

of work to do, I move we adjourn until ten o'clock to-morrow morning.

Mr. PRESIDENT. Gentlemen, the motion is that we now adjourn until ten o'clock to-morrow morning. Are you ready for the question? All in favor of the motion will say aye; contrary, no. The ayes have it; the motion prevails. The convention will take a recess until ten o'clock to-morrow morning.

TWELFTH DAY.

MORNING SESSION.

Saturday, Sept. 14, 1889.

Convention assembled at 10 o'clock, President Brown in the chair.

PRESIDENT. The convention will come to order.

(Prayer.)

PRESIDENT. The secretary will call the roll.

(Roll call.)

SECRETARY. Twenty-eight members present, Mr. President.

Mr. MORRIS. Mr. President, Mr. Menough and Mr. Palmer have been called home and ask to be excused until their return.

Mr. PRESIDENT. If there is no objection, the gentlemen named will be excused. The record will so show, Mr. Secretary. The secretary will read the journal of the eleventh day.

(Reading of the journal for the eleventh day.)

Mr. PRESIDENT. Are there any corrections to the journal as read? There being no suggestion, the journal stands approved, Mr. Secretary.

The presentation of petitions, memorials, resolutions, and propositions are now in order. Are there any propositions to be presented this morning? Reports of standing committees. Are there any reports of standing committees this morning?

Mr. PRESTON. On behalf of committee No. 2, I have been instructed to submit a majority and minority report. As the report is very long and cumbersome, I ask that it be only read by title and printed.

Mr. MORGAN. I think the report ought to be read, but not the matter to be incorporated.

Mr. PRESIDENT. The secretary will read the report.

(See journal, page 58.)

Mr. MORGAN. I ask that the report of the minority be read.

Mr. PRESIDENT. The secretary will read the minority report.

The minority of your committee on legislative department,

No. 2, beg leave to report section 3 filed herewith, and ask its adoption in lieu of section 3 of the majority report.

September 14, 1889.

Sec. 3. The legislature of this state, until otherwise provided by law, shall consist of fifteen members of the senate and thirty-one members of the house of representatives, to be apportioned to the several counties and districts, as near as may be, according to the number of their inhabitants. Provided, that no city or county shall be entitled to separate representation in the senate until the whole number of senators shall be twenty-four (24) or more, when the said separate representation shall not exceed one-sixth of the whole number of senators.

E. S. N. MORGAN.

Mr. PRESIDENT. The question is on the recommendation to print the substance reported by this committee, that it may be considered by the convention. It seems that there are two reports; they differ as to but one or two sections. Is it the desire that the matter reported both by the majority and minority be printed? The question will be upon printing both, if there is no objection. All who are of the opinion that the matter submitted by the majority and minority reports be printed will say aye; those opposed, no. The ayes have it, the reports of both the minority and majority are ordered printed by the convention. Are there any further reports.

SECRETARY. A proposition, Mr. President.

Mr. PRESIDENT. The secretary will read.

SECRETARY. File No. 77, by Mr. Hay, concerning a state examiner.

Mr. PRESIDENT. Gentlemen of the convention, unless otherwise ordered, File No. 77 will be referred to committee No. 3, executive department. It is so referred, Mr. Secretary.

SECRETARY. File No. 78, by Mr. Hay, concerning live stock.

It is proposed that the following provisions be incorporated in the constitution of Wyoming, to-wit:

Sec. 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction of spread of all infectious or contagious diseases.

Sec. 2. The legislature may establish a system of quarantine or inspection and make such other regulations as may be necessary for the protection of stock owners, and most conducive to the stock interests of the state.

Sec. 3. The legislature may, when necessary, appoint such officers as may be required to carry out the provisions of this article.

Mr. PRESIDENT. Gentlemen of the convention, unless otherwise ordered, file No. 78 will be referred to committee

No. 10, on live stock, labor, etc. There being no objection, it is so ordered, Mr. Secretary.

Mr. RINER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Riner.

