then state legislative, executive, and judicial materials. Primary and relevant secondary sources are included within these categories. As the distinction between primary and secondary materials can vary based on the research project, all original documents are included among the primary materials. Noted secondary materials are commentary. The final section covers general Wyoming historical sources, biographies, Wyoming bibliographies, and Web sites. A number of reports included in this bibliography are annual or biennial and continue from the territorial days to the present. Dates listed for these reports cover territorial years only.

*Associate Law Librarian at the George William Hopper Law Library, University of Wyoming College of Law. Professor Person has an M.L.I.S. from Rutgers University, and she participated in a panel discussion highlighting this work at a meeting of the Western Pacific Chapter of the American Association of Law Libraries in Las Vegas, Nevada in September, 2006.

PRE-WYOMING TERRITORIAL

Federal

The authors of the Articles of Confederation foresaw a need to establish laws for governing these lands west of the original colonies.

Northwest Ordinance of 1787 (ordinance to establish laws for the government of the territory of the United States northwest of the River Ohio [July 13, 1787]).

Dakota Territory

From 1864 to 1869, Wyoming was part of the Dakota Territory; however, there was no Wyoming representative in the Dakota legislature until 1866. In addition to limited legislative representation, Wyoming suffered from inadequate access to the courts. Distance and geography made contact with the territorial capitol impractical. Dakota found that governing a region with temporary population, unpredictable voters, and a desperate need for local courts and justice was not advantageous. When Wyoming locals suggested they become a territory of their own, Dakota governor Andrew Jackson Faulk was comfortable supporting their appeal. In his 1867 address to the Dakota Assembly, he recommended moving forward with a memorial to the United States Congress requesting establishment of a new territory. As he stated, "I know of no good reason why they may not be clothed with all the blessings and protection of a separate organization,"¹ and he added an appeal for the sake of the "friendly Indians" corrupted by "unprincipled white men."²

Most Dakota Territory primary sources make only brief mention of Wyoming issues, citing the establishment of counties and city charters, and including the petition to Congress to recognize the new territory.

Executive Sources

1861-1889 DAKOTA GOVERNOR. BIENNIAL MESSAGE TO THE LEGISLATIVE ASSEMBLY.

Legislative Sources

1861-1889 Territory of Dakota Laws.

¹ WYOMING: FROM TERRITORIAL DAYS TO THE PRESENT 187 (Frances Birkhead Beard ed., Am. Historical Soc'y 1933).

² *Id.* at 188.

1862-1893 TERRITORY OF DAKOTA COUNCIL. JOURNAL OF THE LEGISLATIVE ASSEMBLY.

1862-1893 TERRITORY OF DAKOTA HOUSE OF REPRESENTATIVES. JOURNAL OF THE LEGISLATIVE ASSEMBLY.

Local Sources

Lincoln Mining District, Dakota Territory, November 11, 1865 (public meeting to organize the mining district, *reprinted in* HISTORY OF WYOMING AND (THE FAR WEST), at 642 (C. G. Coutant 1966) (1899).

This is the first document in the annals of local government of the section of Dakota Territory that would later become Wyoming. As federal workers, including military, were not counted in a census as permanent population, and railroad workers and emigrants moved on, miners were one of the first groups to settle and become citizens. This documents their original attempt to organize into a community near South Pass City, Wyoming.

General Secondary Sources

Like the primary sources, Dakota secondary sources include very little coverage of the Wyoming portion of their territory.

GEORGE W. KINGSBURY, HISTORY OF DAKOTA TERRITORY (S.J. Clarke Publ'g Co. 1915).

This source reads like a legislative journal. Volumes four and five are biographical.

HOWARD ROBERTS LAMAR, DAKOTA TERRITORY, 1861-1889 (Yale Univ. Press 1956).

Specific Wyoming references are extremely limited, but many of the main issues that Dakota dealt with are also issues to Wyoming—Indians, emigrants, railroads. The approaches to these issues, however, vary significantly between territories.

