

of the committee be laid upon the table for the present, and take its place with the other reports to be considered. (Seconded and carried).

Mr. GRAY. I move that we adjourn until tomorrow morning at nine o'clock. (Division called for. Rising vote 26 ayes, 16 nays).

The CHAIR. The motion prevails, and the convention stands adjourned until tomorrow morning at nine o'clock.

SIXTEENTH DAY.

July 23, 1889, 9:00 A. M.

CONVENTION IN SESSION.

Prayer by the chaplain.

Roll-call.

Present: Ainslie, Allen, Anderson, Armstrong, Ballentine, Batten, Beatty, Bevan, Blake, Brigham, Campbell, Chaney, Clark, Coston, Crutcher, Gray, Hampton, Harris, Harkness, Hasbrouck, Hays, Heyburn, Hogan, King, Kinport, Lamoreaux, Maxey, Mayhew, McConnell, McMahan, Melder, Myer, Morgan, Moss, Parker, Pierce, Pinkham, Poe, Pritchard, Pyeatt, Reid, Robbins, Salisbury, Savidge, Sinnott, Shoup, Steunenber, Sweet, Taylor, Underwood, Vineyard, Whitton, Wilson, Mr. President.

Absent: Andrews, Beane, Cavanah, Crook, Glidden, Hagan, Hammell, Hendryx, Howe, Jewell, Lemp, Lewis, Pefley, Standrod, Stull, Woods.

The CHAIR. The secretary will resume the reading of the journal that was passed yesterday as not being complete.

Mr. MORGAN. I move that the report of the committee of the Whole on Legislative Department be dispensed with.

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

Mr. MORGAN. I move that the further reading of the journal be dispensed with. (Seconded and carried).

CORRECTION TO JOURNAL.

Mr. WILSON. There is a portion of the journal

which is not correct, and I think now is the proper time to correct it.

The CHAIR. Are there any corrections to be offered to the journal as far as read?

Mr. WILSON. I made a motion that Section 4 of the article on Public Indebtedness be amended, and from the journal it is made to appear that my motion was lost. It was not lost; it was withdrawn, and Mr. Heyburn's motion was made.

Mr. SAVIDGE. Mr. President, I believe that when my vote was recorded yesterday I was not present.

The SECRETARY. I may have read it so, but it was an error; he was not marked as voting. He was marked absent on the call of the house.

Mr. BATTEN. The amendment I offered to Section 2 of the article on Public Indebtedness was not acted upon. Mr. Ainslie offered one which was adopted that covered pretty nearly the same ground. It appears that my amendment was lost, which is a mistake.

Mr. MAYHEW. Mr. President, I would like to make an inquiry; I would like to ask this question. You have observed already from the reading of the journal that there are some clerical errors and some mistakes made in it. I think it is always a bad rule to dispense with the reading of the journal. I would like to make the additional inquiry, if we do not have to have that entire journal read tomorrow that we omit today? I don't think we gain anything if that is the case, if it is to be omitted one day and read the next.

The CHAIR. There is one thing the chair desires to call the attention of the convention to, and that is this. Ordinarily the journal does not contain the proceedings of the committee of the Whole; the only part of the proceedings it contains is the report of the committee, and putting these whole proceedings down of the committee of the Whole in the journal—there is no use in it, and it seems to me there is no sense in it and no parliamentary rule requiring it, but the convention has heretofore seen fit to order it. That is to say, under

our rules. In the house of representatives, after the committee rises and the bill is being considered before the house, no amendment can be offered to the bill except such amendments as have been offered in the committee of the Whole, and that is the reason why in the house of representatives the proceedings of the committee of the Whole are all preserved in the journal, in order that the journal may show what amendments were offered in committee of the Whole, but under our rules here any amendment may be offered in convention, and if that is so, there is no use in duplicating the proceedings of this convention in that way, and I hope some member will offer some motion to get rid of this trouble.

Mr. MAYHEW. I rise to that question now. I observe that the secretary of the convention reads the entire proceedings of the committee of the Whole, as if it occurred in the convention, and that is wrong. My observation heretofore has been, and my experience in these matters has been that the action of the committee of the Whole is omitted from the journal until the committee has completed its labors upon that subject. Then from their report as to the entire amendments made to any article, those amendments are inserted in the journal. But now, if you will observe, Mr. Chairman and gentlemen of the convention, the clerk's labors are two-fold, on his next journal, as if it never had been in the committee of the Whole—the whole proceedings of the committee of the Whole is read every morning since this convention has been in session. Now I think that the clerk should omit putting that into the journal until the committee has performed its labors—discharged its duties, and its full consideration upon the different articles, and then the convention adopts or rejects it, as the case may be, in the convention, and that is all that is necessary then to be done—is to have that part the convention adopts, or the committee of the Whole, placed upon the journal, and I therefore move, Mr. Chairman, if it will meet with the approbation of the

convention, that the secretary do not insert in the journal the proceedings of the committee of the Whole until after the full report of the committee is made to the house, or to the convention, to see whether they adopt it or not. I see very readily it is making a great deal of labor for the secretary unnecessarily.

Mr. REID. Before that amendment is put, I would like to inquire, then when would we have an opportunity to correct the minutes of what occurred in committee of the Whole?

Mr. MAYHEW. At the time they were adopted.

The CHAIR. Our rules do not provide for the keeping of any journal entries of what occurs in the committee of the Whole at all; it is only the proceedings of the convention, and when the committee makes its report, that report will go into the journal, but all this multitude of little suggestions, and amendments offered and withdrawn—none of them are required to go in under our rule.

Mr. REID. Then would it be in order, when the clerk reports what is done in the committee of the Whole, to correct it before the house proceeds to consider it? The point I am getting at is, just as the gentleman from Ada said, his motion was reported as having been lost, when he withdrew it. If we have an opportunity to correct the proceedings in committee of the Whole, then I do not object; but if we do not, then I would object, for the reason that we are confined in convention to what was offered in committee of the Whole.

The CHAIR. That is just what the chair has been calling attention to that we are not doing, and there is where the necessity comes in. The reason why the proceedings of the committee of the Whole in the house of representatives, as I stated before, are preserved in the journal, is because no amendment can be offered in convention except such as was offered in committee of the Whole. But we haven't got that rule; the rule is just the other way.

Mr. REID. All I say is that when the report comes from the committee of the Whole, and it develops that there is any error, that it be allowed to be corrected.

The CHAIR. Why, of course; that is where that comes in. "After being reported, the propositions with the amendments thereto of 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."

Mr. MAYHEW. What rule are you reading, Mr. President?

The CHAIR. Rule 49; and there is no necessity whatever for any of these entries being made; in fact the rules do not require it, and unless the chair is ordered otherwise by a vote of the convention, he will hold hereafter that the secretary need not include the proceedings of the committee of the Whole, because when the final report is made, then any other motion may be made in convention under these rules which would be made in committee of the Whole, and can be preserved in open convention.

Mr. REID. The point I am getting at is, suppose when that report is made some gentleman finds there is a mistake in the report.

The CHAIR. Certainly; that has got to be corrected.

Mr. REID. Well, if that is the case, I will support the gentleman's motion with pleasure.

Mr. MORGAN. I suppose it would be necessary for the secretary to keep a record of the motions and matters that actually prevail and are adopted, otherwise he could not make his report.

The CHAIR. Of course; that is a part of it.

Mr. MAYHEW. But he does not read it twice; the labors of the secretary are two-fold, and I think it is too laborious and unnecessary.

The CHAIR. It is moved and seconded that hereafter the proceedings of committees of the Whole shall

not be recorded by the secretary. I believe that is the substance of it.

Mr. MAYHEW. Not "recorded," but no report in the journal until after the report of the committee.

The CHAIR. I understand, but that does not get rid of the difficulty. The point about it is that there is no necessity to keep any record of them at all. The only thing you have to keep a record of is to see that the report of the committee with the amendments to the original bill come before the convention properly.

Mr. MAYHEW. That is correct.

The CHAIR. But all the preceding matters, mere matters of detail gone through with in committee, are not recorded under our rules, nor under any parliamentary usage, except where there is a special rule, as in the house of representatives, for special uses. There is no necessity to have any record kept of that whatever. But when the report of the committee of the Whole is made through its chairman, and if there is any mistake in the report of the committee, then of course that is a proceeding in convention and can be rectified right then and there if it is wrong.

Mr. REID. As I understand the chair, when you say no record shall be kept, you mean on the books.

The CHAIR. I mean on the journal.

Mr. REID. Of course he will keep it on paper.

The CHAIR. Oh, certainly.

Mr. MAYHEW. Well, that is the object of my motion.

Mr. AINSLIE. I think there has been a misunderstanding. For example, the clerk of the convention, when the convention is in committee of the Whole acts exactly as the clerk of the Judiciary committee, or any other committee, who keeps a true record of all the proceedings of that committee, but it is not necessary that the record of the proceedings of the committee should go into the journal of the convention.

The CHAIR. Exactly, that's it. And the record kept by the clerk of the committee of the Whole is for

referring members to see that their propositions are properly reported, as there may be a mistake, to refer to, to correct errors in convention on the report of the committee. (Vote, and the motion prevails).

The CHAIR. Are there any petitions or memorials?

PETITION IN RE USE OF WATER.

Mr. HASBROUCK. A number of the inhabitants of Washington county, whom I have the honor to represent, have a petition to offer here, in regard to the use of water for agricultural purposes, and I request that it be read.

SECRETARY reads: Mr. President, and members of the constitutional convention, Boise City, Idaho.

We the undersigned, citizens, taxpayers and water consumers of Washington County, Idaho Territory, hereby respectfully petition your honorable body as follows, being in favor of the admission of our territory as one of the United States of America, and believing that we will be afforded more ample protection in our just and equitable rights, as citizens engaged in agricultural pursuits, and the products of our soil being of paramount importance to our commonwealth, we pray that in the formation of a constitution such as your honorable body is now framing, it will consider the rights and privileges of those who are cultivating the arid lands of our territory and wholly dependent on water for irrigation, and will provide that constitutional clause that will protect the consumer against a monopoly such as exists in our county, whose policy is oppressive and detrimental to the prosperity of our community, we being compelled to purchase water for irrigating all our land from a ditch company who control all the accessible water, at rates inadequate to the results of our labor. We ask that the constitution place the authority upon the disposal of water within the power of the legislature. The statute giving priority of right in the use of water we think unjust. Those living along the line of any ditch, or company's ditch, should

have their pro rata of water in season of drouth and great scarcity; and your petitioners will ever pray.

The CHAIR. Under the rules the petition will be referred, unless we make it a special order. The chair will refer it to the committee on Agriculture and Mining.

Mr. HASBROUCK. That is the committee I wished to refer it to, and I would request on behalf of these petitioners too, and who have incurred the expense of coming here to present this petition, that they be accorded a hearing before the committee, at some time when the committee can meet conveniently, and at as early a date as possible. I submitted to these two gentlemen the report that the committee have already made, but they are of the opinion that it does not entirely cover their case, and therefore they would like to be afforded a hearing before this committee.

The CHAIR. That can easily be arranged, by requesting the chairman of that committee to call the committee together at such time as is convenient.

Mr. HASBROUCK. Well, I simply made the request so that the members of the committee might know that it was in contemplation.

The CHAIR. Is there any further presentation of petitions and memorials? (None offered). Reports of standing committees? (None). Reports of select committees?

RECEPTION OF CONGRESSIONAL DELEGATES.

Mr. AINSLIE. The select committee appointed on Saturday to receive the delegation of congressmen in this city, have to report that they met the gentlemen at the depot this morning, accompanied them to their hotel for breakfast, and turned them over to the governor and mayor of the city, who will take them in tow and show them around, and that they accepted the invitation of the committee, in accordance with the resolution of the house, and will visit the convention at two o'clock

this afternoon, at which time we suggest that a recess be taken and an informal reception be held.

The CHAIR. Does the gentleman make that in the shape of a motion?

Mr. AINSLIE. I would make a motion to the effect that at two o'clock when the committee escort the gentlemen into the hall, a recess be taken for one hour. I suppose they would like to be presented to the members of the convention, and would like to make a few remarks. (Seconded).

The CHAIR. The report may be received, if there is no objection to the same, and the motion is made by the gentleman from Boise county that on the arrival of the party at the hall of the convention at two o'clock this afternoon, the convention take a recess for one hour. (Carried).

COMMITTEE REPORT—SPECIAL FINANCE.

The SECRETARY. Mr. President, your special committee on Finance beg leave to report that they have assurance from citizens of Boise City that a syndicate can be formed here which will take the mileage and per diem claims of the members at a discount of 33 1-3 per cent, provided the convention first concludes its labors, but as threats have been made to dissolve this convention by the withdrawal of certain members, your committee can perfect no arrangements until it has finally adjourned. W. J. McConnell, Chairman.

The CHAIR. What is your pleasure in regard to this report?

Mr. MORGAN. I move that the report be received, and the committee be continued. (Seconded and carried).

The CHAIR. Are there any further reports from select committees? (None). Final readings? (None).

Mr. MORGAN. Mr. President, at the request of the chairman of the committee on Apportionment, I move this morning that the report of the committee of the Whole upon Legislative Department be taken up and

acted upon by the convention. Of course gentlemen are aware that this committee on Apportionment can do nothing until this convention determines how many members of the legislature they will have, and other matters which are contained in this report. I would be glad and would be perfectly willing to take up the report of the committee of the Whole, beginning with the first report which was made by the gentleman himself, Mr. Shoup, being the report of the committee on Bill of Rights, but he desires that this shall be acted upon first, in order that the committee on Apportionment, which consists of one member from each county, can get to work and conclude its labors.

Mr. BALLENTINE. I do not see how the convention can adopt the report on the Legislative Department at this time. The convention ordered the report printed, with the amendments added in the committee of the Whole; it has not yet been laid upon our desks, and I do not see how the convention can act upon it until we have the bill before us.

The CHAIR. The action that was taken by the house upon that motion, according to the recollection of the chair, was that any further consideration of that matter be postponed until the bill which was reported by the committee of the Whole with the amendments made thereto shall be printed, and laid upon the table.

Mr. MORGAN. I had forgotten that, Mr. President. I think that is correct. I will withdraw my motion.

The CHAIR. What is the pleasure of the house?

ARTICLE IX.—SCHOOLS AND SCHOOL LANDS.

Mr. REID. I move that the convention resolve itself into committee of the Whole upon the bill pending yesterday when we rose, which I believe was the report of the committee on Schools, Education and School and University Lands. (Seconded and carried).

The CHAIR. Will the gentleman from Latah take the chair?

Mr. McCONNELL. Mr. President, I would much

prefer that some other gentleman take the chair, as Mr. Sweet is one of the committee, and I would like to have him on the floor too.

The CHAIR. Will the gentleman from Custer take the chair?

Mr. SHOUP. The gentleman from Boise, Mr. Ainslie, was in the chair while a part of this was under discussion, and I think it would be proper that he continue in the chair until it is finally disposed of.

Mr. AINSLIE. I had some amendments to offer to this bill, and I respectfully request that the chair excuse me.

Mr. McCONNELL. Mr. Shoup is on the committee.

The CHAIR. Mr. Heyburn is not, I believe.

Mr. McCONNELL. No, he is not on the committee.

Mr. SHOUP. I would prefer to be excused, Mr. Chairman.

COMMITTEE OF THE WHOLE.

Mr. HEYBURN in the Chair.

SECTION 6 STRICKEN OUT.

SECRETARY reads Section 6, and it is moved and seconded that the same be adopted.

Mr. BALLENTINE. Mr. Chairman, I offer the following amendment:

SECRETARY reads: Insert after the word "county" in the first line, "who shall be elected by the qualified electors thereof." (Seconded and carried).

Mr. PARKER. Mr. President, I have an amendment.

SECRETARY reads: Amend Section 6 by striking out all after the word "law" in line 3.

Mr. GRAY. I second the motion.

The CHAIR. It is moved and seconded that Section 6 be amended as read.

Mr. PARKER. The ordinary county superintendents know as much about the disposition of school lands as the clerk knows of theology.

Mr. REID. I hope the amendment will prevail, for this reason. In the report of this committee, by the committee on County Organization, there is provided, at the suggestion of the unanimous vote of the committee on Judiciary, a probate judge who is ex-officio superintendent of the public schools. The two offices will be as much as he can attend to; and I think that Section 5 (4) should be amended so there will be this office of commissioner of lands, that it shall be separate and distinct from the man who is county superintendent of public instruction and probate judge. We have combined these two offices in the interest of economy, and at the suggestion of the whole committee on Judiciary, after careful consideration of this case it was the unanimous opinion of the committee, as well as of the committee on County Government, that the offices of probate judge and superintendent of public instruction should be combined and pay him fees, a plan which will be submitted by the committee on county government. Now I think we should return to Section 5 (4) and amend that, so that we shall elect a superintendent of public lands. I know in almost every county in the territory that public lands, the care of them, the looking after them and the selling of them will take up the attention of almost any one man; it will be that way in the north, and if not, we can elect somebody who will be paid by commissions, so that if he does not do much work he will get little pay, if he does a great deal of work he will be paid accordingly, and that can be arranged. And as this report has been held back to see what the report of the other committees would be, the Judiciary committee especially, as they are doing these things—the report will come in today, it is nearly complete now—we should provide that the probate judge be superintendent of public instruction, and that this commissioner of lands should be independent of those offices, and in that case they could strike out this section, and just say, instead of the county superintendent, let him be commissioner of lands, to be paid by commissions

to be fixed by law. I do not make the motion, because I make the suggestion to the chairman of the committee on Education, so that that can be provided for. There will be a clash between the two reports. The probate judge cannot attend to the schools and public lands and also to the probate business, so that one or the other of the two reports must be changed. This report is recommended by the unanimous vote of the committee, the action of the Judiciary committee and also the committee on County Government, and I suggest to the chairman that Section 6 be stricken out or re-drafted, so as to have this commissioner of lands elected by the people, on a salary to be fixed, as suggested by the gentleman from Alturas.

Mr. BEATTY. Mr. Chairman, I agree with the suggestion to strike out that latter clause, and to go further and strike the whole section out. Why should we provide in the constitution for the election of a county school superintendent and then limit the term to two years? Why not leave that to the legislature? Here we have provisions requiring that he shall be elected by the qualified voters and should be elected for two years. We might want to change that, we may want to elect him for three or four years, but that is a matter which is not necessary to be in the constitution at all, and which should simply be provided by the laws. This thing of attempting to define every little office in the constitution, and the term of office, and how they shall be elected, is simply a duplication of what should be in the laws themselves, and I think we are getting too much of this thing. I move to strike the whole section out. (Seconded).

The CHAIR. Are you ready for the question?

Mr. GRAY. This is the first time I have been met with the idea that there should be something left to the legislature, but I am not altogether in accord with the change he would like to have, under this bill now; that there should be a county school superintendent, for a term to be elected by qualified voters, and the duties and

qualifications, the compensation and term of office may be prescribed by law. That latter part is the motion of the gentleman from Idaho county, and I think is perfectly correct. It would do nothing but annoy the land board to have every county superintendent have his fingers in there.

Mr. REID. It is provided in the county bill for county superintendents of public instruction, and the only suggestion I made was as to whether we have a superintendent of lands.

Mr. GRAY. Well, that might be added in another section, but I don't think it would be proper in this. Under the educational system as attempted to carry it through, they may say it should be superintendent—county superintendent of schools.

Mr. REID. That would not clash with the other.

Mr. GRAY. No, not in any respect.

Mr. BEATTY. Would not they both be duplicated in the constitution? I understand from Mr. Reid that that will amount to a duplication of the constitution, and we do not want duplications or triplications.

Mr. GRAY. I think it is a portion of the educational system as it is carried out.

Mr. REID. I will state to the gentleman that we did not want to put it in, but it was just as it was with the committee on Judiciary, we took the ground that the offices of sheriff and coroner belonged under the judicial system, but the committee on Judiciary decided to the contrary and struck out the sheriff, left those offices out, to be put under the county offices.

Mr. GRAY. Our disagreement was to that, that we did not consider them judicial officers. (Cries of "question").

SECTION STRICKEN OUT.

The CHAIR. The question is on the amendment of the gentleman from Alturas that Section 6 be stricken out. (Vote). The chair is in doubt. (Rising vote

shows 28 ayes, 10 nays). The motion is carried, and Section 6 is stricken out.

SECTION 5.

SECRETARY reads Section 7 (5), and it is moved and seconded that the same be adopted.

Mr. CLARK. Mr. Chairman, I am heartily in sympathy with it, and I would move to amend by inserting after the word "sectarian" in the last line, so as to read "any sectarian or religious purpose." They will evade that proposition by saying it is not sectarian because it is not thus and so, does not relate to a sect or denomination.

