

Mr. REID. I move the convention do now adjourn until tomorrow morning at 10:00 o'clock. (Carried.)

ELEVENTH DAY.

WEDNESDAY, *July 17, 1889.*

Convention called to order by the President.

Mr. PRESIDENT in the chair.

Prayer by Chaplain Smith.

Roll Call. Present: Messrs. Ainslie, Anderson, Andrews, Armstrong, Batten, Bean, Beatty, Bivens, Brigham, Campbell, Cavanah, Chaney, Clark, Coston, Crutcher, Hagan, Hammell, Hampton, Harkness, Harris, Hasbrouck, Hays, Heyburn, Hogan, Howe, King, Kinport, Lamoreaux, Lemp, Lewis, Maxey, McConnell, Melder, Myer, Morgan, Pefley, Parker, Pierce, Pinkham, Poe, Pritchard, Pyeatt, Reid, Salisbury, Savidge, Sinnott, Shoup, Standrod, Steunenber, Sweet, Taylor, Underwood, Whitton, Wilson, Woods, Mr. President.

Excused: Messrs. Ballentine, Glidden, McMahon, Moss, Stull and Vineyard.

Absent: Allen, Blake, Crook, Gray, Hendryx, Jewell, Mayhew, Robbins.

Journal read.

Mr. BEATTY. I think the minutes record that adjournment was taken until 8:00 o'clock. Our rules provide it should be termed recess.

Mr. PRESIDENT. The secretary will correct the record in accordance therewith.

Mr. WOODS. I desire to be sworn in, Mr. President. (Mr. Woods sworn in by the President).

The CHAIR. If there are no objections, the record will stand.

JOURNAL RECORD.

Mr. AINSLIE. It appears to me that when a body goes into committee of the Whole, the proceedings that take place in the committee of the Whole becomes a part

of the journal. I know that is the rule in Congress and I think it is the rule in legislative assemblies, that the proceedings of the committee of the Whole shall form a part of the record. I see they are omitted in the journal of this morning.

Mr. MORGAN. I called the attention of the secretary to that fact this morning, Mr. President, and that matter will be corrected. I think the report of the chairman of the committee of the Whole should state what proceedings had been had and this should form a part of the journal, and the secretary will correct the report of the chairman of the committee of the Whole and the proceedings of the house will be incorporated in the journal.

Mr. AINSLIE. I believe that should be a part of the record just the same as if the convention was in regular session—should state who takes the chair and proceed as if the convention was in regular session, and if they come to any conclusion, report of the chairman of the committee of the Whole is generally that the committee of the Whole has had under consideration such and such a measure, has come to no conclusion, but has made progress thereon and asks leave to sit again. The whole proceedings of the committee of the Whole should be transcribed in the journal.

The CHAIR. The chair understands the rule to be this: That whatever conclusion the committee of the whole arrived at, the report to the convention goes into the journal, but not the proceedings in the committee otherwise than as they are reported on the rising of the committee. If there is any doubt with regard to this matter we may as well settle it now some way.

Mr. MORGAN. My proposition was, Mr. President, and what I supposed to be right, that the chairman of the committee of the Whole should report that sections two, three, four and five, as the case may be, were adopted; that Section one was adopted as amended, and that they asked leave to sit again.

Mr. AINSLIE. My impression is, Mr. President,

that all the proceedings of the committee of the Whole have to go in. The proceedings, if they are printed and published after this convention adjourns, like the proceedings of Congress, should show exactly what was done in the committee of the Whole. Nine-tenths of the business of this convention will be done in committee of the Whole; by referring to the congressional records, if the business done in Congress is done in committee of the Whole, by referring to the congressional records, if any numbers are kept here, they will show that all proceedings of the committee of the Whole are included in the record as if they are proceeding in open session. Now that is my understanding of it. To state the conclusions of the chairman of the committee of the Whole does not state what took place there except their conclusion. If we are to be governed by the parliamentary practice in Congress, the proceedings of the committee of the Whole should be recorded at length. There are several of the gentlemen here—Col. Reid has been in Congress, Judge Mayhew is an old parliamentarian—and I think they will concur in this statement.