ESTABLISHMENT OF THE WYOMING TERRITORY

Federal

The issue that engendered the greatest interest in the establishment of the Wyoming Territory was its name. "Wyoming" is of eastern origin, and some senators favored naming the territory something more indigenous, some wanted to

honor the recently assassinated President Lincoln by naming the territory after him.³

Organic Act

Act of July 25, 1868, ch. 235, 15 Stat. 178 (1868) (providing temporary government for the Territory of Wyoming).

Unenacted Bills

H.R. 633, 38th Cong. (2d Sess. 1865) (providing temporary government for the Territory of Wyoming).

Never got out of Committee on Territories.

H.R. 647, 39th Cong. (1st Sess. 1866) (providing temporary government for the Territory of Lincoln [Wyoming]).

Bill ordered printed and recommitted to Committee on Territories. Never got further.

ADMINISTRATION OF THE WYOMING TERRITORY

Federal

Territorial officials were supervised by federal government agencies. Originally the Department of State managed the territories because so many of them were obtained through foreign jurisdictions. In 1873, the supervision was moved to the Department of the Interior. In general, requests for guidance were refused by the agencies, who advised territorial administrators to “refer to the law rather than to a department superior,”⁴ although the government did not supply statutes for the respective states.⁵

Territorial Papers

1878-1890 WYOMING TERRITORY GOVERNOR BIENNIAL REPORT TO THE SECRETARY OF THE INTERIOR.

In the absence of any other good information sources on the new territories, these reports were reprinted and sent back to the territories to be used as advertisements or information circulars for prospective settlers.

³ *Id.* at 198.

⁴ EARL S. POMEROY, *THE TERRITORIES AND THE UNITED STATES, 1861-1890: STUDIES IN COLONIAL ADMINISTRATION* 11 (Univ. of Wash. Press 1969) (1947).

⁵ *Id.* at 12.

THE TERRITORIAL PAPERS OF THE UNITED STATES (Clarence E. Carter ed., Nat'l Archives & Records Serv. 1936).

Territorial governors and secretaries wrote biennial reports in which they discussed election results, vetoes, and summarized legislation. Requests for appointments, complaints from the general public about current officials, and correspondence for leaves of absence were voluminous and together these resources make up the bulk of the territorial papers. Compliance in sending copies of executive proceedings to the president was irregular, as indicated in the correspondence from Wyoming's Governor Hoyt to President Hayes. "In this office copies of all official correspondence have [not] even been preserved."⁶

Organized by government agency and available on microfilm at most large academic and state libraries, the most relevant record groups are listed as follows. Some of these can be searched at the National Archives and Records Administration Web site (see Web sites) under *Guide to Records in the National Archives* using the record group number.

- Record Group 46, Records of the Senate. Volume 1 lists territorial judges. Contains bills introduced by the Senate regarding Wyoming's territorial legislation.
- Record Group 48, General Records of the Department of the Interior. Includes executive proceedings, 1878-1890; official correspondences with federal and territorial officials and private individuals, 1878-1890; appointment nominations and commissions of governors and secretaries, letters of recommendation, correspondence, complaints, and requests for leaves of absence.
- Record Group 59, General Record of Dept. of State. July 23, 1868-January 9, 1873, contains personal letters urging appointment of officers, journals and legislative proceedings, governor messages to the legislature, requests for leaves of absence and responses.

Additional record groups with relevance for Western territories:

- Record Group 60, General records of the Dept. of Justice. Includes territorial appointment files.
- Record Group 75, Records of Office of Indian Affairs. Includes records of Wyoming Superintendency of Indian Affairs, 1869-90. In the Western territories of this time, governors of the territories were expected to act as the superintendent of Indian affairs for their territory.
- Record Group 98, Records of U.S. Army Commands.
- Record Group 107, Records of the Office of the Secretary of War.
- Record Group 223, Records of the U.S. House of Representatives.

⁶ Letter from John W. Hoyt to Rutherford B. Hayes (July 24, 1878) THE TERRITORIAL PAPERS OF THE UNITED STATES, MISCELLANEOUS FILE 221.

Wyoming Territory

These federal materials reflected a unique situation for the new Wyoming Territory. In an interesting but chaotic development, Andrew Johnson signed the bill making Wyoming a territory. Congress, however, refused to approve any nominations for territorial office in Wyoming. Consequently, Wyoming was a territory for ten months before a government was organized.