Mr. RINER. I was only going to suggest that the proposition contained in file No. 77 is already embodied in the report submitted this morning by committee No. 3, in almost the identical language of the file, so it will not be necessary to refer it to our committee. The language is the same, is it not Mr. Richards?

Mr. RICHARDS. Almost the exact language.

Mr. PRESIDENT. File No. 77 has already been referred to the committee on executive department, No 3. Perhaps the better disposition would be to allow the proposition to lay on the table, and come up in connection with the matter reported by the committee for consideration in committee of the whole.

Mr. RINER. I will move that that disposition be made of the matter.

Mr. PRESIDENT. Is there objection to the matter being so disposed of? It is so ordered, Mr. Secretary. The matter will lay on the table, and come up in the regular order of business on the general file for consideration in committee of the whole.

SECRETARY. Report of committee No. 16. Files 36 and 34.

Mr. PRESIDENT. Committee No. 16 report back a substitute for those files concerning the state militia. Is it the desire of the convention that the substitute be printed?

Mr. RINER. Is it not customary when a substitute is reported back that it be read? We cannot tell unless it is read what it contains, and whether we want it printed.

Mr. PRESIDENT. The secretary will read the report.

SECRETARY. Report of committee No. 16.

(See journal page 58.)

Mr. PRESIDENT. What is the wish of the convention as to having the matter reported printed?

Mr. FOX. I move the matter be printed.

Mr. ORGAN. Second the motion.

Mr. PRESIDENT. It is moved and seconded that the matter reported by committee No. 16 be ordered printed. Are you ready for the question? All who are of the opinion that the matter reported be ordered printed, will say aye; those opposed, no. The ayes have it; the matter is ordered printed.

SECRETARY. Report of committee No. 3. Substitute for file 51 and 56.

Mr. PRESIDENT. The secretary will read the report.

(See journal, page 59.)

Mr. HAY. I move the report be ordered printed.

Mr. PRESIDENT. I would remind the gentlemen of the committee that the report states that the original files referred back were returned with the report. The secretary notifies me they are not so returned. The question is now on printing the substitute for the propositions referred to committee No. 3. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the matter is ordered printed.

Mr. RINER. I would say that as my time is so closely occupied, I did not have time to sit down and do a lot of clerical work, but utilized the original files so far as possible. They are a part of the substitute returned by the committee.

Mr. PRESIDENT. Any further reports, Mr. Secretary?

SECRETARY. Committee No. 29, on revision, reports the substitute for files 19 and 22, properly engrossed.

Mr. PRESIDENT. The two files reported back as correctly engrossed have not been finally passed upon by the convention. Gentlemen of the convention, your committee on revision has reported back files No. 19 and 22, or the substitute therefor, as being correctly engrossed. The question is upon the final reading of the propositions contained in the engrossed copy returned by your committee. All that are in favor of its final reading at this time, and its adoption into the constitution will say aye. The ayes have it; the engrossed copy will be read by the secretary. Final reading of the substitute for files No. 19 and 22. The clerk will read.

(Final reading of substitute for files 19 and 22.)

Mr. PRESIDENT. The question will be upon the final passage of the substitute as read. So many as are of the opinion that the substitute to files No. 19 and 22 be adopted and incorporated into the constitution as a part thereof will say aye, as their names are called; those of the opposing opinion will say no. The clerk will call the ayes and noes.

(See journal, page 59.)

Mr. PRESIDENT. Ayes, 27; noes, 2; absent, 20. Gentlemen, by your vote you have adopted the substitute to files 19 and 22 as a part of the constitution. If there is no other order made in reference to this, the substitute will be referred to the committee on revision. It is so ordered, Mr. Secretary.

Mr. POTTER. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Potter,

Mr. POTTER. I desire now to move, in accordance with the notice I gave the other day, that when any proposition containing more than one section is before the convention for final reading and adoption, that any member shall have the right to demand that a particular section be voted upon separately. I would like to amend rule 55 by adding that language to it. I gave notice to that effect day before yesterday. It will not be required in every case, but I think every member should have the right to demand it. I think

we have just now seen the necessity for such a rule. It compels a member to vote against a proposition that he is in favor of, simply because he cannot support one line it contains.