Mr. MORGAN. I second the motion. (Vote and carried).

Mr. PINKHAM. I believe it was embraced in the resolution passed yesterday, to correct the words, where "Legislative Assembly" appears in this bill, to "Legislature" all the way through.

The CHAIR. Yes, that is true; that applies to the entire report. (Vote and carried).

SECTION 6.

SECRETARY reads Section 8 (6), and it is moved and seconded that the same be adopted.

Mr. CLARK. Mr. Chairman, I have an amendment.

Mr. HASBROUCK. Mr. Chairman, I have an amendment.

SECRETARY reads: Add to Section 8 (6) the words: "*Provided*, That nothing therein contained shall be construed to forbid the reading of the Bible in public schools in any commonly received version, nor to enjoin its use."

Mr. CLARK. Mr. Chairman, I am entirely satisfied with the clause there in the bill as it now stands, as it is a copy of our own statutes on the subject,¹ but we get an immense amount of law by decisions hastily ren-

¹—Sec. 705, Rev. Stat. 1887.

dered, and sometimes rendered without very much reason behind them. Three or four years ago the superintendent of public instruction in this territory, on an appeal from a remote country district, made a decision that the Bible was a sectarian book and could not be read in the public schools of this territory. Under that decision, if it is read in any public school in this territory, the teacher of that school forfeits his pay if anybody objects to his receiving it. I would simply like to get back to where we were before that decision was rendered; that is, leave the matter entirely within the hands of the people. I have so drawn this, that it may be read in any commonly received version. Both the version used by the Catholics and the King James version as received by the Protestants are understood to be commonly received versions. And I have so drawn it also that nothing in this section enjoins its use. I would simply like to leave the matter to the free disposition of the people.

Mr. PARKER. I cannot support the amendment of the gentleman from Ada county, Mr. Clark, for the reason that we already have in the preamble of our Bill of Rights a constitutional Jehovah who ought not to be there. Now if this amendment goes into our educational system, we shall have Mormon settlements in the southern portion of this territory claiming that the constitution gives them the right to teach the doctrines of Mormonism. In our county we have a large number of honest colonists who are Catholics, and they claim the right to teach the doctrines of the Catholic church. The safest way is just to have these things left entirely, as we say in the section, "no sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color."

Mr. SHOUP. I hope the amendment of the gentleman from Idaho county will not prevail. We may as well remember that there are a great many Hebrews in this territory, and wherever they live they have families

of children which they always desire to send to school, and that they do not accept the New Testament as scripture at all, and for that reason I think it would be improper to allow the Bible to be read in school.

Mr. McCONNELL. If we are not proceeding out of order, I move that this amendment be adopted. I think it is not before the house yet.

The CHAIR. Yes, it was moved and seconded.

Mr. McCONNELL. Well, I hope, Mr. Chairman, that this amendment will be adopted. I think where a neighborhood is religiously inclined, where the patrons of the school believe in the reading of the Bible, where the trustees are willing, it should be read in the school, and that there should be no provision in the constitution or provision of the law that would not allow it to be read. I cannot see any harm in it. I believe the intelligence and the morality of this convention is largely due to the fact that in their homes and perhaps in the schools where they were educated the Bible was taught, and I can't see any use in saying in this enlightened age that it will do harm, or practically say so by forbidding its use in our schools, if the citizens who patronize the schools desire to have it read.

Mr. GRAY. I can easily see the difficulty and the confusion and the ill feeling that will be generated if this amendment prevails. There may be perhaps a majority, there may be all the trustees, the teacher and quite a number of the children who are desirous of having it read; others do not; and my experience, my observation has been, in matters of that kind, that there gets to be a dissatisfaction over the management, growing out of the use of the Bible, which I will say as for myself I would have no objections to, but I have seen schools even broken up for that reason and that reason alone. There is that dissatisfaction when a majority of the trustees or even all of them agree; for you will not find one school district in this territory where all the patrons would agree in the use of it. If not, then I will assure you of the unpleasantness to follow that is to be gen-

erated, and it commences with that, and ends usually with the discharge of the teacher and the breaking up of the school. I hope this amendment will not prevail.

Mr. REID. Mr. Chairman, I hope the amendment will be adopted by this convention unanimously. I remember, sir, in reading the history of my country, that when the constitutional convention of 1787 had groped for two or three weeks, and were about to come to a disagreement on important matters of fundamental government which they were considering, and it seemed that the contentions of conflicting interests could in no way be harmonized, one of the greatest and best men of this country, the great philosopher Franklin, rose in that convention and announced the fact that he had always perceived that God governed the affairs of men in the affairs of nations as well as those of individuals, and he moved then and there that the convention proceed no further without daily invoking the aid of Jehovah in their considerations of government. From that time full light broke upon the intellects of those men, and they were able to agree and frame a constitution which has been the pride of the whole world, and you may take it today, and take every report of every committee that has been submitted to this convention, and there is not one principle of sound law, one principle of right, one principle of liberty that they have not taken from that very book that the gentlemen want to leave behind now, and say that it shall not be read in the public schools. And today the man that guides the helm of this nation, the great and good man that is in the White House, reads a chapter from that book, and gets down and kneels with his family, and that is the reason he has guided us along in the way of prosperity and peace. It is because the Bible is read, preached and taught in the schools that this country is great and glorious, and for one I do not want to see any constitution adopted that has not in it a recognition of Jehovah—this constitutional Jehovah that the gentleman speaks of with such scorn and contempt; and I do not want the

day to come when my children and those of my neighbors cannot read the Bible, the Bible as it is; not the book of Mormon nor the Hebrew Bible, but always the one Bible. Talk about versions! It is the Bible that was given to us in Sinai and handed to us on Olivet and preached to us, the Bible that all recognize, let our opinions differ as they will, and I hope the convention will adopt the amendment of the gentleman from Boise.

Mr. MAXEY. Mr. Chairman, it should be remembered that other people have rights and privileges as well as Hebrews in this country, and it will be remembered also that this is a Christian nation, and if you are to have a free school, let it be free. If people want the Bible read, let them read it; if they do not want it read, let them keep it out; leave it free to their own decision, their own election. If there is a community, with a district school in the community where they want the Bible read, let them have it; if there is one where they do not want it read, let them leave it out.

Mr. MORGAN. Mr. Chairman, I was about to rise to say what has been very well said by Dr. Maxey in this matter. I am in favor in this country of the majority ruling, and if the directors of a district desire to read the Bible in their schools, I am in favor of their having the privilege of doing it. If those directors conduct the school in a manner that does not satisfy the people they have an opportunity of putting them out from time to time, and certainly it can do no harm to have the directors control the matter in this respect, and I am in favor of the amendment.

Mr. POE. Mr. Chairman, it has been well said that the Bible contains sweeter poetry, finer strains of eloquence and purer morals than can be found in any other book, in whatsoever language it may be written. Upon the Bible the different creeds are founded which are called sectarian. This is the first instance in my life where I have ever heard it intimated that the Bible was sectarian, and it seems to me that we would be doing a wrong to ourselves and those that will be gov-

erned by our action to deprive them of the right to worship God according to the dictates of their own conscience, and deprive the school of the right to have the Book of all books read to its pupils if the directors and parents of that school desire it. To say that the Bible shall be excluded from the public schools, I would consider an act which would do more than all other acts to condemn the work of this convention.

Mr. BEATTY. Mr. Chairman, to that Bible in my early youth I listened daily, and I have gathered from it precepts which I hope have accompanied me through life. But the question before us is not whether that Bible is correct or not. The gentlemen who have spoken on this question seem to have forgotten the real question before us. We are not discussing the question of the merits of that book. I am happy to say that but few men on this floor will deny its truth or its merits. I regret that there are a few here who from their course seem to take that position. I am not under any circumstances one of that kind, and I do not wish anything I say to be construed in that way. But, sir, there is a question involved of as much importance to me as any other one, and that is the interest of our public schools. I believe those schools should be fostered by every means in our power. Now I undertake to say that if we make this an issue, if we provide that it shall be understood that the Bible shall be a book to be read in the public schools, it at once detracts from the interest in those schools on the part of many citizens.

Mr. REID. Will the gentleman allow me to interrupt him?

Mr. BEATTY. Yes.

Mr. REID. The amendment offered by the gentleman from Ada does not provide that; it says nothing shall be construed to prevent its being read.

Mr. BEATTY. I understand the force of the amendment, but what I was going to say upon that point was this, that the section as it now reads does not preclude the use of the Bible in the schools, but by putting this

amendment in here you raise the question at once, you at once hold out and extend an invitation to the trustees and those who advocate its use in the schools, to advocate it and to push the question as far as possible. Now I claim that the section as it now reads leaves that open for the trustees of the different districts to use their judgment upon that matter. My own belief is that it makes a wrangle wherever it is introduced. I here desire to refer to one of the most distinguished members of the supreme court of the United States, who I believe was a most consistent Christian, and according to my recollection a distinguished member of the Episcopal or Presbyterian church, I forget which—Justice Stanley Matthews, now dead. He took the position many years ago in the city of Cincinnati that the Bible should not ever be read in the schools, and in his subsequent decisions held to that extent while upon the bench in the state of Ohio.

Mr. REID. Was not that under a local law, that we are trying to prevent from being enacted here?

Mr. BEATTY. I do not remember the law in force at that time; I do remember, though, the opinion he gave as to the law; it was but his own opinion as to the advisability of using the Bible in the public schools where there was a contest or objection to it. Now Mr. Chairman, we cannot disguise the fact that there are many people who do not want the Bible read in the public schools. Take for instance the Catholic church; they do not agree upon the same version as we do, and the Hebrews, as has been said here, will not take the whole of that Bible as their guide; they reject the New Testament entirely. Now if we put it in such a way that the question can be constantly raised, I undertake to say that it will detract from the interest of the public schools. That is my only objection to this amendment here. Anything that tends to detract from the interest in the schools, or that tends to make dissensions or discussion in them, operates against the interest of the whole people.

Mr. MORGAN. Will the gentleman allow me a question?

Mr. BEATTY. Certainly.

Mr. MORGAN. Under the section as it now reads you say the Bible may be read if they desire, and the gentleman has just said that the superintendent of schools has decided—and that decision has never been reversed—that the Bible is a sectarian book. Does not that provoke discussion at once? That is what he desires to avoid by this amendment.

Mr. BEATTY. The section, as I remarked a while ago, does allow the use of the Bible to be read in the schools where the people desire it, and the section, I think as drafted, does exclude all sectarian books. Now the Bible cannot be deemed a sectarian book, but if the courts held it was, then in my opinion it should not be read. If the courts held that it was a book that could not be accepted by the community at large, and the reading of which would create dissension in the schools, my opinion is that it should not be read if we do not want dissension in the schools. I believe as it reads that the Bible can be used and no objection made to it. The ruling of the superintendent of public instruction is not a ruling that necessarily would govern under this constitution. We propose here that under this constitution some other power than that of the superintendent of schools would have to govern this question. Now I hope the amendment will not be adopted. I think it will lead to trouble in the schools, and my sole object is simply the protection of the schools, and keeping from them any dissensions that will detract from or invalidate their usefulness. It is not that I have any objections in the world to the Bible. I have not yet myself forgotten to read it, and I hope I never will. I never yet have forgotten to follow its precepts, and I hope I never will; and I have no sympathy whatever with the gentleman here who has attacked it with slurs and insinuations as to the authenticity of it, or who desires to leave it entirely out of the constitution. I heartily

agree with the sentiment expressed in the preamble, and shall vote for it in that form or any other form they shall make it which is stronger than that to recognize the existence of a Supreme Being, and I do not think this is the place to introduce an amendment which may in the future lead to more or less dissension which will detract from the interest in our public schools. (Cries of "Question").

SECRETARY reads Mr. Hasbrouck's amendment; Amend Section 8 (6) by inserting after the word "color" in line 6 the following: "No books, papers, tracts or documents of a political, sectarian or denominational character shall be used or introduced in any schools established under the provisions of this article, nor shall any teacher or any school district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this article." (Seconded).

Mr. CLAGGETT. I offer this now as a substitute for all pending amendments:

SECRETARY reads: *Provided*, That nothing herein shall be construed to prevent the reading in the public schools of those portions of the Bible as inculcate lessons of morality.

Mr. CLAGGETT. Mr. Chairman, I wish to be heard on this subject. The Bible is a composite book. It takes first the history of the Jewish race and the religion of the Jews. It takes in what is called the new dispensation. To this extent it may be regarded in a large sense as a sectarian book. It is not a sectarian book as between the different denominations of the Christian religion, but it is a sectarian book as applied as between the Christian religion as a whole and any other of the great religions of the earth. If you exclude the religious portions of the Bible, you could not find any book extant—none has been written, and I believe none will ever be written which will contain such a collection, as complete an assortment to cover, as it were, the entire duty of man to man, as is contained in the prac-

tical lessons of morality contained between the lids of that book. I desire to keep this thing out of the public schools, just as the gentleman from Alturas does, but if you do not put some such provision as this in the constitution, it will be brought into the common schools in every district through the country by some bigoted gentlemen of one kind or another, men or women, undertaking to bring in and teach Christianity—not morality, not the morality of the Bible, but the Christianity of the Bible, as a means of maintaining morality in the state. Now I wish to call the attention of the convention very briefly—about 40 or 45 years ago, it may have been a little longer, but I think about 45 years ago now, they had this question up in Ireland for a good many years, and the natural result of the whole matter was that it was impossible to establish in that subject kingdom of the British empire a good system of public schools, on account of these religious denominations, the Catholics and Protestants, getting by the ears. Finally two men, whose names should go down in history for all time as benefactors of their race, one of them representing one, the other representing the other religion—I refer to Bishop Cullen of the Catholic church and Archbishop Whately of the Episcopal or state church—got together and threw aside everything of a controversial or denominational nature, and agreed to select those portions from the Bible and made it a text-book upon which not only all Christians but all people who believed in morality and decency combined and united. And I desire to exclude in this constitution, to exclude from the agency or power of any school board to raise these questions of a denominational character, but I certainly do desire that the people of this state shall have an opportunity of learning the moral lessons which are contained in that Bible. For, after all, we go back to the beginning of things, and we find that republican institutions are based, as all the fathers of the republic have conceded and declared, upon the morality and the intelligence of the people. And to

exclude in any way, shape or form, to exclude the children of the state from access to this great reservoir of moral principles and practical maxims of daily duty is doing an injustice to them and doing an injustice to the state at large.

Mr. BEATTY. What is your amendment?

SECRETARY reads: *Provided*, That nothing therein shall be construed to prevent the reading in the public schools of those portions of the Bible as inculcate lessons of morality.

Mr. REID. I would like to hear the original amendment read.

SECRETARY reads: *Provided*, That nothing herein contained shall be construed to forbid the reading of the Bible in the public schools in any commonly received version, nor to enjoin its use.

Mr. REID. Mr. Chairman, the substitute offered by the gentleman from Shoshone does at last open the door. Who is to decide what portions of the Bible inculcate morality? Some of the most beautiful lessons of morality are contained in the very portions he would have to exclude. Take the story of Joseph, and a thousand others that can be found anywhere in those portions that he proposes to exclude. And then there are some of us who do not want any Catholic bishop or Episcopal bishops either to dictate what portion of the Bible we shall read or shall have taught to our children. Just take the Bible that we all learned in our youth, and there is not a man here who will not stand upon this floor and say it does not teach some of the basic doctrines—he may not believe in it, but as a code of morals he learned when he was young, that his mother learned him; take the Bible as the little child heard it read, take that code just as it is—and they believed what they taught us. You leave the Bible and its teachings out of your new state, take them out of your new government, and ask admission into the American Union, after putting in a prohibition so that if they choose the Bible will not be read, or some superintendent of pub-

lic instruction may decide that it is a sectarian book and that the code of morals must be excluded on his dictum—I say leave that out of your constitution and have it go forth to the people of this territory that this convention here, with a chaplain to pray for us from day to day, and which rose up promptly the other day and decided that this proposition here of having no money spent for religious exercises in the state legislature, that that should be voted down almost unanimously—I believe with the exception of one or two votes, and let it go forth that this discussion was had here, and that it was the sentiment of this convention, by not putting in that clause, that they might exclude the Bible from the public schools, and I tell you the Christian people of this territory—and I do not mean by that the members of the churches, I mean by that nearly every man in it who has had Christian rearing, every man who has learned from his mother that the basis of this life is learned from that book—will rise up and put his foot on this constitution.

Mr. PARKER. The duty of the state, Mr. President, is simply the teaching of the children of the community the three R's—to learn to read, to write, and the rules of arithmetic, and the duty of the state ends right there. If the state has authority to put in the constitution instructions that our public school teachers shall teach such morality, it is their duty to enact for the legislature in this organic law provisions which shall give the legislature authority to punish those children who transgress those laws of morality which you will teach by this constitution. Mr. President, in a territory like this we have a large and cosmopolitan population, and I ask you, suppose we had a school district composed of an equal number of Mormons, Catholics, Jews and Protestants. Now each denomination of people would have a view right in that school district to introduce the teachings of its own Bible in the school of that district. What is going to become of your school system then? You are going to

have a condition of setting the neighbors by the ears which will be subversive of the system—subversive of the school system. The code of Mormon, Mr. President, the Bible of the Mormons, they would naturally want to introduce that and have their children taught that, and so the Protestants would want the Protestant Bible introduced, and the Catholics would want the Catholic Bible introduced, and the Jews, who do not believe in Christianity at all, would want the Old Testament introduced and would require to have it read there. In my opinion, if the amendment is carried, it will be used as a lever to sustain these sectarian denominations in this country, and our public school system cannot stand it.

Mr. WILSON. I hope the section as originally reported by the committee will be adopted by the committee of the Whole. I think this discussion has developed more hypocrits upon this floor than anything else before the convention. I have heard men stand up here and advocate that the Bible be read in the public schools who know no more about the Bible than they do about the book of Mormon. I have heard men advocate that the Bible be read in the public schools who know more about draw poker than they do about the Bible, to my certain knowledge. I believe in advocating what we think, and not talking for buncombe or for our records.

The gentleman from Bingham suggested that he believed in the majority ruling. I believe in the majority ruling all temporal affairs, but I do not believe in the majority ruling in spiritual affairs. I know that the gentleman from Bingham is a pronounced anti-Mormon. If he carries out the principles he advocates, then in his opinion a majority in Idaho ought to rule, and nobody knows what the rule of the majority in Idaho will be. It is well known that in this territory there are at least four sectarian Bibles. There is the Jewish Bible, which is the Old Testament, and the Catholic Bible, and the Protestant Bible, and the book

of Mormon, whatever it may be—that is not the Bible, of course. But each of these sects represents an important factor in our population. I believe that if the Bible is not a sectarian book, then the Bible can be read and will not be prohibited by Section 7 (6). The gentleman from Nez Perce, Mr. Poe, has stated that in his opinion the Bible is not a sectarian book. I do not myself believe it is a sectarian book. The supreme courts of a good many states have decided it is not a sectarian book. I know the supreme court of the state of Ohio decided it was not a sectarian book, as did the supreme court of the state of Pennsylvania; and therefore the reading of it would not be prohibited as by Section 7 (6) as it stood originally. What some of the superintendents of public instruction in this territory may have decided heretofore I do not know. I know that we have had superintendents of public instruction in this territory for the past four years, and their decisions have been based upon what they thought was right. I know the decision, if I recollect it right, to which the reference has been made, was made for the purpose of excluding the book of Mormon from the public schools, and not the Bible.

I am in favor of the section as originally reported by the committee, and I believe that is the actual sentiment of a majority of this convention, if they will speak their sentiments.

Mr. MYER. The decision was rendered that the gentleman refers to, regarding the Bible being a sectarian book. It was sent up from the superintendent of Boise county to the superintendent of the territory, and the superintendent of public instruction decided that the Bible was a sectarian book, but I dare say there is no book of Mormon within the precincts of Boise county.

Mr. MAYHEW. Mr. Chairman, I had not intended to take part in this discussion, and I do not intend to take any part in it now, but there is this to be said. I shall vote to support the amendment of the gentleman

from Ada, that nothing in this constitution shall prohibit the reading of the Bible in the schools. Mr. Chairman, it is not the reading of the Bible in the schools that creates a feeling of sectarianism. I do not believe in the theory that the Bible teaches sectarianism. I shall not enter into a discussion about the Bible teaching morality, further than to say that I believe it is the greatest code of morality ever written by mortal man. While I do not practice its teachings, while I do not adhere to the admonitions of the Bible as my friend from Alturas does (laughter), while I never have had any disposition to slur any person as to his religious opinions, I believe in that Christian doctrine that every man should worship God according to the dictates of his own conscience, and I do not propose to get up in this convention and tell how grand and great a Christian I am, for I know that no one would believe it. (Laughter). I have not heard any person upon this floor making slurs as to any person's religious opinions. But one thing that strikes us and that has made considerable hurrah, is to see how pure and Christian-like some people pretend to be when we know they are not.