The Organic Act established that, with the exception of mining law, Dakota law would govern Wyoming Territory until repealed by the new legislature. During the ten-month delay between the organization of the territory and the assignment of territorial officials, the population took it upon themselves to set up a court system and begged for action from the federal government. “Republicans of Cheyenne offered to bear the expense if Johnson would send officers without waiting for confirmation.”⁷

Legislative

From the beginning of its history, Wyoming has not maintained records of legislative committee meetings or other materials that help in compiling legislative histories. The Wyoming Constitution provides for the legislature to meet for forty days a year. Odd-numbered years are general sessions, even-numbered years are budget sessions.

Legislative Primary Sources:

1869-1890 Territory of Wyoming Session Laws (biennial).

COMPILED LAWS OF WYOMING (1876).

REVISED STATUTES OF THE STATE OF WYOMING (1887).

1871-1890 TERRITORY OF WYOMING COUNCIL. JOURNAL OF THE LEGISLATIVE ASSEMBLY.

1871-1890 TERRITORY OF WYOMING HOUSE OF REPRESENTATIVES. JOURNAL OF THE LEGISLATIVE ASSEMBLY.

⁷ Pomeroy, *supra* note 4, at 65.

Legislative Secondary Sources:

Peter K. Simpson, "History of the First Wyoming Legislature" (1962) (unpublished M.S. thesis, University of Wyoming).

An overview of the first Wyoming territorial legislature, it addresses organization of the new government, establishment of its courts and law enforcement, and the legislature's treatment of the territory's problems.

Lawrence M. Woods, "The Evolution of Wyoming Territorial Legislation, 1869-1890" (1975) (unpublished Ph.D. dissertation, New York University).

The goal of this dissertation as stated in the preface is to

examine the evolution of the law-making function, legislators and their constituencies and... trace changes in constituencies during the territorial period. Laws enacted are analyzed in relation to the individual interests of inhabitants, and this relationship is examined for evidence of change.

This work compares Wyoming's progression to major political theorists of the time such as Turner and Lamar.

Executive

From the early days of the territory, the Wyoming voters were frustrated by presidential appointments to the governorship. They demanded that the position be given to someone with ties to the area. When F. E. Warren's name was finally forwarded to the Senate for approval, his appointment was received with general approval from both parties as the first Wyoming resident governor of the territory.⁸

Governor Primary Sources:

1869-1890 GOVERNOR OF THE TERRITORY OF WYOMING. BIENNIAL MESSAGE TO THE LEGISLATURE OF WYOMING TERRITORY.

LETTERPRESS BOOKS OF THE GOVERNORS, 1869-1907 (Wyo. Archives & Hist. Dept., Archives & Records Div. 1960).

⁸ LEWIS L. GOULD, WYOMING: A POLITICAL HISTORY, 1868-1896 74 (Yale Univ. Press 1968).

Outgoing correspondence of territorial governors; also decisions, court rules, and Wyoming State Bar Association materials, 1879-1942

Campbell	1869-1875
Hoyt	1878-1882
Hale	1882-1885
Warren	1885-1886
Baxter	1886
Moonlight	1887-1889
Richards	1895-1903
Chatterton	1903-1905
Brooks	1905-1911

John Wesley Hoyt, Papers, 1878-1882 (on file with Wyoming State Archives).
Includes materials not in the Letterpress books.

THOMAS MOONLIGHT, SEVEN VETOES (Bristol & Knabe Printing 1888).

Veto statements of Governor Moonlight to the Tenth Legislative Assembly.

F.E. Warren, Papers (on file with The American Heritage Center, University of Wyoming).

- I. Political Papers 1878-1945 (gubernatorial and senatorial papers)
- II. Personal papers 1868-1974
- III. Warren Livestock Company, 1884-1957
- IV. Early business ventures, 1878-1961
- V. Mercantile business ventures, 1867-1961
- VI. Other business material, 1870-1937

Agency Primary Sources:

1893-1888 WYOMING ATTORNEY GENERAL BIENNIAL REPORT.