Mr. PRESIDENT. The secretary will read the notice and the proposed amendment. I think it came in day before yesterday.

SECRETARY. I cannot find it; it must have been mislaid.

Mr. PRESIDENT. Gentlemen of the convention, I have before me a communication from the governor of the territory of Wyoming notifying us as to the time of the proposed visit of the congressional committee on irrigation. The secretary will please read, while Mr. Potter re-writes his amendment.

(See journal, page 60.)

Mr. COFFEEN. I will ask who is the chairman of the committee from this body appointed to confer with this senate committee.

Mr. JOHNSTON. I was about to call attention to that matter, although I have no authority to do it. I would request that the committee be requested to meet after recess to-day.

Mr. PRESIDENT. Resolution of Mr. Potter. Is there a second to the amendment offered by the gentleman from Laramie, Mr. Potter.

Mr. GRANT. Second the motion.

Mr. PRESIDENT. The question is on the adoption of the amendment to rule 55 as proposed by the gentleman from Laramie, Mr. Potter. The secretary will read the proposed amendment again in order that all may understand the proposition presented. Will the gentleman from Johnson, Mr. Burritt, take the chair?

(Mr. Potter's amendment re-read.)

Mr. BROWN. Mr. President.

Mr. PRESIDENT. The gentleman from Albany, Mr. Brown.

Mr. BROWN. I hope the members of this convention will carefully consider the nature of the proposed amendment to the rules. It is perfectly clear to me that its result will be to hamper and delay business, and not to aid in its discharge. You will observe that rule 55 provides that 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 as a whole, except a majority of the delegates present vote therefor. Rule 55 holds good not only as to the final passage of propositions as they may be amended, but to the final action upon the constitution as a whole when presented by the committee on revision, after they have examined it and put it in proper shape for our action. When it comes up in that way

every matter, under the rules as they now stand, can be acted upon, every section, every proposition separately, and apart from the instrument as a whole and voted upon by the convention, changed or amended as they see fit, but you will observe by this and other rules that a proposition as a whole, no matter what amendment may be here, that before a proposition as a whole can be voted on and adopted, it must be submitted as a whole, voted on as a whole on the ayes and noes, and the amendment proposed by my friend from Laramie, will not change the matter, as he seeks to by the amendment. If we are not to vote upon these propositions as a whole, we cannot vote upon the constitution as a whole. Does the gentleman desire to so arrange this rule, or change it, so as to prevent our voting upon the constitution as a whole, when it is finally submitted, in one vote?

Mr. POTTER. I don't think the constitution as a whole would be a proposition.

Mr. SMITH. I wish simply to call attention to this fact. We have already spent two weeks upon this work, and we are not getting along with it very fast. As the rules now stand, every section is passed upon singly twice. First in committee of the whole and again in the convention. Why go over it again? We must stop somewhere. Why dispose of it once, simply to have it come up again? If this motion prevails, it will only re-open the question again, and we will never get done. I hope the motion will be voted down.

Mr. MORGAN. The object desired to be obtained by my friend, Mr. Potter, is a good one, but I think it can be reached without any alteration of the rules. There will be propositions, I doubt not, contained in the constitution as a whole to which I will have serious objections, propositions contained in these propositions to which I have serious objections, and I will not desire to go on record as voting for them. But I can reach that up to the time of the yeas and nays by offering an amendment. Of course, no member would offer an amendment unless of serious importance, that amendment may be rejected, and the proposition will pass as it stands. I would prefer to settle my record on any of these propositions by exercising the privilege which I have under the rules of this house of having my reason for so voting entered upon the journal at the time the yeas and nays are called.

Mr. HAY. If it is a question of saving time, I am not certain that we will not take up more time by stating our reasons for so voting than it would if we were to act in the way proposed.

Mr. PRESTON. Mr. President.

Mr. PRESIDENT. The gentleman from Fremont, Mr. Preston.