Now Mr. Chairman, take a living example in a school of the United States where the Bible is read. It is read there by its teachers in that school, but none of the teachers are permitted to teach any sectarian doctrine. They are not permitted to teach or tell them the doctrines of the church that I have adhered to for my own reasons, and that is the good old Methodist church. That is Girard College in Philadelphia. While the Bible is there taught, while the Bible is there permitted to be read, no sectarian teacher is permitted to enter that college. None who teaches sectarian doctrine is permitted to go into that school. Yet that school has produced and turned out some of the best and most learned men in the state of Pennsylvania. I, for one, Mr. Chairman, desire that the Bible may be read in our schools, but that no sect shall teach in the schools any sectarian doctrine.

Mr. SHOUP. I have no disposition to continue this argument any further, Mr. Chairman, but I wish to say a word or two in regard to some of the strictures that have been placed upon members of this convention. The members who oppose this amendment have not said anything against the Bible at all, have not said anything against the morality or teaching of the Bible; they simply say that they do not think it should be taught in the public schools, that that is not the proper place, that it will create strife and dissension. Now if the majority of the district vote that the Mormon Bible may be read in the public school, whatever that can be, and impose upon them their Bible, although they are not a majority but do not believe in it at all, that is a matter in regard to compelling others to keep out of the schools altogether. Allow everyone to be taught all the religion their parents desire them to be taught, but in the proper places, in the churches and Sunday schools and a great many other places where it is the proper place to teach them. But I do not think, because any member gets upon this floor and expresses his opinion he should be gagged, or that members should get up and make long and eloquent speeches and references in regard to their mothers and early youth and all such things as that, or that any member on this floor should be condemned for anything he believes right and proper. I do not propose to have any such whip lash cracked over my head, and I will vote just as I think right and proper on all occasions.

Mr. AINSLIE. Like the gentleman from Shoshone I had not intended to take any part in this discussion, but there is one thing—the statement has been made that this is a Christian nation. I deny the proposition in toto. I deny that Christianity has anything to do with the government of this country, any more than has Mormonism or Mohamedanism or any other religion. And while a majority of the people of the United States are no doubt of the Christian faith, it is not through any indorsement of the constitution of the

United States or any enactments of the legislature. I believe, sir, in keeping religion and state as far apart and separate as possible. I believe in the Bible and in the teachings of that book as firmly as any man sitting upon this floor. I believe in the divinity of Christ and in the Christian religion; but, sir, I am willing to accord to others, however they may differ from me, the same right and privileges in the common schools of this land, for which they pay taxes to support, as I have in sending my children there.

Now if you teach the Bible in the public schools, there is a large class of people in the United States who have the same right in the schools that I have, who certainly will not attend them. We know that it is a matter of history, and will repeat itself in this state. I do not believe in teaching the Bible in any schools, unless it is schools supported by private subscriptions and private enterprise. I believe in teaching the great moral principles of the universe in the public schools, but not through the Christian Bible or any other Bible; they can be taught by precept and example that they go together. I believe the Bible is without doubt a religious book; they say it is not a sectarian book, but that it is a religious book there is no doubt. I say the place to learn your children religion is in your churches, Sunday schools, and in your domestic circles.* I do not believe, under the conditions existing in the United States, who combine within themselves every religion probably upon the face of the earth, when taxes are contributed and the principle generally forced upon the people that they shall pay their taxes—every denomination and every religion, to support the public school, that they can be brought over to the belief of Christians if we introduce the Christian Bible in it.

Now, Sir, while I have these religious impressions I am not going to be as strict about them as many people are, but I say that the putting of the Christian Bible into the public schools will be a damage to the schools,

and I say this too; keep religion and state affairs as far apart as you possibly can.

The CHAIR. The question is upon the substitute of the gentleman from Shoshone.

Mr. AINSLIE. I would ask for the reading of the substitute. There is a portion of the substitute offered by the gentleman from Ada that I am willing to support. I think the question is divisible.

Mr. BEATTY. There was an amendment offered by the gentleman from Washington, Mr. Hasbrouck, which I would like to hear; I would like to understand that before I vote. I think there is merit in it, and I would like to vote for it.

SECRETARY reads: Amend Section 8 (6) by inserting after the word "color" in line 6 the following: "No books, papers, tracts or documents of a political, sectarian or denominational character, shall be used or introduced in any schools established under the provisions of this article, nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this article."

Mr. HASBROUCK. It will be observed it is simply an addition to Section 8 (6), and the object of it is to make it stronger than the section now appears. It does not need any argument on my part to state what its effect will be, after the lengthy discussion we have had upon this subject, and therefore I will not take up the time of the convention because I think it is perfectly clear. I have nothing more to say upon it.

Mr. REID. I would ask the gentleman from Washington county, could the superintendent under your amendment exclude the Bible on the ground that it was sectarian?

Mr. HASBROUCK. I don't know whether he could or not; it would depend simply upon the power——

Mr. REID. Well, under any ordinary construction.

Mr. HASBROUCK. I don't think it would.

The CHAIR. All those in favor of the substitute

of the gentleman from Shoshone say aye. (Vote). Opposed no. The noes seem to have it; the substitute is lost. The question recurs on the amendment of the gentleman from Ada, Mr. Clark.

Mr. REID. I think it is on Mr. Hasbrouck's amendment.

Mr. CLAGGETT. The gentleman from Ada offered an amendment to the original section; to that Mr. Hasbrouck offered an amendment. I offered a substitute for pending amendments, the one that has just been voted on. The question now——

Mr. REID. Mr. Hasbrouck offered an amendment to the section, and Mr. Clark offered an amendment to the section. That would bring Mr. Clark's up first.

The CHAIR. I understand Mr. Clark's amendment comes up first. The question is upon the amendment offered by Mr. Clark of Ada.

SECRETARY reads: *Provided*, Nothing herein contained shall be construed to forbid the reading of the Bible in the public schools in any commonly received version, nor to enjoin its use. (Cries of "Question"). (Vote; division called for. Rising vote, 23 ayes, 25 noes).

The CHAIR. The question now recurs on the amendment of Mr. Hasbrouck.

Mr. POE. What is that?

SECRETARY reads Mr. Hasbrouck's amendment again. (Vote).

The CHAIR. The chair is in doubt. (Rising vote, 25 ayes, opposed 22). The amendment is carried. The question now recurs on the section as amended. It is moved and seconded that the same be adopted as amended. (Carried).

Mr. SWEET. Mr. Chairman, I would just like to ask for a little information. How does it come that we are not permitted to vote on the substitute at all. I did not hear that substitute presented.

The CHAIR. The substitute was put and lost. The clerk will read the ninth section.

SECTION 7.

SECRETARY reads Section 9 (7), and it is moved and seconded that the same be adopted. (Carried).

SECTION 8.

SECRETARY reads Section 10 (8).

Mr. REID. I offer the following amendment.

SECRETARY reads: Insert after the word "therefor" in line 5 the following: "Provided that no school lands shall be sold except at auction for less than ten dollars per acre." (Seconded).

Mr. VINEYARD. I offer the following amendment:

SECRETARY reads: Amend by striking out all after the word "trust" in line 11, Sec. 10 (8), and insert the following: "And the state board of land commissioners shall at all favorable times and as opportunity affords, pursuant to law, rent or lease the said lands at a minimum not less than 25 cents per acre, in tracts of not more than 640 acres to any one person, for a period of not less than ten years nor more than thirty years, and it shall be the duty of the legislature to enact all proper laws as will at once be adapted to preserve the lands from deterioration and secure the largest revenue from their use."

Mr. PARKER. Mr. Chairman, I offer the following amendment:

SECRETARY reads: Substitute for Sec. 10 (8). It shall be the duty of the state board of land commissioners to provide for the location, protection, leasing or rental of all the lands heretofore or which may hereafter be granted to the state by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible revenue therefrom. No law shall ever be passed by the general assembly granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the general government, by which the revenue derived therefrom shall be diminished, directly or indirectly. The general

assembly shall at the earliest practicable period provide by law that the general grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust for the use and benefit of the respective objects for which said grants of land were made. The title to such lands shall remain forever vested in the state, and they shall never be encumbered by lien or mortgage for any purpose whatsoever. The general assembly shall provide for the leasing and rental of said lands from time to time, and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

Mr. ANDERSON. I have an amendment.

SECRETARY reads: Amend Section 10 (8) by adding after the word "grants" in the 14th line, the following: "*Provided*, That no other land than Section 16 in each township be sold during the first twenty years."

The CHAIR. The question is on the first amendment, that of Mr. Reid, of Nez Perce.

Mr. PARKER. Mr. President——

The CHAIR. I desire to ask if the gentleman intends it as a substitute for the entire section.

The SECRETARY. It so reads.

The CHAIR. The question is on the amendment of the gentleman from Idaho.

Mr. PARKER. I have submitted my substitute with the idea that I did my amendment to Sec. 5 (4) yesterday. I do not pose as the special champion of the doctrine that prevails in this substitute. But my attention has been called to an abuse that has already sprung up in this land question, and in the northern counties, where it has already been a subject of great danger in this way of annexing school lands, in Idaho county, and in one instance in Nez Perce county, they have to my own knowledge even been fenced up and used for private purposes. Now, Mr. President, I would like that stopped, now and forever. I claim that under this substitute the land is vested in trust for school pur-

poses under the jurisdiction and control of the state board of land commissioners, and that that land can be leased or rented for a long period of years. It is on such terms, Mr. President, that the great properties owned by great educational and charitable institutions of the eastern states are held. The university of the state of California today derives all its princely revenue from the land grants bequeathed to it in early times, and which they had the sense and sagacity to hold on to. Senator Stanford, also of California, bequeathed that magnificent land grant of Palo Alto to the state for special purposes, in trust forever, Mr. President. So in the great universities of the east, Girard College, Harvard and Yale Universities, and all the kindred universities of the United States, derive their revenue from their landed possessions—possessions which they never part from, as you are proposing to do here. So in the old country Oxford and Cambridge and other universities have immense landed possessions which they have held from time immemorial and hold to this very day, and so it is all over the world. So in the great charities, Bellevue Hospital in New York, and St. Bartholemew and Christ Church Hospitals in the city of London—all have their landed possessions, which are the source of their wealth and revenue and charity.

It was claimed last evening that the lands would deteriorate and that the lessees would foul them, but they will deteriorate much more rapidly if you sell them and let them go out of your grasp, because once gone we can never get them back again. Neither do I coincide with the statements made on this floor last evening that land of this kind would be worth less in ten years than it is today; I cannot indorse any such doctrine as that, Mr. President. I see coming over the Oregon Short Line and Northern Pacific hundreds and hundreds of emigrants almost every day in the year; not a day passes but there are at least five cars of emigrants coming from the eastern states, and with this tide of population swelling over the Rocky Mountains and

carried right across our territory, we shall be built up with population, and these lands which are worthless today will acquire a value which we cannot now see nor foretell. I believe, Mr. President, as Senator Hearst said on the floor of the United States senate chamber, that there will be a population of two million souls in this great Snake River valley, and while you and I may not live to see it, we must bear in mind that we are laying the foundations of a state, not for ourselves, but for our children and our children's children, and for generations yet unborn. And, Mr. Chairman, this territory today seems so wide, and there is so much unoccupied and vacant land lying all around us, that we despise the possessions which Uncle Sam in his liberality has given us to hold in trust for our children. I say that neither I nor you have any definite idea of what this land is worth today which lies under the sun of Idaho or what it is going to be worth in the future. And, Mr. Chairman, when it is advocated here to sell these lands for the little sum of five or ten or fifteen dollars an acre, I say that we are looking at the value of these lands through the big end of the telescope, and that if that doctrine is carried out the state will eventually be the loser for it.

Mr. GRAY. Mr. Chairman, probably the gentleman could be called to order, and I rise to a point of order, because this very same matter was discussed on yesterday and was passed upon by the house, but under the circumstances it was impossible to call the gentleman to order.

Mr. MAYHEW. Mr. Chairman, I thought this question was passed yesterday, and was to be considered under this section, if I understand it right—this same proposition was passed over and was to be considered when Section 10 (8) was reached.

The CHAIR. The chair so understood it, that it was passed over to be considered when it was reached in its proper place.

Mr. REID. I want to inquire, Mr. Chairman, why

they say it is a substitute—the gentleman says so in his remarks offering it—and it is to strike out all after line 11 and insert. What I want to know is, how it can be a substitute if you are going to strike out part of the section and insert.

The CHAIR. The chair made that inquiry, and it was called a substitute.

Mr. SHOUP. The motion was not passed yesterday, and was voted on yesterday and was lost. I will call attention to Cushing's laws. Motions to amend are subject to the same rule as original motions with reference to their subject, viz.: That no motion to amend can be made which contravenes provisions of law or is inconsistent with a special order of the house, or which is substantially the same as a proposition on which the judgment of the house has already been passed.

Mr. VINEYARD. I do not now understand that the convention designed upon yesterday to pass for all time, so far as this convention was concerned, on the proposition of the public school land of this territory. In the debate which took place on yesterday, on the gentleman's proposition from Idaho, while I favored in the main the ideas embraced in his amendment, yet I voted against it for the reason that I believed it was in the wrong place in the article that was then under consideration and which is now under consideration by the committee. The committee has not yet risen, and the committee has arrived at no conclusion upon this article. Therefore this committee nor this convention has passed finally upon this question, as the gentleman from Custer seems to contemplate from Cushing's Manual.

Mr. GRAY. I desire to ask the gentleman a question: If the chair did not decide that it was not passed upon yesterday?

The CHAIR. It appears on the face of this amendment we call a substitute that it is really an amendment, proposing to strike out all after line 11 and insert this. The chair will be compelled to hold that that is an

amendment, and that after the other two amendments have been proposed and disposed of, it takes its place. The chair was in error in allowing the discussion to proceed on the theory that it was a substitute for the entire section, as was stated on the document sent up.

Mr. VINEYARD. Then the chair does not hold with the position of the gentleman from Custer?

The CHAIR. The chair holds now that the proper question is on the amendment of the gentleman from Nez Perce. The secretary will read the amendment.

SECRETARY reads: Insert after the word "therefor" in line 5 the following: "*Provided*, That no school lands shall be sold except at public auction or for less than ten dollars per acre."

Mr. PINKHAM. I would call the attention of the gentleman from Nez Perce to line 11, where it provides that no land shall be sold except at public auction, and that is merely a repetition.

Mr. REID. I had overlooked that, and I will ask that that be stricken out. All I want to provide is that all lands shall be sold at public auction; and I will inquire of the chairman of the committee, in the second line there, what do you mean by "the sale or other disposition?" Do you mean leasing, or some other way, mortgaging it to secure money on it? I suppose that term would mean that they could be leased, mortgaged and money borrowed on them for the use of the school fund.

The CHAIR. The question is on the amendment of the gentleman from Nez Perce. (Vote). The chair's in doubt. (Rising vote shows 23 ayes, 20 noes). The amendment is carried. The question recurs on the amendment of the gentleman from Alturas, Mr. Vineyard.

Mr. VINEYARD. If the amendment of Mr. Reid prevails, I don't see that the amendment I have in there, which is so diametrically opposite to his amendment, can prevail. I have my own ideas about these school

lands. The amendment which the committee has just now adopted cuts off forever the idea of leasing.

Mr. CLAGGETT. Oh no. Oh no. It just simply declares that that is a better proposition than the one in the section.

Mr. VINEYARD. Oh, excuse me; I didn't know that.

SECRETARY reads: To amend by striking out all after the word "trust" in line 11 in Section 10 (8), and insert the following: "And the state board of land commissioners shall at all favorable times and as opportunity affords, pursuant to law, rent or lease the said lands at a minimum of not less than 25 cents per acre, in tracts of not more than 640 acres to any one person, for a period of not less than ten nor more than thirty years, and it shall be the duty of the legislature to enact all proper laws as will at once be adapted to preserve the lands from deterioration and secure the largest revenue from their use."

Mr. VINEYARD. Mr. Chairman, this amendment is virtually the very idea contained, except as it is more guarded for the preservation of these lands than was the substitute, so-called, of the gentleman from Idaho county; it carries the same idea as was conveyed in that. I believe with the gentleman from Idaho that these school lands should remain to perpetuate the school fund, preserving a nucleus around which we may collect something for not only ourselves who live now, but for those who shall come after us. All the public, the great public institutions, not only in the United States but in Europe, as has been well said by the gentleman from Idaho, have been perpetuated and have grown in wealth by reason of just such safeguards as this which we now design to throw around these lands. The leasing of these lands under proper conditions and under proper restrictions of law as may be by the legislature prescribed, will increase not only the school fund but will increase the value of these lands as well, and if there should ever come a time when it would be

necessary to sell these lands, why, they would then bring a sum of money that properly managed would enure to the benefit of the school fund for all time to come and furnish free schools in this state always. Objections were made yesterday, in the argument that these lands would deteriorate under these leases, that they would become foul and all that kind of thing by improvident farming, but we propose under this amendment as drawn here, that it shall be the duty of the legislatures to make all proper and necessary laws, that will enure to the benefit of the state by the renting of these lands, and derive the largest possible revenue from them in their operation and under the conditions of these leases. The legislature may put ample safeguards in its legislation under this section, that will compel a party to farm these lands and use them to the very best advantage, not only to the lessees but for the benefit of the state. And I believe, gentlemen, if you want to preserve these lands inviolate and make them realize the largest possible revenue to the schools, that it can only be done in this way. I think if these lands are thrown open to indiscriminate sale, that there are any amount of land grabbers to be found, any amount of syndicates can be organized to gobble them up at ten dollars an acre, and in twenty years the school fund of this state would be impoverished by it. That is to say, we are liable to be without a school fund at the end of ten or twenty years if these lands are thrown upon the market now. There are no lands now to spare. We understand the increase of our population, and how it has come into the west and into this territory. Twenty years from now, land that is worth now ten dollars an acre, will be worth fifty, seventy-five and one hundred. According to the proposed plan now, on which this congressional committee of the senate proposes to come out here and examine these arid lands of the Snake River basin, with the view of national subsidy of water works, reservoirs, canals and ditches, which are too large for state or individual enterprise to take hold of,

if the government should think it wise to do so, all of these arid lands of the Snake River basin can be used and reclaimed as agricultural lands, and if so reclaimed would blossom as this Boise valley today, which thirty years ago was nothing but a desert covered with sagebrush.

Mr. GRAY. Mr. Chairman, I have a few words to say about this. But it seems that the basis of all this argument is that the legislature will be composed of men of no sense at all. They will not have the interests of the territory at all at heart; they will not come here for that purpose, only for the purpose of stealing something, or getting rid of something, or disposing of the public property to some land-grabbing syndicate—which I do not believe. And as to the renting of these lands at two bits an acre, I will guarantee that if the price be put for the rental of some of these lands under their present condition at two bits an acre, the heir of that man will enrich the ground before they are ever rented to anybody. It will take at least three or four or five years to put some of these lands in a condition that they can yield anything; a man could not make a living off of them as it is, without the state sees fit to make use of some other of the school monies to put water upon them and get it in a condition to rent. In the condition it is now, I say it would be imposisble to rent it. Why, a man couldn't raise anything but jack rabbits on it, and a very poor crop of them. So I do think that putting these indiscriminate restrictions upon the legislature, giving them no authority whatever to say—making this rigid rule, as he says that is the way we will realize money from them—is unwise. We set up this land board and suppose them to be honorable men; we trust that they will rent the lands as well as they can, that they will get as good a lease as possible. Portions of the land probably would rent far above two bits an acre, while there is a great deal of the land that would not rent for anything, and if it should be fixed here that they cannot lease them without receiving two

bits an acre, they will not be leased, because they are not in a condition to be leased. And there is probably land here that is worth maybe a dollar, and maybe a good deal more than that per acre. But I do believe that we are trying to circumscribe this too much—we are giving no latitude whatever. The conditions of the lands are varying; some are good, some are under cultivation now, others are arid. It will be worth more than the land to bring the water upon it. I really do not approve of the amendment to that purpose. Half the land as it now stands, without the state takes it in hand and spends a large amount of money upon it, never will be worth ten dollars an acre. I do not see any basis for it, for the fact of bringing water upon it is an expense, and no person could afford to do it on a thirty year lease at 25 cents an acre; it would be doubtful whether he could or not.