The CHAIR. That is no doubt true with regard to the House of Representatives under its rules, but this convention has not adopted the rules of the House of Representatives. It has adopted a set of rules which are silent upon this subject, and they have provided that Cushing's Manual of Procedure shall supplement the rules on matters not provided for in the rules. And my understanding is from all parliamentary usage independent of any one rule such as they have in the House of Representatives, that the record is made up from the report of the committee. In other words, the committee comes in and makes a report like one of the standing committees. The discussions that have been had in the committee rooms are not made a part of the record of any body, but whatever the committee do or accomplish is reported to the convention by the chairman and is incorporated in the journal, and until further advised with regard to it, I will be compelled to hold to

that effect. If it is desirable in any way to incorporate in the journal the proceedings of the committee of the Whole, I think it would be necessary to provide for it by special rule.

Mr. WILSON. Mr. President, I think the congressional record contains everything that transpires in Congress whether in the committee of the Whole or otherwise, but I do not think the journal does. That is my understanding of it. Of course, our record here will contain everything that transpires.

Mr. REID. Pardon me; the journal contains an abstract of it. It does not contain a record of the speeches. The journal contains a record of all amendments offered—everything. You can't tell the difference, if the clerk did not state the fact, that they went into committee of the Whole. The journal would be just the same only they do not call the ayes and nays.

Mr. WILSON. Our secretary here has been chief clerk of the legislature—the lower house of our legislative assembly, and probably it might be well to follow the proceedings of that body and call on him for that—as to what the practice is there.

Mr. AINSLIE. Our rules, Mr. President, refer to the committee of the Whole on Page 25 and Page 26, Rule 49. (Reads). Rule 50 (reads). Now I doubt that any proceedings in the committee of the Whole have been in pursuance with the rules adopted, as the record shows how they proceeded to work in committee of the Whole. Now the record shows nothing but conclusions of the committee as reported by the chairman, and under Rule 50 the proceedings of the committee of the Whole shall be the same as in the convention, so far as practicable, and Col. Reid says there is no provision made to call ayes and nays in the committee of the Whole. Therefore I think the whole proceedings of the committee of the Whole should be engrossed. The speeches form no part of the record, but when a motion is put, lost or carried, an abstract of the proceedings showing exactly what the proceedings were in the committee of the

Whole should be journalized and form a part of the proceedings of this body, I think.

Mr. MAYHEW. May I inquire what the question is before the house?

The CHAIR. There is no question before the house at all. I would suggest, gentlemen, that this is an important matter and it may be there will be no objection to the incorporation of all the proceedings had in the journal. I would suggest that some member draft a resolution which will cover the case, if it seems to be left in doubt, so that we may pass upon it and have no more trouble with it in the future. The chair's understanding of this rule is as stated. He may be wrong.

Mr. CLARK. Mr. President, yesterday morning the gentleman from Shoshone county moved that the convention, when it adjourned, should adjourn until 8:00 o'clock to hear an address upon woman's suffrage. Subsequently that motion was adopted. I think that was the actual form of the motion. I would like to have the record show whether that was the case or not. If it was, the proceedings of last night were entirely out of order and should not have been recorded. I would like to have it show whether the adjournment had not taken place for this specific object to 8:00 o'clock last evening.

The CHAIR. The journal does show that fact.

Mr. CLARK. Then I would like to rise to a point of order, whether it was possible for the convention to transact any other business last night. A large number of the members were absent on that understanding and therefore it was a sort of notice to them that no other business would be transacted.

The CHAIR. The answer to that is, whether it was done regularly or irregularly is a matter of no consequence. As a matter of fact it was done, and being done without objection, by unanimous agreement, it is equivalent to a suspension of all rules on the subject. It is too late to raise a point of order on that question now. Gentlemen, we will proceed to the regular orders of the day.

Presentation of Petitions and Memorials. Are there any to be presented? None. Reports of standing committees?

COMMITTEE REPORT—MUNICIPAL CORPORATIONS.