Mr. PRESTON. At the convening of this convention, a committee was selected to draft rules for the purpose of controll-

ing the work of this convention. After nearly two days work, a copy of rules was prepared and presented to this convention, which were carefully considered each one separately by the members of this convention, and I think the time has now come when the rules, which were adopted by this convention, were studied fully and the proper application made of them every question we desire to reach can be reached by them by this convention. The waste of time in the amendment of these rules is getting monotonous to the outside members, and I think if the gentleman who proposes this will study the rules and make a close application of them, the business of this convention can be disposed of in less time than it will if the time is taken up in amending the rules. Therefore, I hope the motion will not pass.

Mr. PRESIDENT. The question is on the adoption of the amendment to rule 55, offered by Mr. Potter. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The noes have it, the motion is lost.

Mr. MORGAN. If in order, I would like to offer a resolution. I appreciate the force of the remarks of the gentleman from Fremont, but notwithstanding that I desire to offer a resolution, which will not change the rules.

Mr. PRESIDENT. If there is no objection, the notice will be received and read.

Morgan's Resolution.—All members shall be limited to fifteen minutes for their first, and five minutes for their second speech, on any question.

Mr. PRESIDENT. If I understand it correctly this is intended as a notice to amend rule 41. The notice will be received, and lie on the table as required on our rules. What is the pleasure of the convention?

Mr. POTTER. I don't think my amendment which was offered took up the time of the house, so far as making the amendment was concerned. I will admit publicly that I don't consider myself nearly as competent to observe these rules as my distinguished friend from Fremont. I have not given them the study, and cannot take up my time doing so. When this question of rules was up before the convention I considered, and still consider that a proposition of more than one section ought to be considered by a single section. The convention has decided that it is not. However, I see the force of the argument the other way, that we can make our amendment in committee of the whole. I offered this amendment because I thought it was a good thing, and not with any wish to delay business at all.

Mr. JOHNSTON. If in order at this time, I would like to call a meeting of the irrigation committee for Tuesday evening in the committee room to the left here. Lights will be provided, and we desire all parties who wish to meet that committee to do so on that evening.

Mr. HAY. Mr. President.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Hay.

Mr. HAY. If there is nothing else to engage the attention of the house, I would like to offer a proposition.

Mr. PRESIDENT. The gentleman from Laramie, Mr. Hay, asks the unanimous consent of the house to introduce a proposition. Is there any objection. The chair hears none, the proposition will be received and read.

SECRETARY. File No. 79, by Mr. Hay.

Mr. PRESIDENT. Will the gentleman indicate the committee to which he wishes it referred?

Mr. HAY. I think it should go to the committee on bill of rights.

Mr. PRESIDENT. Proposition No. 79, by Mr. Hay, will be referred to committee No. 1, on preamble and bill of rights, unless otherwise ordered. There being no objection, it is so ordered.

Mr. RINER. If there is no further business before the house, I move we adjourn until ten o'clock Monday.

Mr. IRVINE. Second the motion.

Mr. HOYT. I would suggest that it be made half past ten so that those who are out of town can get in in time.

Mr. CONAWAY. I would ask permission to call a meeting of the judiciary committee immediately after adjournment.

Mr. GRANT. The committee on taxation and public debt will please meet after adjournment to arrange for a meeting.

Mr. JEFFREY. I would like to give the same notice to committee No. 5.

Mr. BARROW. Will committee No. 14 please meet immediately after adjournment.

Mr. FERRIS. Committee No. 10 will please meet as soon as we adjourn.

Mr. PRESIDENT. It is moved and seconded that we do now adjourn until half past ten o'clock Monday. Are you ready for the question? All in favor of the motion will say aye; those opposed, no. The ayes have it, the convention stands adjourned until Monday morning.

THIRTEENTH DAY.

MORNING SESSION.

Monday, Sept. 16th, 1889.

Convention assembled at 10:30 o'clock, assistant secretary Glafcke called the meeting to order in the absence of the president.