Mr. CLAGGETT. I see the hour of twelve has arrived, and I therefore move that the committee now rise, report progress on this bill, and ask leave to sit again. (Seconded and carried).

CONVENTION IN SESSION.

Mr. CLAGGETT in the Chair.

Mr. HEYBURN. Mr. Chairman, your committee of the whole have had under consideration the report of the committee on Education, School and University Lands, and have come to no conclusion, and ask leave to sit again.

The CHAIR. If there is no objection the report of the committee will be received and lie upon the table. It is moved and seconded that we take a recess until two o'clock. (Carried).

RECESS.

July 23, 2:00 P. M.

Convention called to order by the president.

RECEPTION OF VISITING CONGRESSMEN.

The CHAIR. The hour of two o'clock this after-

noon was set by the convention specially this morning, for the purpose of receiving the congressional delegation now in this city. I presume they will be here before long. Nevertheless, we might transact some business before they arrive, and in case it is not desired to transact business after they arrive we can take an informal recess.

Mr. GRAY. Mr. President, how soon will they arrive?

The CHAIR. The sergeant at arms informs the chair that they are already in the building. In the execution of the order which was made this morning with reference to their reception, I would like to suggest that when the committee escorts the gentlemen into the room, the convention rise and stand; that when they are seated a resolution be offered by some member to take a recess of one hour for the purpose of having an informal reception.

Mr. BEATTY. Mr. President, before that delegation gets here, I desire some suggestions to be made as to what we shall do after they come. If we have a recess of the body, how shall we occupy the time, and how by that means will we be able to hear from them? I understand that it is expected that they will probably address us upon some invitation. We do not know of any program, and the question has been suggested whether it would not be well for us to continue in session and give them an invitation to address us while we are assembled as a body instead of as a disorganized assembly. We would like to hear some suggestion from the chair upon that.

The CHAIR. The convention made a special order this morning and provided no program. The matter certainly should have been attended to by the committee on reception, and in the absence of a program the chair would simply suggest that when they come the convention stand as a body, and as to a resolution for a recess be taken on their coming in, the chair can do nothing more than suggest it. My own idea about it,

however, is this, that when the gentlemen arrive in the hall the convention receive them standing, and remain in session as suggested, with the request that they address the convention if they so desire, and that on the conclusion of their addresses we then take a recess for the purpose of making their personal acquaintance; and if somebody will put it in the shape of a motion we will know——

Mr. MAYHEW. Mr. President, I don't know that these gentlemen desire to address the convention upon any subject at all. I don't presume to say that they want to sermonize or dictate to this body or to the people of this territory, and I think we should wait for the report of the committee.

Mr. POE. I would state for the information of the gentleman from Shoshone that I heard the governor state to Mr. Dorsey that they would be expected to make some remarks to the convention, and he acquiesced in it. Therefore I presume they expect to make some remarks to the convention.

Mr. GRAY. Didn't that committee that was appointed attend to all those matters?

The CHAIR. It was not attended to, apparently.

Mr. POE. Mr. President, I move that the convention receive the delegation while in session, that when they shall come into the building the convention rise and receive them standing, that they then take their seats and that the president request them to address the convention, making any remarks to the convention they think proper, and that after the addresses the convention take an informal recess of half an hour.

Mr. HEYBURN. I second it. (Motion put and carried).

Mr. SAVIDGE. I move that the sergeant at arms be requested to notify the reception committee that we are now ready to receive the visitors. (Seconded and carried).

Mr. AINSLIE. The committee on the reception of the congressional members have consulted the governor

and Mr. Dubois, and I think it would be proper to bring them in and have the governor introduce them to the president of the convention, and that he can request them to the effect that we would be glad to hear a few remarks from them upon our proposed statehood, and I think each one of them will make a few remarks. After that we can take a recess and introduce them individually to the members, if that suits the convention.

The CHAIR. That action has already been taken by the convention.

Mr. AINSLIE. The gentlemen will be up immediately. (The committee returns with the members of the congressional party).

The CHAIR. Gentlemen of the convention, you are honored upon this occasion by the presence of several distinguished members of the house of representatives, who are not traveling through this western country for pleasure entirely, but who have wisely taken advantage of their opportunities to fit themselves more perfectly in the future for the consideration of the great needs of this portion of the great west. By order of the convention the chair now presents the delegation of the gentlemen who are here present, and invites each and all of them to be kind enough to address at least a few words to this convention, with regard to the object of its convening and its purposes.

Governor SHOUP. Mr. President and gentlemen of the convention, I will introduce to you Mr. Dorsey of Nebraska, who is at the present time a member of congress. (Applause).

SPEECH OF MR. DORSEY.

Mr. DORSEY. Mr. President and gentlemen of the constitutional convention of the territory of Idaho. I assure you that it affords me much pleasure to be with you at this time. This little party that I am chaperoning through the northwest comes at my invitation. I am a western man myself, thoroughly identified with the interests of the great west, and since I have had the honor to serve my district in Congress, sometimes I have made

statements upon the floor of the House, in committee and in the lobby, the correctness of which have been questioned. It appears to me that our eastern neighbors understand too little of the magnitude of this great West and the wants and necessities of the West; and sometimes when we tell the exact truth in reference to our actual condition, in reference to our growth and wealth, and especially when we speak of the possibilities that lie undeveloped, they question the statement, and indeed they say, it is a western lie. You have all heard it, you know how it is yourselves, all of you, for I know you are all eastern men, and when you go back and tell your old neighbors in the East about the great crops you raise here in this beautiful valley, about your fruit and mineral productions, your mines,—O, they say, that is one of those western yarns; how John has learned to lie since he has been out West. (Applause.) Now so far as I am concerned I am tired of it, and I propose to have some affidavit man, some eastern man who will be an affidavit man, and who will swear in future to every statement made, and each and every member of the party pledged me to that after they left Nebraska. (Laughter).

Now I would like to talk to this convention; there are many things I would like to say to you, but Mr. Burrows of Michigan, of whom you have all heard, and who is to be the next Speaker of the House of Representatives, you understand, (applause) and who consequently will appoint the committees—and no man under our government has as much power, excepting the President, as the Speaker of the House of Representatives,—he wants to outline your duty, and he can do it,—I cannot. He wants to make suggestions to you that you should follow, for you are here as I know to frame a constitution; and after that constitution has been framed and submitted and ratified by the people and presented to Congress, then you shall be admitted, and Idaho will take her place as one of the sisterhood of states. (applause.) So far as I am concerned, it is not necessary for me to pledge you that I am in favor of the early admission of Idaho. (applause.)

Gentlemen, make a constitution that will not be objected to. You know what is needed much better than I can tell you. When I look around me upon the gentlemen who compose this convention, why, I am almost ashamed even to make a suggestion to you, for you understand your wants and come here prepared. And now let me tell you,—for I helped steer Nebraska into the Union; I lived in Nebraska when we were under territorial government, and I was, as hundreds and thousands of others of our people, anxious for admission, knowing that it would help to increase immigration, and that we could get out of our leading strings, would not be a dependency any more, and I suppose you

feel the same way. We elected our legislature for the state, we elected our state officers, we elected a representative in Congress, we presented our constitution to be admitted. Our legislature proceeded to elect two senators, who took their seats. We had no trouble whatever, excepting in one word that should have been left out,—we put in the word “white.” And Congress returned it, and said that when the legislature met and would strike out the word “white” from the constitution, then the President should issue his proclamation, and that was done.

You have serious questions here to discuss and settle. The Mormon question is a burning problem in Washington. We have been down in Utah, and I say to you now that I had the honor to serve on the Committee on Territories in the last Congress, and perhaps I had a better insight than a great many others into that Mormon question, for we heard it discussed by the ablest men of this country for two weeks in committee. When the committee was first organized by the 51st Congress, there was not a member of that committee that was in favor of the admission of Utah. But at the closing days of the second session somehow there appeared to be almost a majority of that committee in favor of it. It was kept—we kept that back by a minority of the committee, every member of the minority,—I was in the minority of the committee, a minority representative attended every meeting of the committee, and by the help of one gentleman on the majority we managed to put that off. That question will be brought up in the next Congress, and I don't know, but I am satisfied that Utah will not be admitted during the next four years. What effect that question will have upon you people in Idaho, you must be the judge, but prepare to guard against it.

Now as I said at the commencement of my remarks, I shall not attempt to outline to you your duty or make any suggestions, but I will leave that for my friends Burrows, and if he omits anything I am sure Gen. Goff who will follow him,—for I want you to hear from him; he is a very modest man and got back in the corner, but you insist upon hearing Gen. Goff,—will take up and discuss what he omits.

Now, gentlemen, allow me to thank this convention, your president and your good governor, and I shall not omit to mention my good friend, the distinguished gentleman who represented this territory in the last Congress. Perhaps it was my friendship for him that caused me to feel somehow a personal interest in Idaho. But I have tried to serve you, and I did, to the best of my ability as a member of the committee on Territories.

Now let me thank you for the kindness to us on this our little trip through this western country, in giving us this pleasure and in showing us this beautiful valley which is a surprise to

all of us, and I wish to say that we appreciate now—I do, much better than I did before, the wants and necessities of Idaho, and if I can do anything to advocate your material interests, by voting liberal appropriations for irrigation, by doing any and all things that will tend to build you up and make you a grand commonwealth, I shall most gladly do so. (applause.)

Mr. DUBOIS. Mr. President and gentlemen of the convention, I learned from Senator Dorsey to call upon Mr. Burrows, who will address you for a few minutes on matters pertaining to the constitutional convention. It affords me now great pleasure to introduce to you Mr. Burrows. (Applause).

SPEECH OF MR. BURROWS.

Mr. BURROWS. Mr. President and gentlemen of the convention. Our friend, Mr. Dorsey, says that he has brought along some affidavit man to swear to the truth of every statement made since we left Nebraska. It was very wise for him to do that, for I am sure none of us would have sustained anything he said within the state of Nebraska. (Laughter.) For I think he lied from one end of the state to the other. (Laughter.) But I was in hopes in this era of reform that he had reformed, but he made two misrepresentations in his brief speech. One was that I was to be Speaker of the next House of Representatives, which is not within the range of possibilities, (Laughter) and the other was that I desired to address this convention and lecture them on their duty. I have not the remotest idea of doing so,—I have nothing to do with that, and I have too keen an appreciation, gentlemen, of the value of your time, to detain you one moment.

I congratulate you, however, upon the initial steps you are taking towards the goal of statehood. This assemblage of the chosen men of this territory, coming from the body of the people, representing its wealth, its culture and its intelligence, shows that the thought uppermost in the minds of the people of this territory at the present time is that you may become a member of the great confederacy of states. It is your right to thus assemble in convention, because one of the most sacred rights guaranteed to every American citizen is that right to petition Congress for a redress of grievances, and if there is any one grievance more severe than another, it is for the intelligent people of a territory, bone of our bone and flesh of our flesh, to be held in vassalage by any government or by any power. (applause.) The right of self government is the very essence of

American liberty, and in the exercise of that right you are about to petition Congress to be admitted into the Union of these states.

Several questions, you will pardon me for suggesting, are very important. Of course it lies with Congress to determine whether you are to be admitted or not. If it should turn out that the suggestion of my friend Mr. Dorsey is correct, that I shall be chosen the presiding officer of the House of Representatives, I need not say to you confidentially that the committee on Territories will be all right. (applause.) In the city of Washington one of the most difficult things to catch is the Speaker's eye; everything else is attainable. But I want to say here and now that when the honored delegate, the distinguished gentleman who represents this territory, shall address the chair, in such a contingency he will have no difficulty in catching the Speaker's eye. (Laughter and applause.)

But allow me to say, gentlemen, that the most serious obstacle to my mind in the way of your admission into the Union, is not the question of irrigation, it is not the question that concerns your material affairs in the territory, but the most serious obstacle lying in the pathway of your admission into the Union is the question of Mormonism; and I can speak plainly to you about that. As stated by Mr. Dorsey, we have been visiting in Utah, at Salt Lake, and independent of the knowledge we possessed touching that question, some other information has come to my own mind. It is an open secret there,—so it was told me,—that when Idaho shall become a state more immigration of that class of people will come into this territory, to such an extent,—and that is the purpose,—to such an extent as to absolutely dominate its civil affairs. I was told within the last two weeks that 200 families emigrated from Utah into this territory. The people of that church are expecting that Idaho will be admitted into the Union. They do not expect that Utah will be, and Utah, if my vote and my voice can prevent it, never will be, (applause,) until she wipes from her escutcheon the abomination of the nineteenth century. Now your constitution will be very carefully scanned upon that question; and the most objectionable feature of the domination of the Mormon church is not polygamy,—that is but an outgrowth of it, and you may make your constitution as strong as you please upon that question, but it will not meet the demands of the Mormon people. I heard a sermon last Sunday (I suppose it was a sermon) in that great cathedral. I listened to it very attentively, and it only confirmed what I had heard before, that the Mormon church claims to have special revelations from on high. The gentleman discussing the proposition explained the mysteries of Joe Smith's

revelation, how, when and where it was received. The plates were lost. He was not there, but he said he knew every word of it was true, because he had had a special revelation from on high on that question, and therefore his followers, believing in him, implicitly believed that it was true. And then he said that in modern times, as in ancient times, why not have prophets who are in daily communication with a higher power? Then he said; we are loyal to the constitution of the United States, we are loyal to its flag, but I will be frank with you and state that when we receive a revelation from on high that is in conflict with either of those, we will follow the revelation to the death. Now gentlemen, no organization, whether religious or secular, no body of people in this country can dominate, either in the state or in the nation that acknowledges a higher power than the power of the government in civil affairs. (applause.) And if any organization of men say; we are true to the state, we are true to the national government, so long as nothing is revealed to us in conflict with those, they simply state that they recognize a higher power, a foreign power, and I care not, gentlemen, whether that body of men derive that power from above or below, or acknowledge the ruling power in England or in France,—speaking to ourselves,—it is dangerous to inject into the state or the nation any such principle, because it is the very essence of treason and disloyalty to the government. (Applause.) That is what the American Congress will scrutinize, and you must pardon me for suggesting that you go further than to say that polygamy shall be prohibited in this state; you must so frame your constitution, and you must by your constitution authorize the legislature of this state to so legislate as to make it *impossible*, and put it beyond all peradventure that the civil affairs of this state cannot be dominated by any outgrowth from whatever power foreign to the state. (applause.) State and church are separate in this country. An English king once said to a band of nonconformists; subscribe to this creed or I will harry you out of the land. Those brave men said: Be it so. The king declared: no bishop, no king. Be it so, they said; then we will go to a country to establish a church without a bishop and a state without a king. State and church are forever divorced, and the unholy alliance cannot be reconciled under the stars and stripes of the American Republic. (Applause.)

And in conclusion, gentlemen,—I ask your pardon for detaining you so long,—in conclusion let me say to you, that if you look to this thing well,—you cannot make it too strong within the bounds of reason,—if you look to it *well*,—I have no question in my own mind but that the day is not far distant, yea, before the close of the next Congress, when the star of Idaho shall

mount into the national galaxy and shed upon it a fresh and eternal effulgence. (Great applause.)

Governor SHOUP. Mr. President and gentlemen of the convention, I will now introduce to you a gentleman who has always been firm upon the Mormon question, who has always stood upon the right side—he is at the present time a member of congress—and it now affords me great pleasure to introduce to you Governor Stewart of Vermont. (Applause).

SPEECH OF MR. STEWART.

Mr. STEWART. Mr. President and gentlemen of the convention, this is a very unexpected call upon me, and I must say that I did not exactly like to be sandwiched between the distinguished gentleman from Michigan and the eloquent gentleman from West Virginia who is to follow me. I suppose it is upon the principle of contrast; you know they sometimes put a dark background in order to set out a beautiful picture, so they take this humble individual from New England by way of contrast to my eloquent friend from Michigan, and by way of further contrast, as you will observe when he commences his talk here this afternoon, to my very eloquent friend from West Virginia.

Now, Mr. President, I accepted my friend Dorsey's invitation to see this wonderful country, and I expected to travel through it observing, but unobserved. It seems that the program is now changed, and instead of observing I am observed myself, a thing I am not very much accustomed to, as I am a very modest individual, and never like to show myself unless I am absolutely obliged to.

Now one word about this territorial question. I have been very reluctant to make any suggestions at all, and indeed I have none to make. As has been stated, I have been somewhat interested in the Mormon question, as I happened to be upon the committee that reported the Tucker-Edmunds bill, which stands now as the great barrier to the progress of Mormonism in this country. And I could subscribe, I think, very heartily to what my friend has said, although I could not prophesy as he does. I do not know what the intentions of the Mormons are with reference to your territory. I know this, that it is an aggressive,—a wonderfully aggressive and ably managed conspiracy against what I conceive to be the civil liberties of the people of this country. I know so much, and I have felt, as my friend has said, that evil as is polygamy, it is one of those evils which in my judgment will ultimately be cured by the good sense of the

community; the general sense of Christendom would after awhile eliminate Mormonism in its aspect of polygamy. But this is an organism which is a sort of theocracy, which commits the civil government of the country to the hands of a few men, which puts under and behind the door and in the dark those councils which result in legislation; nobody knows what is going on; nobody knows what is proposed to be done until it is accomplished. And its agents are employed everywhere; they travel not only through this country but through other countries. It is a secret religious organization, which comes as near the Jewish theocracy as anything which the wit of man has ever devised; in fact it is patterned after that.

Now as to your statehood. I don't believe that if Idaho is admitted in the next Congress, as I trust it will be, as a state, that there are Mormons enough on this planet to capture it. (Applause.) If I do not understand the character of the men into whose faces I look, then I am mistaken. But it is not in the nature of a body of resolute men who start right, a body of intelligent American citizens who are capable of organizing and framing a civil government and who breathe the free air of these mountains and the free air of these plains,—it is not possible that the ignorance and the superstition of the narrow minded emissaries from Utah or anywhere else will reconvert this state into a Mormon state; it cannot be done and it won't be done. (applause.) And for one, as a representative in Congress, I shall have no fear on that subject. And when your constitution is presented, if it bears upon its face those phrases that I saw today,—some gentleman showed me the phrases; I think there were two reports of committees, both of them very strong; perhaps I should prefer the stronger one myself; I think perhaps it would commend itself a little more to our people than the other, though I have no suggestions to make about that, for you are entirely competent to manage your own affairs I think; if I did not think so I would not vote to admit you,—if you present a constitution to Congress containing those provisions, whether of the minority or of the majority report, I will accept it myself, and I will vote for your admission and advocate it. (applause.) I will advocate it not only because I think it is your inherent right as American freemen and American citizens, as pioneers who have left their homes in the East and the middle states to brave the dangers and hardships and deprivations of frontier life to establish a free state out here, but I say you are fit to be trusted with self-government, with the framing of a constitution, and such men, if any men on the face of this earth are entitled to self government. I do not say this, gentlemen, to flatter you. When I saw what I have witnessed,

even in my short travels through your country,—I saw some rather barren country out here; it looked to a New Englander who is accustomed to see the evergreen hills, as we call them, and the fertile plains that are always green, and refreshed as they are by the windows of heaven without any special machinery for irrigation,—I thought as I looked out, and my good friend Dubois was pointing out what a wonderfully fertile country that was, (laughter) I said to myself, my farmer friends in my district in Vermont in the Champlain valley would not give a bad sixpence for this whole country—why, there is nothing there. They sometimes used to say in New Hampshire, the state that adjoins mine, that the country was so stony they had to sharpen the noses of the sheep in order to let them feed at all. (laughter.) But a New Hampshire farmer would not exchange his granite hills for this country as it appears. But when my friends took me out around in a carriage, and I saw on one side a desolate field of nothing but sagebrush and uncultivated spaces of barren ground, and on the other side a fruitful field of grain, potatoes, corn and all the various grasses, and when I was told that seven or eight or nine or ten tons to the acre of grass was only an ordinary crop here, (laughter) when the farmers in my country are very much gratified if they can get two tons to the acre,—and it takes them all of the year to get that, (laughter) then I said to myself, after all, this country is worth saving, this country is worth cultivating, and the people of this country deserve encouragement. If they come here and turn this wilderness into a blooming garden, as they do by the use of water, these men are the founders of states,—men to whom I always feel inclined to take off my hat. There are only two classes of men that are really entitled to very great credit in this world in the civil sphere,—the founders of the state and the saviours of the state. These gentlemen that wear the button, that we have so much respect for, these grand army fellows, are the men that have saved the states, and you are the men that not only have saved states, but you are founding states, for many of you have belonged to the grand army.