Begins biennial publication with 1894.

1887-1890 WYOMING STATE AUDITOR ANNUAL REPORT.

Includes territorial laws, establishes courts and counties by governor's proclamation, resolutions and memorials of the Legislature.

1920 WYOMING STATE HISTORIAN. BIENNIAL REPORT.

This was compiled with the period ending September 30, 1920. The first biennial report contains many relevant resources to pre-statehood Wyoming, more useful as general background.

RESOURCES OF WYOMING, 1889: AN OFFICIAL PUBLICATION COMPILED BY THE SECRETARY OF THE TERRITORY UNDER AUTHORITY GRANTED BY THE TERRITORIAL LEGISLATURE.

From the title page: general information relating to the soil, climate, productions; advantages and development—agricultural, manufacturing, commercial and mineral—geography and topography of the territory, also The Vacant Public Lands and how to obtain them (together with a map of Wyoming, ill., the mining laws of territory and descriptions of each county separately. Including native wildlife and plant species, Indians, banking, mineral resources, taxes, wages, cost of living, and one to three pages on each county regarding their school system, county seat, principal cities, agriculture, and mining. Each year comprises about 150 pages.

Executive Secondary Sources:

W.T. Jackson, *The Governorship of Wyoming 1885-1889: A Study in Territorial Politics* 13 PAC. HIST. REV. 1 (1944).

This article discusses the political intrigue and appointments of territorial governors Warren, Baxter, and Moonlight.

Judicial

Territorial courts had three judges, sitting individually as district court judges, and together once a year as the territorial supreme court, where they sometimes had original and appellate jurisdiction in the same case. The U.S. Supreme Court stood above territorial supreme courts.

The ten months without territorial appointments especially affected the judicial system. Never having had a firm footing within the Dakota Territory, as the circuit court judge only sat at the county seat one to two times a year, things now grew desperate. "The judges of Dacotah refused to hold court here and we are worse off than if we were not organized."⁹ Eventually judges were assigned, but without deference to locals, making little or no allowances for the vast distances to travel, geography, cost of travel, and cost of living. Expenses were so high and reimbursements so low that witnesses preferred to be arrested and taken to court on the government's dollar than wait for insufficient reimbursement.¹⁰

Internet access to Wyoming case law only reaches back to the early 1990s at this time. However, decisions are being added retrospectively with the intention that the entire history of the court will be covered.

⁹ Letter of E. P. Snow to Seward (August 8, 1868) THE TERRITORIAL PAPERS OF THE UNITED STATES 7.

¹⁰ John D. W. Guice, THE ROCKY MOUNTAIN BENCH: THE TERRITORIAL SUPREME COURTS OF COLORADO, MONTANA, AND WYOMING, 1861-1890 45 (Yale Univ. Press 1972).

Judicial Primary Sources:

PACIFIC REPORTER, CONTAINING ALL THE DECISIONS OF THE SUPREME COURTS OF CALIFORNIA, COLORADO, KANSAS, OREGON, NEVADA, ARIZONA, IDAHO, MONTANA, WASHINGTON, WYOMING, UTAH, AND NEW MEXICO (West Publ'g Co.).

Begins coverage of Wyoming cases with 1883. Indexed in *West's Wyoming Digest*. Includes Wyoming state appellate and federal cases.

WYOMING REPORTS: CASES DECIDED IN THE SUPREME COURT OF WYOMING, 1892-1959.

Indexed in *Wyoming Digest*. Vols. 4-22, 1892-1915 (Potter), vols. 23-59, 1915-1943 (Mullen), vols. 59-, 1943-1959 (Lazear).

REPORTS OF CASES DETERMINED IN THE SUPREME COURT OF THE TERRITORY OF WYOMING. OFFICIAL REPORTS FOR WYOMING TERRITORY (1870-1890).

Vol. 1, 1870-78 (Thomas); vol. 2, 1878-82 (Riner); vol. 3, 1883-92 (National Reporter System, West Pub. Co.). Listings of justices, table of cases, court rules, with topical index at the back of each volume. Vol. 3 by West is annotated.