Mr. HAGAN. The chairman of the committee on Municipal Corporations has not been able to be here this morning. At his request, however, I desire to make the report for and on behalf of that committee. I will state this, that there is one member who disagrees with the report of the committee in a minor matter. But it has been covered by another report that is now on file in this convention. I will send the report to the secretary.

The CHAIR. The secretary will read the report on Municipal Corporations.

SECRETARY reads: "We, your committee on Municipal Corporations, beg leave to submit the following report. Albert Hagan for the chairman, W. W. Woods."

The CHAIR. The report will lie on the table and be printed. Are there any further reports from standing committees? None. Reports from select committees? Final readings? None.

Mr. AINSLIE. Mr. President, I would say that Mr. Jewell, of Washington county, being unavoidably detained at home, being a member of the committee on Apportionment, asks that during his absence Mr. Harris his colleague, may serve as a member of that committee until he returns. The committee desires to make report.

The CHAIR. If there is no objection, it will be so ordered.

JOURNAL RECORD—RESOLUTIONS.

Mr. AINSLIE. I will now offer the resolution in accordance with the suggestion of the chair.

SECRETARY reads: "*Resolved*, That the proceedings of the committee of the Whole be entered of record

in the journal in the same manner as the proceedings of the convention." (Seconded). Carried.

COMMITTEE CHANGES.

Mr. BEANE. I would suggest that my colleague, Mr. Anderson, be put upon the committee on Manufactures and Agriculture in my place. My affairs at home are so unsettled as to necessitate my absence for a day or so, and we have not yet had a meeting of that committee.

The CHAIR. If there is no objection, his request will be granted. It is so ordered.

Mr. ARMSTRONG. Mr. McMahan, who is a member of the committee on Labor, is unavoidably detained at home and does not know when he will be able to return. His wife is dangerously sick and he asks that his colleague, (Mr. BATTEN) be placed on the committee in his place.

The CHAIR. If there are no objections, the change will be made as suggested by the gentleman from Logan.

Mr. BATTEN. I have just received a letter from Mr. McMahan, my colleague, stating that he would be here tomorrow evening unless his wife's condition should be unfavorable.

The CHAIR. Is the request to substitute withdrawn?

Mr. ARMSTRONG. I will withdraw the suggestion.

Mr. MAYHEW. Mr. President, I do not know what will be the sense of the convention upon the proposition. I desire to make a motion now for adjournment. It seems to me that the committee on Judiciary and several other committees have so much before them that they have not had time as yet to complete their labors. Now I desire to make a motion that we adjourn until some time this evening before we resolve ourselves into a committee of the Whole in order to give time for these committees to perform their duties. Mr. President, you are aware, as one of the members of the committee on Judiciary, that there is a great deal before this commit-

tee—a great deal for them to consider. I really think we will save time by allowing the committees to perform their duties, formulate their reports and return them to this convention and have them printed, and after this is done, we can have a full discussion upon all questions that may come up. I therefore move, Mr. President, if I may be supported, that this convention adjourn until 4 o'clock this evening. I am satisfied that we will be saving time. In committee yesterday the Judiciary committee spent three or four hours in the discussion of the serious matters there coming before it, and if that discussion is made there and we can get up an article to meet the approbation of the convention, it is better to fix the whole thing in that way than to have a long discussion and amendments offered in this convention. I hope my motion will meet with the approbation of this convention.

NOTICE OF MOTION TO AMEND RULE XI.

Mr. BATTEN. I have a motion to make before that motion is put. I hereby give notice that tomorrow, July 18th, 1889, I will move to amend Rule 11 of the standing rules as follows: "Amend by adding after the word "Convention" at the end of the second line of said rule, the following: 'and in no case shall any member be allowed to occupy more than fifteen minutes at any one time except by unanimous consent of the Convention.'"

A MEMBER. I move an amendment of the motion to take a recess, that it be to adjourn until tomorrow at 10:00 o'clock. (Seconded).

The CHAIR. It is moved and seconded that the convention now adjourn until ten o'clock tomorrow morning. (Vote). Carried.

TWELFTH DAY.

THURSDAY, *July 18, 1889.*

Convention called to order by the President at 10:00 A. M.