Now Mr. President and gentlemen, I have been very much gratified at what I have witnessed. I need not say that I have been surprised,—I expected to be surprised,—but I have been very much gratified and pleased at the cordial and hearty reception which you have extended, you gentlemen of the western frontier, to us of the far east. It has made me feel more than ever before the kinship that belongs to citizenship in this great country. We strike hands across the Ohio, we strike hands across the Mississippi, we strike hands across the great fertile plains and valleys that Mr. Dorsey represents, we strike hands across

this great range of mountains, and here we are, all American citizens, and soon to be under one flag, all of us, I trust,—under one flag now, in a sense; and one of the things which gratified me here, as it has everywhere, and one of the reasons why I say to you here that I feel such an intense interest in the admission of these new western states just as soon as they are fit for organizing and understand how to organize and how to run a state government, is the attention which you pay to education. That has been noticeable all along the line since I left the Missouri valley. And when I drove around here through the streets this morning I was not at all surprised when your excellent governor said: That is our school house. Well, now, here is a little village, I said, of several thousand people, and in a town only twenty-five years old, and there is a school house,—a beautiful school house, with seven hundred scholars. What did that cost? Well, \$60,000. Well, you need not say to me that a people that have built their school house as soon as they could,—come and built this magnificent school house and begun to educate their children, are men that are not fit for self government. I do not care whether you have 150,000, or 200,000 or 50,000 population, provided you have this organizing capacity and are able to set up and maintain a state government. You carry forward the two pillars of our modern civilization,—education and religion. Up goes the school house, up goes the church; disorder disappears, lawlessness vanishes. It lingers along on the fringe of the frontier line, just as the savage, the wolf, and the wild beast lingers along the frontier, but how quickly they vanish when the habit of order and law-abiding citizenship comes in. Here you have it.

Now just one word more, Mr. President, and I have done. I want to thank you in a sort of personal way, because this meeting is most unexpected. I did not suppose I should be called upon to say a word until I was at dinner today. Of course what I say is entirely desultory, but I want to thank you gentlemen personally whom I never met before and whom I may never meet again, for the exceeding kindness and cordiality which you have extended to me as well as to my associates, and I shall carry with me when I return to my home in the far east, not only a very pleasant recollection of your exceeding kindness, but also a new and deeper interest, and certainly a more intelligent interest in this great west, which you are so rapidly bringing forward into the bond of our American civilization. I thank you, gentlemen. (Applause.)

Mr. DUBOIS. Mr. President and gentlemen of the convention, it now affords me pleasure to present to you

a gentleman who has distinguished himself not only in his own state but also in the last congress, and who is an ardent friend of the territories. I now present to you General Goff. (Applause).

SPEECH OF MR. GOFF.

Mr. GOFF. Mr. President and gentlemen of the convention. I am profoundly grateful to you for your generous greeting, which is as unexpected to me as it could possibly be to mortal man. I had no idea when I left my home in the mountains of West Virginia, on the cordial invitation of my distinguished brother of the house of representatives—Mr. Dorsey, for a journey through the western portion of the continent, that I would travel through the land that I have traveled through, meet the men that I have met, or be treated in this manner, of which I am so unworthy.

I have been told that I am a citizen of West Virginia; true, and proud I am to be a citizen of that little mountain state. But there is another citizenship that is nearer and is grander and is dearer unto me,—I am a citizen of the United States. (Applause.) The same starry banner that floats along the Atlantic coast and on the mountain tops of my own home, I find here, even out in the midst of the desert, and here in this beautiful valley where you live,—the proudest banner that floats in heaven today.

Now then, I also claim an interest in Idaho; it is common to us all. You gentlemen I hope feel an interest in West Virginia. That which affects you affects me. That which bears hard upon the people of Idaho crushes the people of the East just as well. I repeat that appeal to the kinship of man, to the brotherhood of mankind that my distinguished brothers made but a moment since, both of them so well and so eloquently. I glory then in the fact that this is my country, and that this is my Idaho just as much as it is yours. (Applause.)

Now there is another thing. Over in the land where I live,—and I notice the difference here,—we find too much of the dead issues of the past, while here I find you gentlemen moving on, side by side, elbow against elbow, fighting the living issues of today. Over in my state a few years ago men were contending in a mighty struggle, brother against brother and household against household; and those men are here today in the west, they are here in Idaho, they are here in all the great territories, and they have buried the dead issues and struggles of the past, and they are moving forward under our common banner, conquering the wilderness, doing away with the desert, and making our flag the great and glorious one that it is today. (Applause.) Over in

my country, living as I do in a town that has but lately celebrated its centennial, I want to say to you, and for your encouragement, if such it be, that you are not only equal to them, but you are ahead of them in the strife. (Applause.) Over in the land where a hundred years ago the wilderness had been pierced, you now have sprung forward in the last quarter of a century and passed them in the struggle of life.

Now I mean every word I say, and my home and the home of my boyhood is as dear to me as yours is to you. You gentlemen reap the benefit of the civilization for which we struggled; but we in the East and in the mountains of Virginia have only during the past 25 years breathed the pure air of eternal liberty that you breathe here in the west. (Applause.) Then we do not want the struggles of the past to interfere with us now, and I thank God that even out here on these distant plains I find them more thoroughly eradicated than I do even at my own home.

Now, gentlemen, I am, as my brothers have been, amazed all along the line that I have traveled. I was ashamed almost, that I did not know more of my own country. There are a great many over there that are in the same fix I was before I came. And that my brother Dorsey says he desires his affidavit man for. I have everywhere met not only a great people, but a wonderful land I have traveled through. I have come on an uninterrupted journey from the Atlantic coast to this point, and it has made me prouder than ever of my country. I have come from the capital city of your nation, through my own mountains, across the broad bosom of the great state of Ohio, teeming with its industries and happy with citizenship. I have traveled across the broad plains of Indiana; I have journeyed through a great, wonderful land. I have crossed over the plains of Kansas, and in all this section I found, as I found here, a section of country that is even burdened with the wealth under which it struggles. I found grain fields, golden waving in the sunshine, from which the world is and can be fed, and I meet today even here, thousands of miles, so to speak, from the other side,—I meet here the same wonderful things, meet the same wonderful sights that I did when I journeyed a thousand miles back. There is no end to it. It is indeed a fair land that is our heritage; it is indeed a wondrous tale that has been told to me. I meet everywhere I travel the best looking, strongest, handsomest men in this western country that my eyes ever gazed upon. (Laughter and applause.)

Mr. DORSEY. How about the ladies, general?

Mr. GOFF. I will not forget them; I have met them too. They are fair beyond all comparison, and the only reason that I have not alluded to them, or did not, was for fear of doing

violence and offending my distinguished and eloquent friend from Michigan. (Laughter and applause.) That is part and parcel of his prerogative, and we never impose upon the rights of the Speaker. It has actually caused me to wonder as to whether or not the people here in this section of the country had not found that wondrous fountain stream that Ponce de Leon sought for so long and in vain. I pledge you my word I have not seen a man that did not look just as I have said; I have not seen a lady in all the country that did not fill the bill as I have intimated. Now it is health, gentleman, it is the wonderful climate that a most propitious Providence has given you, it is the grand climatic influences that make you what you are and which you are utilizing and I believe when I gaze into your faces today that you will, and that causes me to blush at any effort I might make to tell you gentlemen what it will do. I have a notion of my own, an idea of my own, based not only upon personal observation and research, and the knowledge and information that I have gained during the past six years as a member of the House of Representatives. I know another thing. While I have never traveled over the western portion of my country I have traversed the eastern section over and over again. I have traveled frequently from the pine-topped hills of Maine all through New England and along down the southern coast, and I have traveled out through the West to a certain extent, and I know the feeling among the people there, not only as to this country but as to its future, and what can be best done to secure that future and the happiness of this people.

Now we may differ the one with the other, but we can reason the one with the other. I may have my political belief,—I have, and I may express sentiments not approved by those who honor me with their presence, but it is a right of our citizenship to differ, and it is our right and duty to reason the one with the other. If I am wrong you will convince me, and if I am in error, I am here to take your words of wisdom and bow in conversion before you. If I were handling the Mormon question, that these distinguished gentlemen have alluded to, I would search and study well the language that we speak and write, and I would make it as strong as Anglo-Saxon can be made, that this great monster of the century is to be thoroughly exterminated. (Applause.) I would not handle it with kid gloves. I would meet the monster now, right on the threshold of your existence as a state, and I would strangle it. In the language of the silent soldier of the century, that will live when you and I have been a thousand years forgotten, I would strangle it, if it took all summer to do it. (Applause.) And you need not fear about Idaho coming into the Union then. Why, gentlemen, we want

you. We want all the territories, when they have that organization that entitles them to this representation, to take their place, and to imprint upon our starry banner that additional star that they represent. But when Idaho comes down to the city of Washington and knocks for admission, you will find that the people who represent this great citizenship that I have alluded to, will turn first to see how you have handled the question that those gentlemen have already handled. This is no assertion of my own. I refer you to the debates in the Congress of the United States during the last dozen years upon that subject, and more especially during the last four, and you will see that I have not overdrawn the importance of this question. Then when you had prepared a constitution that did so deal with this crime, I would, as I know you gentlemen will, turn my attention to those matters that more specially affect your locality. Over in my country I would know them well, and I know that you gentlemen here understand it also.

I would do one thing. I would see to it and plant it deep down in the fundamental law of Idaho, never to be eradicated, I would put those protecting words and measures in it that would give for all time to the boys and girls of Idaho free, universal education. (Applause.) If there is anything that makes me proud of my own little state and the contrast that twenty years have wrought, it is to see, as I have lately done in traveling from one end of the state to the other, on mountain top and in valley, in city and in village, on the farm and at the cross-roads, the little white temples of learning, where the children of the rich and the poor, of the high and the low, the black and the white are called together, and there furnished with that information and that wisdom which is the wing with which they soar heavenward. (Applause.) And, gentlemen of the constitutional convention of Idaho, when you have so done you can rest assured that those representatives, that those men who speak for those distant sections, to whom I have alluded, will welcome you with open arms, and will so legislate that the starry banner of our country, as it waves, will wave also reflecting the glory and honor of your territory, then a state.

See to it, though, after this constitution has been formulated, that you get ready for the exercise of the functions of statehood. Have your elections; have them before Congress meets,—it meets in December; let your people speak by their ballot, and let it be known, not only that you, the men who came from your distant homes at the call of duty under the law, the men who make the sacrifice of time and money that you men do,—let it be known that not only you but the men behind you, the men who exercise the citizenship of Idaho, the men who are to cast the

ballots of this new state,—let it be known that they too are behind you. Gentlemen, it will carry a most extraordinary weight if it has been thoroughly demonstrated and before Congress convenes attention is called to the fact that the people of Idaho desire not only statehood, but desire statehood under the constitution that you have prepared. When you have done that, and when you have elected those officials and when you have chosen a legislature, and when your people have put it beyond recall that this is to be their fundamental law, when the act passes and when Benjamin Harrison has put his sign manual of approval to it, immediately thereafter be at the capitol of your nation with your two senators and your representative, so that there will be no cause for any delay of two years in acting upon the declaration that they are ready to assume the functions of that state government to which you are entitled. (Applause.)

Gentlemen, I have detained you too long. Again I return you my profound thanks,—to you, gentlemen of the convention that you have honored me, that you have given me the attention that you have; to you, Mr. Chairman, for your invitation, to you, Governor, and gentlemen of the committee, for your more than grand reception. The country that can do these things and the men who can do these things will never know failure. As I have made this wonderful journey and seen these wonderful things and met this gorgeous reception over mountain and plain, I have thought of the wonderful change that has taken place in my country and that will take place in yours, and I have thanked God that I was a citizen of this republic, that I was permitted to have my life and being here, and I have realized that it was grander to be an American citizen than it was to be a Roman senator. (Great applause.)

Mr. AINSLIE. Mr. President, I move that the convention take a recess of thirty minutes, in order that the gentlemen may be presented to the members of the convention. (The motion is put and carried. Recess).

CONVENTION IN SESSION. (AFTER RECESS).

The CHAIR. The convention has finished the special order of business.

Mr. MAYHEW. Mr. Chairman, I doubt very much whether there is a quorum here.

The CHAIR. The chair is informed that there is a quorum here.

Mr. MORGAN. Mr. President, I move that the

convention go into committee of the Whole on pending business. (Seconded).

The CHAIR. It is moved and seconded that the convention go into committee of the Whole for the purpose of considering the educational bill. All those in favor say aye. (Carried). The gentleman from Shoshone, Mr. Mayhew, will take the chair.

COMMITTEE OF THE WHOLE.

Mr. MAYHEW in the chair.

ARTICLE 9, SECTION 8.

The CHAIR. The committee had under consideration Section 10 (8) of Article No. 9. I am informed by the clerk that there were three amendments pending before the committee.

Mr. VINEYARD. Section 10 (8) is the one under consideration.

The CHAIR. This is the amendment proposed by the gentleman from Alturas, Mr. Vineyard.

SECRETARY reads: Amend by striking out all after the word "trust" in line 11, Section 10 (8), and insert the following: "And the state board of land commissioners shall at all favorable times and as opportunity affords, pursuant to law, rent or lease the said lands at a minimum not less than 25 cents per acre, in tracts of not more than 640 acres to any one person, for a period of not less than ten years nor more than thirty years, and it shall be the duty of the legislature to enact all proper laws as will at once be adapted to preserve the lands from deterioration and secure the largest revenue from their use."

Mr. CLAGGETT. Mr. Chairman, I offer a substitute for the entire section and all pending amendments and substitutes.

SECRETARY reads: Strike out Section 10 (8) and insert in lieu thereof as follows: Sec. 10 (8). The title to all lands which may be donated to the state by the United States for the support of the public schools shall forever remain in the state, unincumbered, except

as herein provided, and in trust for the benefit of the public school fund of the state. The legislature shall prescribe by law the terms and conditions upon which such lands may be leased, but no lease shall run for a longer period than thirty years. The legislature shall by law as far as practicable preserve all leased lands from deterioration and secure the greatest amount of revenue from their use. This section shall not be construed to prevent the sale of all merchantable timber on the school lands of the state under regulations to be prescribed by law."

The CHAIR. What is the pleasure of the committee?

Mr. VINEYARD. As the substitute offered by the gentleman from Shoshone covers the idea generally embraced in the amendment which I have offered, and puts discretionary power in the legislature to manage those lands under the proposition contained in that substitute for leasing, I accept the substitute, and with the consent of my second will withdraw that amendment.

The CHAIR. If there is no objection the amendment is withdrawn. Is this substitute supported? It is moved and seconded that the same be adopted.

Mr. GRAY. Mr. Chairman, I do not approve of the substitute, for I think that if there are any lands that should be preserved at all, it is the timber lands. There will be more derived from the timber lands than from any other; that is, if the timber is protected upon the lands. Timber is certainly becoming more and more valuable, and why these lands should be disposed of and the agricultural lands retained, is what I should like to ask the mover of this substitute.

Mr. CLAGGETT. I can explain to the gentleman from Ada—if he will listen to it—it does not propose to part with the title to the timber lands; it simply provides that the merchantable timber growing on the lands may be sold, leaving the small growth to come on, the title forever remaining in the state, and every forty years you will have a new crop of timber.

Mr. GRAY. Well, I shall oppose the amendment anyway. (Laughter). As I have heretofore claimed, I think there will be others that might have something to say about this besides us. And I think that if we leave this to the body to which it would properly belong, a body of honorable men, a body of men who will investigate this matter perhaps further than we have investigated it here, that they perhaps may be more practical men than some that are in this convention, and if they should see fit to dispose of these lands, that is, if it should be to the best interest of the state, it might be all right. And I will guarantee—there are plenty of school lands in this territory—that the interest upon that money would be far more advantageous, that it would help the present, because without the interest we have nothing, and if we leave it as it is, this present generation and these present people get nothing from it, and if we had that money at interest we would get the interest on it for our present needs; and perhaps our present needs, as we are poor now, are worthy of some consideration. Now if this land could be sold at what would be a fair price, if it could be converted into money, we would get something from it, and further than that, it would pass into the hands of those who would have to pay taxes, for which we get no taxation now. I cannot for my life see why we shall fasten this matter so that they cannot be disposed of, when it is to be put in the hands of this board at present, and after that the law would prescribe the manner in which they are to be disposed of. I can't see but what we would better leave this matter to the legislature, instead of tying up matters so that it is impossible for us to do anything with it at all. If this substitute passes we will never in our lifetime have received one cent's benefit from them.

Mr. ANDERSON. Mr. Chairman, like Judge Gray, I do not believe really that it is to the interest of our new state to put itself in a position so that it cannot sell any of these lands. In a rain-fall country there may be

a revenue at once, but here the preliminary expense before a man can raise crops on land is so great that I think it would be very difficult to rent lands to any advantage. For instance, I have been estimating a little, and I find that on a section of land, at the ordinary cost—and if these figures are overdrawn I hope any practical farmer in this convention will correct me—I find that on a section of land it takes about an average of \$2,500 to clear the sagebrush off; to put a fence around that land, say \$600; to plow it up, at something like \$2 an acre, \$1,300; if you pay the water rent, at a dollar an acre, which is a very moderate price—I don't think any farmer would want to buy a water right to put on rented land—the rent for water would be at a dollar an acre \$600; to put on a house and stable and the necessary improvements would require some \$500, say, making a total of \$5,500. This takes no account of cross ditches on the section, no account of taking the ditch on to the land, and we have not yet got to the rental which is to be paid to the state. Now, Mr. Chairman, it strikes me that no prudent man is going to invest the four or five thousand dollars in permanent improvements necessary to be made on a piece of land that he is not the owner of; especially when he can buy land at almost government prices in many instances. I sent up a substitute this morning. I do not believe in parting with all these lands, but I believe in parting with part of them, and I sent up a substitute which I would like to have read.

The CHAIR. The chair was not aware of the fact; I asked the clerk about it, and this must be a substitute for the original section. I beg the gentleman's pardon if that was the case.

Mr. ANDERSON. No, I beg the chair's pardon; it was an amendment.

SECRETARY reads: To amend Section 10 (8) by adding after the word "grants" in the 14th line the following: "*Provided*, That no other land than Section

16 in each township be sold during the first twenty years."

Mr. ANDERSON. Now it is urged as an objection to selling these lands, that if they are put on the market the best lands will be given up, leaving the worse lands in the hands of the state. That amendment however fixes how much land may be sold in the first twenty years, and points out what lands will be sold. The condition is in the section here that it shall be sold to the highest bidder at auction, so that they cannot be gobbled up by speculators.

Mr. HEYBURN. Mr. Chairman, an idea is suggested by the remarks of the gentleman from Ada, Mr. Gray, that I have just been figuring upon. It is the idea that if these lands are sold they come within the class of tax-paying lands, and I have figured out about the taxes these lands would pay as a revenue to the state and county. Take these lands at \$5 an acre, and at the rate of percentage we have established for state taxation, they would pay \$48 per section in state taxes. That is the revenue the state would be deriving from them if it sold them, and it is a constant revenue, with a prospect that it would increase as the land increases in value and is assessed at a larger sum than \$5 an acre. I am taking it by sections of land, and it would pay, at the average rate of county taxation about \$96 per section, making each section of land yield a revenue in the way of taxation of \$144 to go into the general treasury of the county and state, while if you leave the title remaining in the state nothing but the improvements, which would amount to nothing under those circumstances, would ever contribute anything in the way of taxation to the state, so that is an item in favor of disposing of these lands to those persons who will improve them and become taxpayers upon the lands and will come in and help support the general government,

Mr. BEATTY. Mr. Chairman, I have a substitute to offer.