WYOMING COURT RULES *in* COMPILED LAWS OF WYOMING (1876).

Judicial Secondary Sources:

JOHN D. W. GUICE, *THE ROCKY MOUNTAIN BENCH: THE TERRITORIAL SUPREME COURTS OF COLORADO, MONTANA, AND WYOMING, 1861-1890* (Yale Univ. Press 1972).

Territorial courts were closely monitored by the U.S. attorney general and tightly reined in by the federal legislature. This work examines the role of federal government in the political and economic development of Wyoming's territorial and early statehood days.

Other contributions of judges to the territories besides court duties included representing the people of the state in Washington, special commissioners to Indian tribes, codifying laws, and, in the absence of an attorney general, giving advice to the legislature as they formulated laws.

Rebecca W. Thompson, *History of Territorial Federal Judges for the Territory of Wyoming: 1869-1890*, 17 *LAND & WATER L. REV.* 567 (1982).

Brief biographies of the federal judges in the territory of Wyoming, the background of the state, problems of reimbursement, travel, vigilantes, and low pay. The article discusses establishment of the court system, types of cases that

predominated, and women on juries. This encapsulates the more complete Guice treatise. Contains a chronological list of judges and their periods of service as justices on the Territorial Supreme Court.

ESTABLISHMENT OF THE STATE OF WYOMING

Federal

With only a little over 8,000 popular votes cast for ratification of the proposed Wyoming Constitution, Wyoming Territorial Delegate Carey introduced one of three bills to admit Wyoming into the union early in the first session of the 51st Congress.¹¹

Act of Admission

Act of July 10, 1890, ch. 664, 26 Stat. 222 (1890) (providing for the admission of the state of Wyoming into the Union).

H.R. REP. NO. 51-39 (1890) (report to accompany HR 982, admission of Wyoming into the Union).

PROPOSED STATE OF WYOMING: PROCLAMATION, BILL FOR ADMISSION, REPORT, AND OTHER PAPERS RELATING TO STATEHOOD. (Daily Sun Electric Book Print 1889).

Contains governor's proclamation for election of delegates to the Constitutional Convention and apportionment of delegates among districts; boards of county commissioners' resolution preparing for election; Senate Bill 2445 on statehood; Report of Senate Committee on admission of Wyoming, February 28, 1889, accompanying Senate Bill 2445 and recommending passage; Report of House Committee on the admission of Arizona, Idaho, and Wyoming; inaugural address by Governor Warren; Memorial by Tenth Legislative Assembly to U.S. Congress for statehood.

Unenacted Federal Bills

H.R. 3830, 51st Cong. (1st Sess. 1890) (providing for Wyoming statehood).

H.R. 4561, 51st Cong. (1st Sess. 1890) (providing for Wyoming statehood).

S. 894, 51st Cong. (1st Sess. 1890) (providing for Wyoming statehood).

¹¹ BEARD, *supra* note 1, at 466.

Congressional Debates

House:

51st CONG. REC. 2132 (providing for consideration of Wyoming statehood by the House as Committee as a Whole).

51st CONG. REC. 2633 (1890) (motion to vote on Wyoming statehood in Committee as a Whole).

This vote required some political finagling to overcome opposition and reach a quorum.

51st CONG. REC. 2672-2683 (1890) (debates on Wyoming's statehood).

Includes Representative Carey's address to Congress, along with numerous others arguing for and against statehood.

Senate:

51st CONG. REC. 6474-6482 (1890) (providing for consideration of Wyoming statehood).

Read report of the Committee on Territories which stated no reason against statehood.

51st CONG. REC. 1383, 4132, 4183, 6183, 6310, 6386, 6467, 6468, 6589 (1890) (provided for consideration of Wyoming statehood).

Debates concerning S. 894 above, for which the nearly identical H.R. 982 was eventually substituted.¹²

State

Constitution

The people of the Territory of Wyoming, like the founding fathers over a century before, began to feel oppressed by the lack of representation in Washington and frustrated by territorial administrators who were appointed to their positions as political favors. The push for statehood began without authorization of an Organic Act. The Constitutional Convention was held September 2 through September 30, 1889. Voters ratified the constitution on November 5, 1889.