Mr. McCONNELL. I supposed yesterday when this

question was discussed and voted upon that it had probably been settled, but as it is such an important question I do not blame the convention for taking ample time to thoroughly understand the matter. The committee which considered this question, consisting of Mr. James Shoup, Mr. Pinkham, Mr. Harkness, Armstrong, Batten, Chaney, Hogan and Mr. Bevan, are gentlemen whom you all know. They all gave this careful consideration, not with a view of any personal aggrandizement, but with a view of what might be the best interest of our future state. We came unanimously to the conclusion that this section was about the best provision that could be made, leaving the future management of it to a certain extent to the state. Now we don't want to look upon this matter as a question of theory. We have a great many theoretical farmers. You can go into any mercantile establishment in this town, and you will find some gentleman with lily-white fingers who will tell your farmer how he can run his farm better than the farmer knows himself. You will find lawyers here, and doctors perhaps, on this floor, that know more about the management of these public affairs than men who have been engaged all their lives in business transactions of this kind. But if you gentlemen will take your pencils and a piece of paper I will give you the arithmetic of the problem and spread it before you, and you can see how we came to these conclusions. We want first to make a careful estimate of the probable amount of land which we have that would be available for sale at the present time or for rental. You understand that these lands would be available for sale for agricultural purposes and also available for rental. Now then, I estimate that in northern Idaho, looking over the situation carefully, there are not over 35 sections in the counties of Idaho, Nez Perce, Latah and Kootenai of school lands; that is, in the total, counting parts of sections and adding them together, in the aggregate there are not more than 35 sections of land in northern Idaho. And I doubt whether there are

over 40 sections of land in southern Idaho—40 sections, that is, 640 acres each. You may come down to this valley, and where you strike school sections in this valley, where it is along the river, it is good land, and you can rent it or you can sell it, but in the aggregate I estimate that that is about the amount of land that would be available now for sale under the provision which doubtless congress will enact when we are admitted as a state. Under the recent enactment of congress it limited the sale of these lands to ten dollars an acre; in the recent enactment of congress as concerned this territory, ten dollars was the limit placed, and in speaking about it I will refer to this law as passed.¹ I am certain that was the limit proposed. I believe it passed one house, perhaps more; at any rate it was the bill proposed in congress, and the bill as passed for Dakota, Montana and Washington limited them to ten dollars, so that we can take that as a precedent. I presume congress will place the same limit on us.

Now with regard to renting the lands. Of course there is no gentleman interested in any job in this convention. I would not for a moment think of suggesting such a thing, of course, but in this theory of providing for leasing lands for a term of thirty years, I begin to smell the biggest kind of a mouse. You are going to do away with renting these lands for a term of thirty years, and take it out of the power of the legislature, or the power of any commissioner, to cancel that lease, provided the rental is obtained, and how many men are there whom you will find that want to rent these lands for that number of years? Now we might as well get down to these figures on this proposition. Mr. Claggett, have you your pencil? I am taking 35 sections in the north and 40 in the south, making 75 in toto; add those.

Mr. MORGAN. Forty-eight thousand acres.

¹—Referring to Platt amendment to Mitchell Bill, Sec. 14. See Appendix.

Mr. McCONNELL. At an estimated value of \$15 an acre, which I guarantee it can be placed at today, it would amount to the sum total of \$720,000, if my figures are correct.

Mr. CLAGGETT. How do you make that?

Mr. McCONNELL. Well, if you will use the multiplication table, you will find how it comes out.

Mr. MORGAN. That is correct.

Mr. McCONNELL. Seven hundred and twenty thousand dollars. Now it is unnecessary to say that this \$720,000 can be loaned on first-class farm security at 8 per cent. In fact, I know it can be loaned for 10 per cent, and so does any gentleman who is familiar with the process of loaning money in this territory. Now that would bring an annual income, at 8 per cent, of \$57,600. Now you can take the rental, as proposed by the gentlemen here, who have proposed to rent this land at a maximum price of 25 cents an acre, and you will have an income of \$12,000 from this land. By the process of selling the land and loaning the money you have a great difference in favor of the school fund, all the difference between \$57,600 and \$12,000, or you have \$45,600 per annum in favor of selling the land and loaning the money. Now it will make no difference whether my figures are correct or my estimates are correct, as to the amount of land which can be sold immediately, or not. The same ratio would prevail, the same proportion, and if there are more than 48,000 acres of land which would be available for sale or rental, just so much greater would be the difference between the proposed plans of renting and selling the land.

Now we put this down, not as a matter of sentiment, but we put it down as a business proposition. We place the figures down on a piece of paper, as I have placed them here before you gentlemen, and if there is a man here in this convention who can get up and by any process of mathematics refute this argument, I would be glad to have him do it. But this theory that land will be worth in fifty years, or twenty years, from

now, \$100 an acre, or \$400 an acre, is all conjecture. There are certain instances where land has enhanced very materially in value; take for instance such as real estate in the vicinity of prosperous cities; but take the lands all over the United States, and it is a notorious fact today, a well known fact to political economists who have made a study of this proposition, that lands are not so valuable by ten or fifteen per cent today as they were 25 years ago. And for that reason I can not see the necessity of our holding these lands for speculative purposes. Of course I would not be in favor of selling these lands for a price below what would be fixed by law, but allow the legislature discretion to sell these lands. The gentlemen who come here year after year are not all dishonest. They are as much interested as we are in the preservation of these lands and this fund. Many of them are husbands and fathers, and those who are not doubtless soon expect to be, and they will take as much pains with this fund's preservation—just as much as we. I would like to hear any explanation. I don't want a theoretical explanation of this matter; that does not satisfy me; I want an explanation that gets right down to cold figures. That is my plan of formulating a business proposition.

Mr. CLAGGETT. Mr. Chairman, I want to say a few words with reference to this substitute. I took pains to write it out carefully, so as to cover what I conceived to be the facts, and my friend from Latah wants me to face the figures. He don't want any, doubtless, other than his own. It was significant of one thing that the entire argument of my friend here is based upon the proposition that all of the available school lands today that can be sold at all are limited to 48,000 acres. If you take Sections 16 and 36 of each township and then apply it to a country of 84,000 square miles, you have very nearly 5,000 square miles of public lands. But still, as matters now stand, I think his estimate is about correct, that you cannot find over about 30 or 35 sections in north Idaho, nor more

than 40 or 50 in southern Idaho that can be available to sell now at as much as ten dollars an acre. So that as matters now stand we have a school fund, on this theory of 48,000 acres of land to be sold, not of \$750,000, but of \$480,000. Forty-eight thousand multiplied by ten, according to the rules I learned of arithmetic would make 480,000—\$480,000. He assessed these lands upon an average valuation of \$15 an acre, but I want some better authority for it than the gentleman's opinion—it is a mere matter of opinion. He has been calling for facts, and I am giving you my own idea of the facts. I do not like this way of getting up and talking about theoretical propositions. This is a practical body, and can take into consideration every suggestion that is made, and it does not require that a man should go to work and ladle out sugar over a counter, nor raise nor dig potatoes, or do anything of that kind, in order to have ordinary business sense, so far as that is concerned. (Laughter). I don't think that is any particular aid in making a man have any more sense than he was endowed with originally, that God Almighty gave him. (Laughter).

Now let us take these facts and figures that are here; \$480,000 we have now, on the theory of selling these lands at an average of ten dollars an acre. If you invest that in farm securities as suggested at ten per cent per annum, you will have, in all human probability to foreclose almost every mortgage you take by way of security for your land, and deducting the expense of attorney's fees and all that kind of thing, and the necessary expenses of litigation will eat up a good deal of it—and a good deal of it will be lost—but put it down on the basis that you actually receive ten per cent on that \$480,000, and you have got a total annual income of \$48,000 a year. Putting it, however, upon anything like a more stable security, if you invest it in government bonds, you will only have four per cent at the very highest—generally three, which will come to about \$12,000, or a little more than that, for the annual

interest of your school fund. But it is safe to say, I think, that good, perfectly reliable and secure security can be obtained at six per cent per annum, which will make the total revenue about \$28,000 a year. We have 18 counties already, which will make a little over \$1,500 a year to each county. And taking the estimate upon the proposition which has been suggested by the gentleman himself, that is the sum total of our inheritance, so far as the school fund is concerned. Now I respectfully submit, and I do so in all perfect good faith, that so far as this little temporary aid is concerned, we have come here into this country originally from all over the states, and as was so eloquently said by these visiting gentlemen today, we have not only taken care of ourselves, but we have built large school houses and erected a multitude of little temples of learning, in which the rudiments of learning are taught to the boys and girls of this territory. We are not poor in the sense that we cannot for the next few years, for five or ten years, if necessary, support our schools in good shape, even though we do not derive the aid of a single dollar from the school fund. I say, in addition to what I have already said upon this subject, this, that these same identical lands, this 48,000 acres of land, can be rented and made to bring in more profit and revenue, that is, now, than you can by their sale, taking a period of ten years from the time they are sold.

But, Mr. Chairman, I want to say one thing further. I utterly deny the proposition of my friend from Latah that lands in the United States are depreciating in value. It is true the worn-out lands upon the Atlantic sea-coast are. Why? Simply because the construction of a railroad system into the Mississippi valley, where lands are so fertile and fruitful, and the competition in railroading, has brought freights down to a point where the farmer living in Vermont or New Hampshire, where I believe the gentleman came from, or even in the more fertile states of Maryland and Virginia, cannot successfully compete in the raising of ordinary agricul-

tural products against the richer facilities of production found in the Mississippi valley. But outside of that mere local cause for the depreciation of certain lands in a certain section, I appeal to the knowledge of every man upon this floor, that for at least half a dozen years or more there has been a boom in real estate, and lands are rising all over the country, and you can pick up your paper in any part of the western country, from California to the Alleghany mountains, and you will find it portrayed. Now why have all these lands gone up so suddenly? They have gone up just at the very time when the public at large throughout the United States has discovered that the public lands of the United States capable of being settled upon and improved, without being first carved out, as it were, by irrigation, are practically exhausted, and that the great means by which the values of real estate all over the east have been so kept down for at least a hundred years, is now gone, and we are entering upon an era when the value of real estate will be substantially what it is in the European countries, where they charge and collect by way of rental as much as ten dollars an acre every year. The gentleman laughs. Let me tell him that I have not put in so much of my time going over ledgers but what I have had plenty of time to read about this question with regard to European matters. Now I want to call attention to this: If you had, in the old days, when there was plenty of land to be taken up—if you had or any man had \$10,000 in his pocket that he wanted to invest in purchasing land, what would he do? Would he pay \$40 or \$50 an acre for it where he lived, when by going a few hundred miles further west he could buy it for a dollar and a quarter or a dollar and a half? By no manner of means. And the whole history of the country for a hundred years past shows you that the men who are seeking for investments in lands have taken their money, besides their muscle, and gone to the west for the purpose of investing in cheap lands, and this abstraction of the very

capital which was ready for investment in land in the east, being passed to the west, has kept down the value of lands as the west was opened up, by the production of an equilibrium of value all over the United States; but the very moment that it came to be understood generally throughout the country that the land was practically exhausted, from that moment, six or seven years ago, there has been a constant increase, going up year by year, almost in geometrical ratio, in the value of lands all over the country, and everybody who is familiar with the facts of the case knows it to be true.

Now why take your little 48,000 acres of land, which according to the argument of our practical friend on the other side is all we can hope to make available now, and sell it to whoever will buy it, amounting to a little over \$1,000 a year to each county, when by keeping these same identical lands for a period of five, ten or fifteen years, if necessary, you can by their rental secure just as great an income, and in the end you will have the principal of your school fund, or the basis of it, absolutely intact? I say that it is the most foolish policy that we could pursue, to destroy this magnificent fund, this endowment of the general government which is given to us here for the benefit of our children, for not only now but for all time to come; and the gentleman can figure and figure until he can use up all the paper and pencils he can get in the town of Boise, and he can't change the practical result of the operation of this measure.

Mr. McCONNELL. Mr. Chairman, the argument produced by the gentleman is very amusing. He says we are not so very poor. He says this little pitiful sum only amounts to about \$1,000 to a county. Now \$72,000 divided among eighteen counties, if my mathematics is correct, would amount to \$4,000 a county.

Mr. CLAGGETT. I was speaking of the interest; I did not propose to divide the principal.

Mr. McCONNELL. I am speaking of the interest too.

Mr. CLAGGETT. Where do you get that?

Mr. McCONNELL. \$57,600 is a little over \$3,000 a year for each county, and divide that among the average fifteen school districts in the county, and how much have you got? Two hundred dollars each a year for every school district in the territory, and there is something beyond this.

In the year 1883 there were surveyed in this territory 1378 sections of school land. Now according to the admission of my friend Mr. Claggett—he admits that perhaps my figures are correct—and I believe they are very nearly correct—that perhaps 75 sections would be all that would now be available for cultivation without irrigation, which would leave 1303 sections of land, left out in the wilderness, without any means provided to bring it under cultivation or have it settled, without any means provided for it bringing any income. For how much would any man give for a section of land out here, for the rental of it, out here on these sagebrush plains? What will any gentleman pretend to say these 1303 sections of land would rent for, as they are now situated, without any water on them today? What gentleman is going to work and take a lease on these lands for a term of five years, as congress will doubtless restrict us to, to bring them into cultivation—how much rent will he pay for them? Will he do that at all? Will he not think that term too brief, and that it should be ten, fifteen or twenty years? Will he not consider that at the end of the time for which he has leased this land some other man may come in and bid more than he feels able to, and he lose his improvements? I don't think there is a gentleman on this floor, no difference whether he is a lawyer, doctor, preacher or merchant, but what has too much business sense to say he would give ten cents an acre rental for these lands in their undeveloped state. I don't think they will bring anything, and I don't think there is 500 acres in the whole domain of

school lands which is now in sagebrush without water to irrigate it that would rent for a dollar. What is a section of sagebrush land worth for pasture out here on these sagebrush plains? Who wants to preserve the grass within the boundary lines on that land bad enough to fence it, when he may steal the contents of it without paying rental for it? I do not think there is a gentleman here who will hold there can be any revenue derived from these lands. The only revenue to be derived from them is from those lands that are now in a condition that they may be cultivated; the lands under the Boise river, the same as the lands on the Wood river and the Snake river, in Latah and Nez Perce and northern Idaho, now aggregating about the amount of land which we have specified—about 75 sections. Now by placing it in the power of the legislature to provide for the sale of these lands, parties will come in and buy the lands, bring on irrigating ditches, improve them and build up homes. I can't see that there is any argument for their leasing these lands; I can't see that the gentleman has brought forward any figures. Of course it has been perhaps my misfortune not to have read law books but to raise potatoes, and I have sold a lot of sugar over the counter, but when it comes to working out a little problem of this kind I don't think my very slight education has prevented me from taking up these figures.

Mr. GRAY. Mr. Chairman, just a word more with reference to this. I believe a good deal in the man that lives in the present. I think as much of my children as of my grandchildren and my great-grandchildren, and to deprive the present people, poor as we are, of all the benefits that may be derived from the school lands, and give them to some of the generations to come—I can't exactly understand it. I am in hopes that this state, if it becomes a state, will be wealthy enough in time to support its schools. I do not want these lands frittered away. But here is the theory of the gentleman from Shoshone, that if you do loan the money you have got

to foreclose mortgages, you have got to even under good management, as it appears here from this bill, that they will loan it where the mortgage has got to be foreclosed, and expense incurred, that will take away all the profits of the rental.

Now in the first place I will say that there are very few of these lands subject to rental. When they begin to sell a portion of these lands at ten dollars per acre—perhaps, as has been said here, some of them are worth more—but the idea that we must hold these lands, which as he knows, and any man that knows anything about the country knows will not be marketable for years, without the state puts money upon them and irrigates them and clears them off, they cannot yield one single cent. Now if that money is put out at interest it will yield something. We do not propose to lose what they are sold for. But we do not propose to spend any money to put them into the condition that they are put for rental. And, as I say, the present generation deserves some attention. If it is put in the hands of our legislature to do its part, until the legislature prescribes different means, I say let them manage this matter, not hold these lands forever as they are now. For I do believe that if they are situated as they are now, without any money spent by the state which is to come from the sale of land somewhere, that they will remain as long as any of us live, as worthless as they are today. I care nothing about what he may say as to the tenantry of Europe or anything of the kind. I understand the situation here, I think, as well as anybody does. I know where the lands are situated, all the school lands in this section of the country, and without there is money spent there upon them they are not worth a dollar, and neither can they be rented for a dollar—not one single dollar. You take 640 acres, and you can't get anything for it; they are not worth fencing; they are worth nothing.

And now I ask him, when he says that if the money is loaned to a man that it will not be repaid, that you

will have to foreclose the mortgage, I ask him where there is a man who can go upon that very plain over there and take land for a dollar and a quarter an acre, that will give you anything more for this school land? He must be a business man. He knows the basis of rent now; and my own idea is that you can guarantee that it is not worth anything more than that, when he can go over here and get any amount of it for a dollar and a quarter an acre. And then you say, rent these school lands! They are unimproved, no water upon them, and then you say that they will go and seek them and put improvements upon them. A man that will do that is no man at all, because he never intends to pay his rent. As I say, I think as much of my children as I ever will of my grandchildren, I know. But if you cannot show me where we are going to derive any great benefit—I am not pleading poverty; I am able to pay my school taxes and do pay them, but I do say this, that young as we are as a state, commencing now, we ask that we may have some benefit from this. In any event, probably this state will be able to pay its school taxes just as much as we are.

Mr. CLAGGETT. May I ask the gentleman a question?

Mr. GRAY. Certainly.

Mr. CLAGGETT. As long as there are lands adjacent to school lands in this arid region capable of being settled on under the preemption or homestead laws, do you suppose you will be able to sell one foot of this land for any purpose whatever?

Mr. GRAY. Not that land, but there are some other lands that we can sell.

Mr. CLAGGETT. But it comes down now to this question of barren lands.

Mr. GRAY. Yes, the barren lands.

Mr. CLAGGETT. So far as the barren lands are concerned, it would make no difference about the question of the sale or rental of any of them. For no purpose would they be in demand, unless somebody wanted

to organize a syndicate to buy desert lands for nothing and then put water upon them.

Mr. GRAY. There are men who would buy these lands now if they could purchase them in large quantities, and they would pay a fair price for them, which the state would not derive during our lifetime. If they would purchase them for that and own them themselves they would be warranted in putting improvements upon them, but without the title being in them they certainly would do nothing of the kind. The man that has means to bring water there will, if they are his own lands, but he will not cultivate them for anybody else. It costs money to put water on land, and a poor man cannot do it.

Mr. CLAGGETT. Let me ask the gentleman another question. I know a poor man cannot do it, and because a poor man cannot do it on any of these lands he proposes to have sold, you would get nothing for them. They are absolutely worthless for all purposes until your large irrigating canals are constructed. But when these large irrigating canals are constructed, then they will be serviceable, not only to the lands of private proprietors but to other lands of the state as well, and therefore if you simply leave them in that condition where they are until these canals are constructed, then you give them an immense value. But if you go to work and allow them to be sold now, in anticipation of the construction of these canals, you fritter away your lands and have nothing when the canals are done.

Mr. GRAY. I do not ask that any of these lands shall be sold below the price fixed in the bill, the lowest possible price, but I say that if some of these lands can be sold at that price, although there may be lands that are worth more, but I say if they can be sold at the price fixed in the bill, it would be better for the state, better for the school fund, better for our present people anyway that they should be sold. I don't ask that they be frittered away. The bill has provided here that they may be bought at ten dollars per acre. And

when they can be sold at ten dollars an acre or over, I say there are plenty of these lands that had better be sold. And there may be men that would purchase these lands, if they can purchase them, even at that price, if they could own them, but they will not cultivate them on rental, and there will be nothing derived from them in any other way. (Cries of "Question").

Mr. MORGAN. I don't want to detain the convention of the committee in the discussion of this question long, or but very little longer, at any rate. It seems to me that this whole ground was gone over yesterday, and the committee decided by a very decisive vote that they did not want this proposition; and it seems to me strange that it has been presented again and pressed as strongly as it has been, and I am sorry to differ from the distinguished gentleman who has addressed the convention on this subject, but my view is that in this sagebrush country here you cannot rent these lands. They say you can't rent them for ten cents an acre. I say you can't rent them for ten cents a quarter section, for the reason that no man would put a fence around this land that he would be required to put upon it, for the use of it. It will cost him a dollar a rod to fence it. There are 1280 rods around a section of land, and there is not a man in this country that will take one of these sections of land that is nothing but sagebrush—unless there is water on it—and fence it, if it cost him but 50 cents a rod, for the use of it. If it cost him only twenty cents, there is no man in the country that has any business sense that will do it. That is the sagebrush land that I am speaking of. I don't know how the land may be in northern Idaho; it may be in a different position, but that is the fact with reference to this land. Now with reference to the land north of Pocatello, on the Snake river, that land can be sold at ten to twenty dollars an acre, and people will buy it and put ditches upon it and cultivate it and move their families on to it and pay their taxes. We are not going to fritter away this fund if we sell

this land. We have the power to appoint men who are supposed to be careful men to invest this money and put it in such a position that we will receive annual interest on it forever. This money will be just as safe as the land is, and will produce ten times as much rental as the land would. It is a proposition, it seems to me, that there can be but one side to. We cannot rent this land to tenantry; it must be sold and must be improved in that way, and we can put our money out at interest and make something from it; otherwise we can get nothing. I beg the pardon of the committee for detaining it so long. (Cries of "Question").

Mr. PARKER. There may be a great deal of truth in what has been said on this floor, and from that the interest on the purchase price of these lands would bring us more revenue than if we kept the title in the state and leased or rented them. But, Mr. President, there are more things than that to be considered. We must consider, for instance, that if these lands are sold it will put in the educational fund a large sum of money. We may as well agree, too, that while that sum of money is in the treasury it is a temptation to extravagance, Mr. President, and it is not only a temptation to extravagance in educational matters, but it is a temptation to the state treasurer who has charge of these funds to steal them and make way with them. (Laughter). I am in favor of having the state lands tied up so that this temptation to extravagance and dishonesty shall not exist. Mr. President, Governor Taylor of Ohio once said that it was easier to run a badger in a hole than to run a government with a surplus in the treasury, and that is an example of the thing if this measure is put into effect here. (Laughter). Now I say drop this idea of generosity and tie these lands up and put them under lock and key, so that we can put our hands upon them at any time. I say let us preserve the integrity of these school lands, and let us not act the part of a foolish business man and squander our capital. Let us rather preserve these

school lands as our principal, and from the annual interest derived therefrom we will have a large sum of money for our school expenses, almost enough, Mr. President, to pay the annual expenses of maintaining our public school system as it exists today. Mr. President, every mine that is opened in this territory, every new road that is completed, every settler that comes into the territory to make a home, every acre of land that is plowed and fenced, enhances the value of these school lands; and the tide of immigration is only just commencing to flow into the fertile plains and valleys of this territory. What brings all these people from Europe, Mr. President, what brings this tide of immigration from the eastern states into these western territories but the desire to acquire possession of land? Land is what brings them here, Mr. President. As Plato says, land is the source of all value. From it we derive our subsistence. It is the basis of all wealth, and when we die we return again to our Mother Earth. (Applause). Now, Mr. President, in my own bailiwick in northern Idaho—and I am pretty well posted there, I venture to say that if these lands are not tied up, every acre of valuable school lands in the counties of Idaho, Nez Perce and Latah will be owned one year after the first session of the legislature meets by a syndicate of Lewiston and Moscow bankers. (Laughter). I am not making any reflection on my friend from Latah county, Mr. McConnell. He is a business man, and if you sell these lands he will have the privilege that we all have of buying these lands and holding them for speculative purposes. (Laughter). But by and by, Mr. President, when all the lands are sold, we shall be in the position of a state without resources, a state without lands. My experience in Oregon teaches me the same thing. Adjoining my land in the county of Umatilla in the state of Oregon are school lands lying there today just as the Almighty left them ten thousand years ago. (Laughter). That section of school lands, Mr. President, adjoining my own quarter

section, a preemption right, is just lying idle, and it is owned by people in the Willamette valley, in the city of Portland. Now, Mr. President, I know the temper of my own people in my own bailiwick of Idaho county. They did not send me down here to give away these lands. I was expressly instructed by an almost unanimous vote of these people of mine to do what I could to preserve those school lands and to keep them for themselves and for their posterity. (Cries of "Question").

The CHAIR. I would like to ask Mr. Batten if his amendment was to the section as it stands or to the substitute?

Mr. BATTEN. It was a substitute to the section, and will come in after that is disposed of.

The CHAIR. Yes, if it comes in at all.

Mr. REID. I would like to hear it read.

The CHAIR. Will the secretary read it?

Mr. REID. I spoke of the one Mr. Claggett offered.

SECRETARY reads: "Section 10 (8). The title to all lands which may be donated to the state by the United States for the support of the public schools shall forever remain in the state, unencumbered, except as herein provided, and in trust for the benefit of the public school fund of the state. The legislature shall prescribe by law the terms and conditions upon which the said lands may be leased, but no lease shall run for a longer period than thirty years. The legislature shall by law as far as practicable preserve all leased lands from deterioration and secure the greatest amount of revenue from their use. This section shall not be construed to prevent the sale of all merchantable timber on the school lands of the state under regulations to be prescribed by law."

The CHAIR. Please read the substitute of Mr. Batten now.

SECRETARY reads: "It shall be the duty of the state board of land commissioners to provide for the location, protection, sale and other disposition of all

lands heretofore or which may hereafter be granted to the state by the general government. For the purpose of sale said board shall appraise all school lands within the several counties, first selecting and designating for sale the most valuable lands, and said board shall ascertain all of such lands as may be expected to become valuable other than agricultural, and shall cause the same to be separately classified and subdivided, in order that the highest price may be obtained therefor. No land shall be sold for less than its appraised value, and in no case for less than eight dollars an acre, and shall be sold at public auction to the highest bidder. Such lands as shall not be specially subdivided shall be offered in tracts of not more than 160 acres. All lands designated to be sold, not sold within four years after appraisal, shall be reappraised by the board of land commissioners as hereinbefore provided for before they are sold. No sale shall operate to convey any right or title to any land for sixty days after the date thereof, nor until the same shall have received the approval of the said board of land commissioners. The first legislature convening after the adoption of this constitution shall provide in detail the mode, manner, means and method of carrying this section into effect."

The CHAIR. The question is now upon the adoption of the substitute offered by Mr. Claggett of Shoshone. Are you ready for the question? (Cries of "Question"). (Division; rising vote shows 17 ayes, 31 opposed).

The CHAIR. The motion to adopt the substitute is lost. Was there a motion made to adopt the substitute of Mr. Batten? (Moved and seconded).

Mr. AINSLIE. I have an amendment to offer to the section. I don't know where it comes in.

The CHAIR. It has been the rule that all substitutes take precedence.

Mr. AINSLIE. Mine is an amendment to the original section.

The CHAIR. The question is upon the adoption of the substitute of Mr. Batten.

Mr. BATTEN. Mr. Chairman, I desire to explain it a moment or two. This section is substantially as Section 10 (8) now reads, with simply a little amplification. It leaves the details to the legislature, but fixes certain principles, certain general principles, establishes a certain system which the legislature cannot depart from. Now the features of that general system are simply this. We have provided here a board of land commissioners. That board will have certain definite duties prescribed for them when the legislature meets. Now I propose in this substitute to establish the system which the board of land commissioners, after they have had all the details of its working given to them by the legislature, shall carry out. Now by this system the board of land commissioners are authorized and directed to appraise these lands, but inasmuch as there are certain lands, for instance timber lands, of special value, they shall classify them separately and distinguish them from the general body of agricultural lands. Now in this appraisal they are limited; the minimum limit is eight dollars per acre. They can go beyond that if they see fit, and some of the lands can probably be appraised at a valuation of twelve dollars, some ten, some fourteen, as in the good judgment of this board may seem proper. That is one feature of it. Another feature is that after a certain length of time, four years, when probably, owing to the growth of the country, lands may increase in value, they can re-appraise the lands, such as have not been disposed of. Another feature of the system is that lands shall be sold at auction to the highest bidder. Another feature is that no title shall pass to the purchaser until the expiration of sixty days. That gives this board of land commissioners ample time to inquire into the responsibility of the purchaser, as to whether he is able to make good his purchase, under such terms, times and conditions as the legislature in carrying out the system here shall prescribe. It will give the board of land commissioners time to look into all this matter, to guard against fraud

of any kind, and simply pass title where they think the purchaser is entitled to it. That is in general terms the system which my substitute proposes. It is substantially the system which they incorporated in the Sioux Falls constitution for South Dakota.¹ I think it is an admirable one, and that it meets some of the objections I have heard urged on the floor. I will anticipate objection, probably, from the gentleman from Ada, Mr. Gray, who is so careful to see that no legislation shall creep into our constitution, by saying this, that I will admit some part of the system planned in this substitute is in the nature of legislation, but we cannot avoid that in all respects. We must at times, if we desire to be explicit upon certain matters, put some matters in the constitution which will savor strongly of legislation, and I simply propose to put in the general system, leaving all the details, the minutiae and rules of the system, for the legislature to prescribe, and I have stated here what the general system is. I think this provides safeguards which the section as it now reads has not provided. The section as it now reads leaves the whole matter open to the legislature; they may devise any scheme or plan which they may see fit; they may change the plan. One legislature may adopt one system, and a subsequent legislature may change the whole system and adopt something new, but my idea is to put up certain fixed barriers, certain well-defined principles as a sort of skeleton, and leave the filling in to be done by the legislature. I will propose after that to retain all of Section 10 (8), commencing with the word "No" in line 5, and call that Section 11—add that after this substitute.

I don't wish to take up any further time in this matter. It has been pretty thoroughly discussed, and I know the gentlemen are getting somewhat tired of it. It is however an important matter, and sometimes it is better to pass, and consider important matters thor-

¹—Const. So. Dakota, 1889, Art. 8.

oughly before we act upon them finally. (Cries of "Question").

Mr. HAMPTON. I desire to offer an amendment.

Mr. CLAGGETT. I want to call the attention of the gentleman from Alturas to one thing. This morning the convention, on motion of my friend from Nez Perce, adopted this amendment, which is now a part of this section, that no school lands shall be sold for less than ten dollars an acre nor in any other way except at public auction. As the convention knows, I am opposed to the whole principle of selling them at all, a single foot of them, but the convention has pledged itself, so far as this question is concerned, to the proposition of their sale, and it has not only done that, but provided right in here that no poor man shall ever buy any of these lands, that they shall be turned over to the speculators and syndicates. If you want to obtain a price for your land, sell it to the poor man on the instalment plan, and let him pay for it in twenty years' time, and allow the purchase money to bear interest.

Mr. BATTEN. That is for the legislature to provide.

Mr. CLAGGETT. But you have put it in your constitution that it shall be sold only at public auction.

Mr. McCONNELL. It can be sold on the instalment plan.

Mr. CLAGGETT. No sir. The language, sale at public auction, I take it is a legal phrase that has a well defined meaning, that cannot be wrested away from it in any way.

Mr. REID. By the amendment adopted this morning—which seems to have been adopted, there is full power given to this board to sell, how? At public auction. The sale has got to be in that way, which is the only limitation. The preceding section and this section itself gives to the board the right to sell and dispose—"or other disposition." I asked the gentleman this morning for an explanation. He was about to give it, and the chairman of the committee, Mr. Pinkham,

explained it, that they could sell, if they saw fit, in that way. Now this gives power to sell and dispose of these lands by sale, lease or any other way. Now we come in and put a limitation on it, how? Sell it, but sell it at public auction. Now the legislature may come in and provide that it may be sold on the instalment plan, and that is what I would do if I were the legislature—I would have the matter put in that condition—have the party show his good faith, become a settler as well as a purchaser. That cuts out speculators, and it cuts out syndicates too. But I would not have it less than ten dollars. My attention has been called to the fact that every enabling act passed for the other territories has that limitation in it, and also that the enabling act passed very favorably upon by the senate and house committee, admitting Idaho, has that identical section in it.¹ Now if the original clause is adopted, as the committee has adopted it, I propose to offer this amendment; to add at the end of Section 10 (8), changing the words adopted, to sell at public auction, to “sell it on instalments.” That is what you can do, fix the minimum price, and provide that no more than one section in each township shall be sold until the expiration of the ten years. That compromises the matter. You have then one section left in every township. Paying one-tenth down, it will take ten years to dispose of it, and if the system works well, then put up the other section. You are not then conveying away all the school land. You are trying the plan, and in ten years we can dispose of half of it in this way. Now when we get into the Union we are going to get more land granted us, if our delegate is diligent, and I know he will be, and I have examined the other enabling acts. We will get what we have, and more in addition. Then sell half and save half—try the plan. Invest this board with the right to dispose of your land at public auction on the instalment plan, which will let in the poor man

¹—Sec. 14, Platt amendment to Mitchell bill. See Appendix.

who actually settles. Fix the minimum price, and it should not be sold to the poor man or to the rich man for a cent less than ten dollars an acre. However, if you find the plan is not working well, if the amount of money you get is not sufficient, if there is a disposition to squander it—I have seen school funds squandered. I have seen funds given us by the United States to establish our agricultural college—the only fund left in our state—and it seems that Providence protected it. Public credit, private credit; public bonds, private bonds—all went down in sharp succession, but we had the patrimony left us by the general government, and I lived in a state where the legislature went in and paid themselves mileage at the rate of twenty cents a mile out of the children's money, to pay their own expenses. But this fund was saved for their patrimony.

If you do this way, then you have compromised the matter. Try both plans, and if you find the sale is working well during the ten years, then sell the balance. If it does not work well, you have half of your patrimony left.

Mr. CLAGGETT. Making a suitable change for the instalment plan.

Mr. MORGAN. That already adopted provides that half shall be sold.

Mr. REID. That was stricken out, only that part I mean left in which says it shall not be sold for less than ten dollars.

Mr. BATTEN. I am willing by common consent to substitute ten for eight dollars, and then if my substitute should prevail, I would propose to offer this balance of Section 10 (8) as an independent section, numbered 11, with the words "public auction" stricken out, inasmuch as it appears in the substitute. (Cries of "Question").

Mr. HAMPTON. I would call for the reading of the amendment I sent up.

The CHAIR. Do you offer this as an amendment to the substitute?

Mr. HAMPTON. I do.

The CHAIR. It was not adopted.

Mr. ALLEN. I call for the reading of it.

SECRETARY reads: To amend the substitute of Batten by adding "Provided that the title of at least one-half of all lands granted to the state for school purposes shall forever remain in the state."

The CHAIR. There is no support to the amendment offered.

Mr. CLAGGETT. I second the amendment.

Mr. GRAY. I would like to hear the substitute read.

Mr. CLAGGETT. I seconded the last paper that was just read.

The CHAIR. Well, it is hard to tell whether they are motions or what they are. There are amendments to the substitute, and a substitute for the substitute, and amendment to amendment, and we will never get to a regular vote upon the main question.

Mr. CLAGGETT. I understood the gentleman from Bingham, Mr. Anderson, sent up an amendment a long while ago, and that was the amendment I believe which has just been read, that one half the lands shall never be sold.

Mr. ANDERSON. No, that was not my amendment.

The CHAIR. I desire to state that I understand that when a substitute to a section is offered, that that substitute takes precedence of an amendment to the section. If you adopt the substitute, then the amendments to the section are cut off. You will never get this matter settled if these continual amendments are sent up, as numerous as they have been heretofore. The question is upon the adoption of the substitute of Mr. Batten. (Division. Rising vote shows 12 ayes, 34 opposed). The substitute is lost. The question is now upon the amendment proposed to Sec. 10 (8). (Cries of "Question").

The CHAIR. Question upon what?

Mr. MORGAN. On the amendment.

The CHAIR. On what amendment? The clerk will

please read the first amendment to the section, taking them up in order.

Mr. VINEYARD. That was Mr. Anderson's.

The CHAIR. I don't know whose it was; there are about twenty.

Mr. AINSLIE. I offered the last amendment, before that vote on Mr. Batten's substitute.

The CHAIR. Mr. Clerk, read those.

The SECRETARY. We have the amendment by Anderson, followed by the substitute which was offered by Mr. Heyburn. There is an amendment by Mr. Parker, and also a substitute which has been disposed of. Then we had Mr. Batten's substitute, which has been disposed of. Mr. Ainslie sent up an amendment to Section 10 (8), and Mr. Hampton sent up an amendment to the substitute, which was read. If you go back to the amendments in order, Mr. Anderson's is the one. Disposal of the substitute disposes of the amendment offered by Mr. Hampton. Mr. Ainslie's amendment is: Amend Section 10 (8) by inserting after the word "time" in the 13th line the following: "not to exceed twenty sections in any one year, and subdivisions of not to exceed 160 acres to any one person, company or corporation." Mr. Anderson's amendment is: Amend Section 10 (8) by adding after the word "grants" in the 14th line, the following: "*Provided*, That no other land than Section 16 in each township be sold during the first twenty years."

The CHAIR. What is the pleasure of the committee?

Mr. REID. I move Mr. Anderson's amendment be adopted.

Mr. McCONNELL. That would prevent the sale of university lands entirely, and any grants that may be made for agricultural college purposes, or any other purposes, except just that one section in each township of school land. I desire that the committee vote intelligently on it. It would cut out the state from selling any of these other lands.

Mr. CLAGGETT. The reservation of Sections 16 and 36, granted to the common schools, has nothing to do with the university lands.

Mr. McCONNELL. Well, those are lands of the state.

Mr. AINSLIE. I would like to have the amendment of Mr. Anderson read, and then my amendment to follow, read afterwards, to see if they cannot both go together as a proper amendment to be consolidated.

SECRETARY reads: Amendment of Mr. Anderson. Amend Section 10 (8) by adding after the word "grants" in the 14th line, the following: "*Provided*, That no other land than Section 16 in each township be sold during the first twenty years." The amendment by Mr. Ainslie to amend Section 10 (8)——

Mr. AINSLIE. Just read the words I propose to insert.

SECRETARY reads: "——not to exceed twenty sections in any one year, in subdivisions of not to exceed 160 acres to any one person, company or corporation."

Mr. AINSLIE. If the gentleman will consent to an amendment to his, I will strike out the first part of mine, as to where it is inserted, and consolidate it with his.

Mr. ANDERSON. I will accept that consolidation.

The CHAIR. The question is then upon the adoption of the amendment.

Mr. HASBROUCK. Now let us have it read as it will appear.

SECRETARY reads: Amend Section 10 (8) by adding after the word "grants" in the 14th line the following: "*Provided*, That no other land than Section 16 in each township be sold during the first twenty years, not to exceed twenty sections in any one year, in subdivisions of not to exceed 160 acres to any one person, company or corporation."

Mr. TAYLOR. In order to obviate the objection Mr. McConnell makes, would it not be well to amend that to make it read "no other school lands?"

Mr. CLAGGETT. I think that was the intention of the mover.

The CHAIR. The question is upon the adoption of the amendment; is the committee ready for the question? (Cries of "Question." Upon rising vote, 25 ayes and 24 nays).

Mr. GRAY. I have an amendment.

The CHAIR. There is an amendment proposed by Mr. Parker to Section 10 (8).

SECRETARY reads: Section 10 (8). It shall be the duty of the state board of land commissioners to provide for the protection, lease or rental of all the lands heretofore or which may hereafter be granted to the state by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible revenue therefrom. No laws shall ever be passed by the general assembly granting to any person or persons who may have settled upon any such public lands subsequent to the survey thereof by the general government, by which the revenue to be derived therefrom shall be diminished, directly or indirectly. The general assembly shall at the earliest practicable period provide by law that the general grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust for the use and benefit of the special objects for which said lands were granted. The title to all such lands shall remain forever vested in the state, and they shall never be encumbered by lien or mortgage for any purpose whatsoever. The general assembly shall provide for the lease or renting of any of said lands from time to time, and for the faithful application of the proceeds therefrom in accordance with the terms of said grants. (Cries of "Question").

Mr. BRIGHAM. There is an amendment I wish to offer.

The SECRETARY. There was an amendment laid on the desk by Mr. Gray.

The CHAIR. Is this an amendment to the one just offered?

Mr. BRIGHAM. No sir.

The CHAIR. The question is upon the amendment offered by Mr. Parker. (Cries of "Question." Vote). The amendment is lost.

SECRETARY reads Mr. Gray's amendment: Strike out in the second line the words "other disposition," and insert in lieu thereof "fair rental."

The CHAIR. Is the amendment supported.

Mr. CLAGGETT. I second it and move its adoption.

Mr. GRAY. The phrase "or other disposition" is a little too uncertain. It would then read: "for the location, protection, sale or fair rental of lands" and so forth. I object to those words "or other disposition." I don't wish the legislature to have the power to mortgage them. (Cries of "Question." Vote, and carried).

The CHAIR. The amendment is adopted. The question is now on the amendment proposed by the gentleman from Latah, Mr. Brigham.

SECRETARY reads: Amend Section 10 (8) by adding "*Provided*, That none of said lands shall ever be sold to other than actual settlers."

The CHAIR. Is the amendment supported?

Mr. McCONNELL. I second the motion. (Cries of "Question." Vote).

The CHAIR. The noes have it; the motion is lost.

Mr. AINSLIE. I now move the adoption of the section as amended.

Mr. GRAY. Let's have it read.

SECRETARY reads: Section 10 (8) as amended. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or fair rental——"

Mr. GRAY. Well, the fair lease or fair rental of all the lands.

The CHAIR. How does the amendment read?

The SECRETARY. "Fair rental" in the second

line. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale——

Mr. GRAY. Strike the word "fair" out.