With the constitution already written and ratified by a vote of the citizenry, the committee wrote a memorial to the U.S. Congress requesting statehood. Though Democrats in Congress objected to the back-door approach, the constitutional provisions of women's suffrage, compulsory education, and the small

¹² Beard, *supra* note 1, at 469.

election vote, the bill was passed,¹³ and Wyoming was granted statehood on July 10, 1890.

The Wyoming Constitution has been criticized as an amalgam of the constitutions of states in the region recently granted statehood. There were, however, two especially important elements that brought the Wyoming Constitution notoriety: water rights and women's suffrage. Throughout Wyoming's history there has been only one constitution, amended sixty times, with forty amendments failing.¹⁴

Constitutional Primary Sources:

WYOMING CONSTITUTION OF 1890, *reprinted in* 1 WYO. STAT. ANN. (LexisNexis 2001).

JOURNAL AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF WYOMING (Daily Sun Book & Job Printing 1893).

Includes debates and constitutional convention, final draft of constitution, limited subject index, index of propositions, and index of members.

Territory of Wyoming Constitutional Convention Committee, Address to the People of Wyoming (1889) (unpublished manuscript, on file with Wyoming State Law Library).

Handwritten photocopy from Wyoming State Law Library, briefly explaining elements of the proposed Constitution and urging voters to ratify it.

TERRITORY OF WYOMING CONSTITUTIONAL CONVENTION COMMITTEE, MEMORIAL TO THE PRESIDENT AND CONGRESS FOR THE ADMISSION OF WYOMING TERRITORY TO THE UNION (Bristol & Knabe Printing 1889).

Contains achievements of the Territory, letters from Wyoming's Congress, governor, and county commissioners who urged the formation of the Constitutional Convention, and the Wyoming Constitution.

Constitutional Secondary Sources:

M.C. Brown, *Constitution-making, in* WYOMING STATE HISTORIAN BIENNIAL REPORT (1919-1920).

M.C. Brown, President of the Constitutional Convention, wrote this article ten years after statehood. It addresses personnel involved in the convention, the main issues of women, water rights, compulsory arbitration, complaints that the constitution has too much legislation, and Brown's point of view on this issue.

¹³ Henry J. Peterson, *The Constitutional Convention in Wyoming*, 7 U. OF WYO. PUBLICATIONS 130 (1940).

¹⁴ Karpan, *Proposed Amendments to the Wyoming State Constitution 1890-1988* i (Oct. 1988).

ROBERT B. KEITER AND TIM NEWCOMB, *THE WYOMING STATE CONSTITUTION: A REFERENCE GUIDE* (Greenwood Press 1993).

Probably the best source on Wyoming constitutional history and application, this treatise discusses the Constitutional Convention, attitudes of various elements within the state at the time, and the heavy limits placed on legislative powers. There is an analysis of each article of the Constitution, including Wyoming Supreme Court interpretation. It includes a table of cases, bibliographic essay, index, references to *Journals and Debates of the Constitutional Convention*, attorney general opinions that cite the constitution, and proposed constitutional amendments.

Henry J. Peterson, *The Constitutional Convention in Wyoming*, 7 U. OF WYO. PUBLICATIONS 101 (1940).

Taken mostly from *Journals and Debates*. Contains a brief and interesting discussion of voting on the Wyoming Constitution in Washington. It addresses individual controversial elements of the Constitution.

Richard K. Prien, *The Background of the Wyoming Constitution* (1956) (unpublished M.A. thesis, University of Wyoming).

Focuses on comparison of the constitutions of Wyoming with those of North Dakota, South Dakota, Idaho, Montana, and Washington under the assumption that borrowing took place from those states that most recently achieved statehood. It includes an appendix of file propositions for inclusion in the Wyoming Constitution.

GENERAL SECONDARY SOURCES

Wyoming General Historical Sources

A number of general secondary sources that discuss the social and political history, climate and geography, and inhabitants of Wyoming and the region. Some of the best of these contain reproductions of primary sources and quotes from political leaders and the general population of the time.

ANNALS OF WYOMING (Wyoming State Dep't. of History 1924-)

This journal is published quarterly by the Wyoming State Historical Society in conjunction with the Department of Commerce, American Heritage Center, and the University of Wyoming Department of History. Previously published as the *Quarterly Bulletin*, *Wyoming Annals*, and *Wyoming History Journal*, this periodical includes diaries, submissions from politicians, important local historical figures, and representative works of the general public, as well as academic pieces on or by state historical figures. Indexes are bound separately. The objective of this series is a

continuous publication of Wyoming history. An electronically searchable index is available online at the Wyoming State Historical Society Web site <<http://wyshs.org/annals.htm>>.

ICHABOD S. BARTLETT, *HISTORY OF WYOMING* (S.J. Clarke Publ'g Co. 1918).

In this three-volume set, the first volume has an emphasis on pre-history, foreign jurisdiction, the Louisiana Purchase, and early white man in the area. One chapter discusses the court system, judges, attorneys, and the Wyoming State Bar Association. Volumes two and three are mostly photographs and biographical essays.

Joseph Maull Carey, "*State of Wyoming*," in *THE PROVINCE AND THE STATES: A HISTORY OF THE PROVINCE OF LOUISIANA UNDER FRANCE AND SPAIN, THE TERRITORIES AND STATES OF THE UNITED STATES FORMED THEREFROM 333* (Weston Arthur Goodspeed ed., Western Historical Ass'n 1904).

Although the coverage is not unique, this work is exceptional because the author is Joseph Carey, first U.S. Senator for Wyoming and major political figure during the territorial and early statehood years. This source gives more local background than other resources, and coverage of the Constitutional Convention is interesting, as neither Carey nor Governor Warren were delegates, and both are believed to have disapproved of a number of elements of the final product.

C. G. COUTANT, *THE HISTORY OF WYOMING AND (THE FAR WEST)* (Argonaut Press Ltd. 1966) (1899).

While the author contends that he only includes strictly historical material in this text, it contains biographical sketches and reminiscences that lend it an anecdotal air. Mostly concerned with the background of white men in Wyoming, it includes reprints of historical documents. The focus is social rather than political.

MARIE ERWIN, *WYOMING HISTORICAL BLUE BOOK: A LEGAL AND POLITICAL HISTORY OF WYOMING, 1868-1943* (Virginia Cole Trenholm ed., Wyoming State Archives & Historical Dep't 1974) (Bradford-Robinson Printing Co. 1943).

This is a source for original materials of the territory and early statehood. It includes House and Senate bills, memorials to Congress, addresses of the governors, the Wyoming Constitution, sketched maps of early territories, court rules, office holders, and short biographies. This is an historical almanac in that it lists voting records, members of Congress, populations, maps, Constitutional amendments, and biographical data.

LEWIS L. GOULD, *WYOMING: A POLITICAL HISTORY, 1868-1896* (Yale Univ. Press 1968) (reprinted as *WYOMING, FROM TERRITORY TO STATEHOOD*, High Plains Publ'g Co. 1989).

Excellent treatise with detailed coverage of Wyoming political life for the thirty years from territory to statehood, including major political upheavals and players.

GRACE RAYMOND HEBARD, *HISTORY AND GOVERNMENT OF WYOMING: THE HISTORY, CONSTITUTION AND ADMINISTRATION OF AFFAIRS* (C. F. Weber & Co. 11th ed. 1926) (1904).

One of many editions of a text for upper-level pre-college students, it is a great introductory work used in Wyoming schools until fairly recently. The author is one of Wyoming's major historical figures.

T. A. LARSON, *HISTORY OF WYOMING* (University of Nebraska Press 1965).

One of the most respected modern Wyoming historical scholars, Larson taught in the University of Wyoming History Department and published widely in this area, elaborating on constitutional issues of women's suffrage and early statehood. Much of his other work is based on this treatise.

ROBERT C. MORRIS, *COLLECTIONS OF THE WYOMING HISTORICAL SOCIETY* (1897).