SECRETARY reads: It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore or which may hereafter be granted to the state by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor; *Provided*, That no school lands shall be sold for less than ten dollars per acre. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon such public lands subsequent to the survey thereof by the general government, by which the amount to be derived by the sale or other disposition of such lands shall be diminished, directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the general grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective objects for which said grants of land were made, and the general assembly shall provide for the sale of said lands from time to time and for the faithful application of the proceeds thereof in accordance with the terms of said grants; *Provided*, That no other land than Section 16 in each township be sold during the first twenty years, not to exceed twenty sections in any one year, in subdivisions of not to exceed 160 acres to any one person, company or corporation.

A MEMBER. Mr. Chairman, I wish to offer an amendment to lines 11 and 13, to make it conform. Strike out in line 11 the words "at public auction" and in line 13 the word "sale," and insert "disposition."

The CHAIR. Is the amendment supported? There seems to be no support. The question is now upon the

adoption of this section as amended, unless there are some other amendments.

Mr. ALLEN. Mr. Chairman, it seems to me that this includes all grants of land to the state, if I understood the purport of the article. Is that true? If that is true, we are prohibiting the state from selling any lands granted for irrigation or other purposes, except Section 16, which are school lands. I think we have become confused somewhat in regard to the true character of the lands. Now by the provisions of the admission bill, a grant of lands was provided for, for the purpose of reclamation.¹

The CHAIR. This convention cannot make any disposition of lands except those already granted to the state, which are school lands.

Mr. ALLEN. It says "or which may hereafter be granted."

Mr. TAYLOR. I offer this amendment: Strike out in line two the word "the" and insert "school" therefor.

Mr. REID. I second the amendment. (Vote).

The CHAIR. It is adopted. Are there any other amendments?

A MEMBER. I offered an amendment to line 11. It reads "subject to disposition at public auction." You will see by reading the fore part of the section——

Mr. SHOUP. I move that the committee rise, report progress, and ask leave to sit again.

The CHAIR. The gentleman is out of order; there is a gentleman on the floor addressing the chair.

A MEMBER. The amendment was to make it conform to the spirit of the fore part of the section; that provides for their disposition and sale.

The CHAIR. There is no question before the committee. I call the gentleman to order.

Mr. BEATTY. I move the adoption of the section as amended.

¹—Sec. 25, Mitchell bill. See appendix.

The CHAIR. It is moved and seconded that the section be adopted. (Vote). The ayes have it and the section is adopted. It is moved and seconded now that the committee rise, report progress, and ask leave to sit again.

Mr. SHOUP. I will withdraw the motion.

Mr. GRAY. I will make the motion. (Seconded).

The CHAIR. It is moved and seconded that the committee rise, report progress, and ask leave to sit again. (Division shows 21 ayes, 26 nays). The motion is lost.

SECTION 9.

SECRETARY reads Section 11 (9).

Mr. GRAY. I ask to be excused, Mr. Chairman.

The CHAIR. The gentleman will be excused, if there is no objection.

Mr. GRAY. Well, there seems to be objection.

The CHAIR. Then take your seat. It is moved and seconded that Section 11 (9) be adopted. (Carried).

SECTIONS STRICKEN OUT.

SECRETARY reads Section 12, and it is moved and seconded that the same be adopted.

Mr. CLAGGETT. I move to strike that out. It has nothing to do here; that should be left to the legislature.

Mr. GRAY. I second the motion.

The CHAIR. It is moved and seconded that Section 12 be stricken out. (Division shows 35 ayes, 11 nays). The motion prevails.

SECRETARY reads Section 13.

Mr. CLAGGETT. I move to strike that section out. (Seconded).

The CHAIR. It is moved and seconded that Section 13 be stricken out. (Vote and carried). The section is stricken out.

SECTION 10.

SECRETARY reads Section 14 (10), and it is moved and seconded that the same be adopted.

Mr. CLAGGETT. I move to strike that out.

Mr. BEATTY. I move to strike out a portion of it.

Mr. SWEET. I will offer a substitute, which I will read: "The location of the university of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchises and endowments heretofore granted by the territory of Idaho are hereby perpetuated unto the said university. The regents shall have the general supervision of the university and exclusive control and direction of all the funds of, and appropriations to the university, under such regulations as may be prescribed by law." I move its adoption. (Seconded).

The CHAIR. It is moved and seconded that the substitute offered be adopted.

Mr. CLAGGETT. It was all well enough for the territory of Idaho to provide for franchises and so on in regard to this university at Moscow, because the territory of Idaho through its legislature had the full power to modify, change or repeal those provisions at any time; but when we come in here and make it a part of the organic law of the state perpetuating the territorial status, and taking the whole subject of the control of the university and university funds away from the legislature and away from any and every other authority, and of the lands also given to the university, I think we are going altogether too far, and I offer as a substitute that the section be stricken out, and the whole matter can be left to the legislature, just as it is left to the legislature now, which is where it ought to be left.

Mr. SWEET. The substitute does leave it to the legislature, and directs that all appropriations and moneys appropriated to the university shall be handled by the regents as prescribed by law. It simply con-

firms an act that has been already accomplished, and does not take from the state of Idaho any control over this institution, nor do we seek to do it.

Mr. BEATTY. Mr. Chairman, I was about to make a motion to amend by striking out the last part of this section. Now the substitute of the gentleman from Latah is open to the same objection. What I desired stricken out from the section is this: "The regents shall have the general supervision of the university and the exclusive control and direction of all the funds of and appropriations to the university." That part I wished stricken out of this section, or, if this substitute is offered, to strike the same part out of the substitute, but I believe the amendment of the gentleman from Shoshone is the proper one, to strike the whole section out, because the provisions of the first part of the section is simply reiterating what the law now provides. The laws already grant certain rights and immunities to this university, and it is unnecessary to repeat that same thing here in the constitution which the laws now provide,¹ and which this constitution will not repeal. Therefore instead of offering any amendment to the substitute or the original section, I support the amendment of the gentleman from Shoshone to strike the entire section out.

Mr. SWEET. It is very peculiar that it is not thought necessary to strike out all other provisions with reference to the insane asylum and other institutions that have been created by the territorial legislature. It seems to me that it is absolutely proper and right to confirm these sections, or reject them, if the convention sees fit to do so.

Mr. MORGAN. I would like to have the substitute read again.

SECRETARY reads: The location of the university of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchises and

¹—Act of Jan. 30, 1889; Sess. Laws 1889, p. 21.

endowments heretofore granted by the territory of Idaho are hereby perpetuated unto the said university. The regents shall have the general supervision of the university and the exclusive direction of all the funds of and any appropriations to the university, under such regulations as shall be prescribed by law.

Mr. REID. They went so far even as to provide for the location of the penitentiary before the government turned it over to us, and there is no state in the Union that has a university system that does not provide for it in its constitution, and part of it at least should be adopted, that part which locates and establishes the university, which simply goes so far as to say that the university is established, and then puts it upon the legislature to support and maintain it. Now the capital is located, the insane asylum is located, in the same bill, and no objection was made to that. I am in favor of this, and the main reason is because it located this university. It does not locate every branch of it that may be established under it—we may want branches established in other places—but this establishes a permanent university and provides for the general control of it. I am as much in favor of striking out legislation as anybody, but I don't want it left to the legislature to come in here, if we do not put it in the organic law, and change the location of this university. I am in favor of its staying where it was put. It went there by the unanimous consent of the people, almost, through the legislature, and we want it to remain there in northern Idaho. The other institutions of the state are down here in southern Idaho, and permanently located by this instrument, and I want this instrument to speak out as plainly for any institution we have in the north as it does for the institutions we have in the south.

Mr. AINSLIE. It seems to me that the provisions of this Section 14 (10) are within the province of the committee on Schedule, for this committee to take up, as they are to report (reading) "the manner and time of the submission of the constitution to the people for

adoption, and to consider and report the preservation of existing rights and existing laws in the transition of the territorial to a state government" etc. I do not believe there is any probability of the rights of the University of Idaho being interfered with. I suppose the decision of the Dartmouth College case would govern that; it is liable to be good law yet. I think the motion to strike out is correct.

Mr. BEATTY. I do not want to be understood as aiming or attempting to injure the university; that is not the object of the suggestions I made at all. I claim that the provisions in that section there are simply what the law now guarantees to that university. I propose to strike out the authority and power given the regents, because the sections above that with reference to the appointment of regents are stricken out, and, more than that, I would not be willing to leave this authority and power in the hands of the regents; I would rather strike it out entirely.

Mr. REID. I call the gentleman's attention to the fact that the danger of arbitrary power is limited by the words "as prescribed by law."

Mr. BEATTY. Yes, but I will ask the gentleman then, why put it in? Why name the regents, and at the same time leave their power——

Mr. REID. I have no particular desire to put that part in; I don't think it does any good or any harm. All I want in is the location of the university to be established, and I want the place fixed.

Mr. BEATTY. Well, I think the place of the university is fixed, and I do not suppose anybody proposes to change that, and I do not suppose anyone proposes to interfere with the rights and immunities already granted by the legislature.

Mr. REID. I think the gentleman who offered the substitute does not care particularly about that part of it, and I would suggest that he drop that part of it, so far as the powers of the regents are concerned. After the establishment of the university, it follows that it

can come in clothed with the machinery and powers necessary, and he could leave that part of it out; but there is a part, the establishment of the university, its location and the form of its government, which is important.

Mr. BEATTY. If that is all the gentleman desires, I have no objections, for one, to that; only I think it is unnecessary to repeat in the constitution; but if they desire it and it is any benefit to them, or more permanently secures the institution to them, certainly leave it in; but I do not think it does. I think their rights are already fully provided for. But if that substitute goes in, I would insist on having stricken from it the last clause furnishing the regents all their power, commencing with the words: "the regents shall have," and so on.

Mr. SWEET. That is practically the law as it is now. Mr. Chairman, when this question was before the convention the other day on another article, it was so broad as perhaps to induce the convention to believe that there was a desire on the part of the friends of that institution to prevent any co-ordinate branch of that institution ever going to any other portion of the territory. It occurred to me in reading over this bill that the same objection might be raised to Section 14 (10). I therefore consulted the chairman of the bill and told him I believed it raised that difficulty, and asked permission to submit a substitute that I thought would obviate that objection. That substitute I have now submitted. I do not care particularly about those words submitted by Judge Beatty; it is the substance of the law as it now exists. So far as Mr. Ainslie's point is concerned, that would also go to the question raised by Judge Beatty. All I desire is, the authority under this constitution to transfer that institution, just the same as the committee on Schedule will transfer the insane asylum and the penitentiary and the capitol to the people of the state, together with the location of those institutions.

Now this provision is less specific, it does not go as far as the other articles in this constitution locating these public buildings, and I do not care that it should, because I do not wish to legislate in the matter myself, but I have simply submitted it, and I am not caring about striking out Sections 12 and 13 because Judge Claggett says they are legislation—they are all provided in this bill—which, after the substitute is adopted we can report through the committee on Schedule, as was suggested by Mr. Ainslie.

There is nothing unfair in this substitute; there is nothing in it under which the present management of the university can cut off any co-ordinate branch of that institution, and so far as I am concerned I would be most happy to see a very prosperous and successful co-ordinate branch of it in every city in Idaho; because I do think, with our climate, with our peculiar resources, our peculiar location, we should have the finest state from an educational point of view in the Union. I believe we can have it. We have commenced without running in debt; we have commenced the building of the state university. We can commence pretty soon on its co-ordinate branches without running in debt, and in a very short time we can have a reputation second to no state on the coast, having our educational advantages, and at the same time not being in debt one solitary cent for them. And I beg leave to suggest to the convention, and I believe you will accept it if true, that there is no institution in connection with this state, there is no feature of the state, if we are admitted into the Union, that will be more cherished by the people of this country who are seeking homes, than first class educational institutions; and this simply emphasizes what the legislature has said upon that proposition, without robbing or intending to interfere in the location of any co-ordinate branch in any part or portion of the state. And when it comes to that particular work of building up the educational interests of Idaho, you will find the people of Moscow and that portion of the

territory generally, who I dare say are as much interested in the educational progress of the territory, and who already take great pride in building up this institution, ready to help any other part of the territory to some co-ordinate branch of that institution.

Mr. SHOUP. I would like to hear the substitute read.

SECRETARY reads the substitute again.

Mr. BEATTY. I desire to make an amendment to that last clause first.

The CHAIR. The question is upon the adoption of the substitute.

Mr. CLAGGETT. I would like to ask the gentleman if he would be kind enough to strike out that word "exclusive" in the last line?

Mr. SWEET. Yes, I will do that.

Mr. BEATTY. Well, that is all we ask.

Mr. SHOUP. I will say, in regard to this section, that it is precisely the same as a section in the constitution of Minnesota.¹ That territory had also a territorial university just as we have, and it was transferred to the state when Minnesota became a state, and this section is copied verbatim from the constitution of Minnesota. (Cries of "Question").

The CHAIR. I understand that it is stricken out by consent?

Mr. SWEET. Yes, it may be stricken out, the word "exclusive."

The CHAIR. The question before the committee is upon the adoption of the substitute of Mr. Sweet. (Vote and carried). The substitute is adopted.

SECTIONS STRICKEN OUT.

SECRETARY reads Section 15.

Mr. CLAGGETT. I move to strike it out. It is mere legislation. It is embraced in every school law in the United States. And Section 16 is substantially

¹—Const. Minnesota, 1857, Art. 8, Sec. 4.

the same thing, prohibiting the legislature or anybody else by law from prescribing what books shall be used.

Mr. AINSLIE. I second the motion to strike out Section 15. (Vote and carried).

SECRETARY reads Section 16.

Mr. SHOUP. I move to strike it out.

Mr. CLAGGETT. I second the motion. (Cries of "Question." Vote and carried).

The CHAIR. Section 16 is stricken out.

The SECRETARY. Mr. Parker sent up a substitute for Section 16.

The CHAIR. I think, gentlemen, It might be proper to listen to the substitute for Section 16; it might be something——

Mr. REID. Mr. Parker arose to address the chair before the motion was put, but he was not seen.

SECRETARY reads Parker's substitute for Section 16: The board of commissioners shall have power to prescribe the text-books to be used in the public schools of their respective counties under legislative regulations; *Provided*, That in counties where universities, independent school districts or night schools exist, the said power shall reside in the faculty thereof.

Mr. CLAGGETT. Mr. Chairman, I move the adoption of the substitute as Section 16. I think the board of education are proper persons to——

Mr. McCONNELL. He says the board of commissioners.

Mr. CLAGGETT. Well, that makes it still worse.

The CHAIR. It is moved and seconded that the substitute be adopted as Section 16, offered by Mr. Parker. (Cries of "Question." Vote and motion lost). The substitute is lost.

SECTION 11.

SECRETARY reads Section 17 (11), and it is moved and seconded that the same be adopted.

Mr. AINSLIE. I offer this amendment: In line 2 strike out "farm lands" and insert "real estate." I

suppose they can loan on real estate in a city as well as on farm lands. (Seconded).

The CHAIR. It is moved and seconded that——

Mr. AINSLIE. There is a suggestion made by the gentleman here; I think it should be “improved real estate within the state of Idaho”—not loan it outside the state.

Mr. REID. I offer an amendment to the amendment, to add: “or bonds of the state of Idaho.”

Mr. BEATTY. I have just one suggestion on that, Mr. Chairman. “Improved real estate” would include, as a matter of fact, town lots or other improvements. I am afraid that in these days of fires, when everything is swept away, that would leave the school fund without any protection. I believe “farm lands” was better.

Mr. HEYBURN. Mr. Chairman, with reference to that, it seems to me that the amendment which has been accepted by the gentleman from Idaho, offered by the gentleman from Nez Perce, including real estate of all kinds within the state, and state indebtedness in the shape of bonds, would certainly be a wise provision. It is very certain that our state bonds will be a good investment. I can think of no better or safer investment than our own indebtedness, and as to what the gentleman from Alturas says, that the loans ought not to be made upon town property because the buildings may be destroyed, I take it that the powers that loan this money will see to it that the portion of the value represented by the buildings will be covered by insurance policies.

Mr. McCONNELL. I hope this amendment will not be adopted. I think this is one of the most important sections in this act. You are well aware of the past history of this territory, of the history of our mountain towns particularly. My first experience in loaning money in this territory was in the town of Placerville, six months after I placed that mortgage on that property there I could not have got two bits on the dollar for it, and I never did get a cent out of it. The value

of property in the town went down; and there was where the trouble came in with the Oregon funds, referred to the other day—that was not sufficiently secured. I refer to an institution in Baker City, where they had improved real estate there, and an educational institution, and I remember they wanted and they got a loan from the state treasury of the school money, and it was a loss to the state—an entire loss. The loan that was on a lot of real estate in the hills west of Portland was a loss; and I do not see any security that is permanent, real security, other than perhaps the territorial bonds and improved farm property. There might be on some business street, particularly in a city like Boise, or in some of the towns in agricultural districts, loans that will be all right, but it will be many a year before that time will arrive, when a better rate of interest can be acquired on farm loans, and the investment made more safely than on any other loans in the territory. The objection to loaning them on state bonds is this, that while the state might be benefited by using the money at a low rate of interest, the school fund would be injured by it, because it would reduce the rate of interest below that made upon farm lands.

This is a matter that should not be passed upon hastily. While it may be desirable to distribute this money around in different parts of the country where there are not good farm lands to be found, as a matter of justice to the children we should pass upon this very coolly and intelligently.

Mr. ANDERSON. Mr. Chairman, I have an amendment to offer to Section 17 (11).

The CHAIR. The question before the committee is the adoption of the amendment proposed by the gentleman from Boise, Mr. Ainslie. (Cries of "Question." Vote).

The CHAIR. The ayes seem to have it. (Rising vote shows ayes 18, opposed 24). The amendment is lost. The question is now on the amendment of Mr. Reid.

Mr. CLAGGETT. I will offer as an amendment to insert after the words "farm lands" the words "or bonds of the state."

The CHAIR. There is an amendment by Mr. Anderson, which the secretary will read.

SECRETARY reads: In Section 17 (11), line 1, after the word "monies" insert "not needed for current purposes."

Mr. BEATTY. I ask what has become of the amendment proposed by Mr. Reid?

The CHAIR. That was incorporated, I understand, in the amendment by Mr. Ainslie.

Mr. ANDERSON. Mr. Chairman, I desire the secretary to put in the word "current *school* purposes."

Mr. McCONNELL. The bill provides that the interest shall be divided among the counties and the principal shall remain intact. It is the object to use the interest of this fund among the different schools of the state.

Mr. REID. The way the section reads now, it includes every dollar collected for school purposes, even the per capita taxes—all monies belonging to school and university funds. You levy taxes for any purpose, school purposes or university funds, it says they shall be loaned; there is no portion left. You must loan it out and use the interest for each year collected. The amendment offered by Mr. Anderson covers that case exactly; it says all monies not needed for current school expenses. I take it the object of this section was, that all the money derived from the sale of lands and so forth shall constitute a permanent fund, but the way the section is drawn, it says all monies belonging to school and university funds.

Mr. VINEYARD. That was the object of it exactly, as Mr. Reid states it. There is no limit here at all; it makes it, all the money to be loaned out.

The CHAIR. The question is upon the adoption of the amendment proposed by Mr. Anderson; are you ready for the question? (Cries of "Question." Vote).

The chair is in doubt. (Rising vote shows ayes 31; number of noes uncertain).

Mr. CLAGGETT. I just rise for the purpose of calling attention to the fact that this amendment does not reach the point. Putting it "all monies not needed for current school purposes" would still leave it subject to the objection that the principal of the public school fund derived from the sale of land could be distributed around to pay current expenses.

Mr. REID. You are right about that too.

Mr. CLAGGETT. We have gone as far wrong this way as we were the other way before. "All monies belonging to——"

Mr. REID. I think that section should be drawn over again.

Mr. CLAGGETT. I move that the committee now rise and recommend to the committee to draw a substitute for the section here, ready to report tomorrow morning; that the committee now rise, report progress and ask leave to sit again. (Seconded and carried).

CONVENTION IN SESSION.

Mr. PRESIDENT in the Chair.

Mr. MAYHEW. I am instructed by the committee of the Whole to make the following report: Mr. President, the committee of the Whole have had under consideration the report of the committee on Education, have come to no conclusion thereon, and ask leave to sit again.

The CHAIR. If there is no objection the report of the committee of the Whole will be received and lie upon the table. It is moved and seconded that the convention now adjourn until tomorrow morning at nine o'clock. (Carried).

SEVENTEENTH DAY.

WEDNESDAY, *July 24, 1889.*

Convention called to order by the President.

Prayer by the chaplain.