Selected resources, personal reminiscences and memorials, early settlement, social and commercial progress, mines, agriculture, prehistoric remains, Indians, documents of statehood, and women's suffrage are among the many items in this collection. It has limited use as a comprehensive source, but is great for a taste of Wyoming social, political, economic history pre- and early statehood. Selected resources are lively and representative.

WYOMING: FROM TERRITORIAL DAYS TO THE PRESENT (Frances Birkhead Beard ed., Am. Historical Soc'y 1933).

Volume one contains nearly 300 pages covering pre-statehood and reproduces a number of original documents, including the Dakota governor's message to the Legislative Assembly, the Dakota Assembly's memorial to Congress, Senate Bill 357 providing temporary government for Territory of Wyoming, and the Wyoming Organic Act. Volumes two and three are mostly biographical essays. These are not in alphabetical order. The index in front of volume 1 serves as a finding aid.

Biographies

The Democratic presence in the new Wyoming region simply could not compete with the strength and political savvy of a few powerful Republican leaders. The names of F. E. Warren, Joseph Carey, and Willis Van Devanter appear

throughout the history of the territory and early statehood, both as authors and as subjects of works. Wyoming's early life was defined by them to a large degree.

Robert F. Franklin, "The Political Career of Senator Francis E. Warren, 1902-1912" (unpublished Master's thesis, University of Wyoming).

Dating after Wyoming's territorial days, its relevance is in the importance of the political figures to Wyoming's development.

Lewis Ludlow Gould, "Willis Van Devanter in Wyoming Politics, 1884-1897" (1966) (unpublished Ph.D. dissertation, Yale University).

Van Devanter spent his early adulthood in Cheyenne, where he worked as an attorney and judge, attached himself to F.E. Warren and served as chairman of the Wyoming Republican Party. He is the only U.S. Supreme Court justice to have ties with Wyoming and achieved this position through the political maneuverings of his patron, Warren.

This book is less a biography than an exploration of the development of Wyoming's political system in the 1880s and 1890s. It discusses the regional competitiveness, establishment of state institutions and federal government working in the territory.

Kepler Hoyt, *Life of John Wesley Hoyt* (n.d.) (unpublished typescript, on file with The Wyoming State Historical Society).

This is a biography of one of Wyoming's territorial governors covering his life from 1831-1912. Hoyt was an outdoor enthusiast and one of the only non-Wyoming territorial governors accepted by the local population. His interest in the region is reflected in his biennial reports to the Secretary of the Interior.

Betsy Ross Peters, "Joseph M. Carey and the Progressive Movement in Wyoming" (1971) (unpublished Ph.D. dissertation, University of Wyoming).

Dating after Wyoming's territorial days, its relevance is in the importance of the political figures to Wyoming's development.

Willis Van Devanter, papers of Willis Van Devanter, 1884-1941 (unpublished manuscript on file with the Manuscripts Division, Library of Congress).

General Wyoming Bibliographies

RAY JORDAN, *WYOMING: A CENTENNIAL BIBLIOGRAPHY* (1988).

ROSE MARY MALONE, *WYOMINGANA: TWO BIBLIOGRAPHIES* (University of Denver Press 1950).

Web Sites

American Heritage Center

University of Wyoming

< <http://ahc.uwyo.edu/>>

The American Heritage Center is one of the primary depositories for early Western materials. With a very strong focus in Western history, this is an institution to keep in mind when researching Wyoming and the history of the region.

National Archives and Records Administration

Rocky Mountain Region

<www.archives.gov/research_room/arc/index.html>

Selected finding aids for archival holdings at Denver regional archives. Search refinements are limited, for instance, there is no date option, but one may search the inventories by following the link to name change archival research catalog. Some items available digitally.

Wyoming State Archives

<<http://wyoarchives.state.wy.us>>

Brief articles on famous Wyomingites, railroads, water, and women's history. No links to primary sources, and no search capabilities.

Wyoming State Historical Society

<<http://wyshs.org>>

Annals of Wyoming index online, 1923-1994 and Table of Contents from 1997-2001. Not full text. The Wyoming State Historical collection is housed in the Wyoming State Archives.