

SECOND DAY.

July 5, 1889, 10:00 o'Clock A. M.

REPORT OF COMMITTEE ON CREDENTIALS.

The CHAIR. The convention will please come to order. I believe the first thing in order this morning is the report of the committee on Credentials. As I understand it, the committee is in the hall. We will await their coming in for a moment.

(Enter committee on Credentials).

The CHAIR. Gentlemen, the first business in order is the report of the committee on Credentials. Are you ready to report?

Mr. HEYBURN. Your committee on Credentials beg to report that they find the following persons entitled to seats in this convention as delegates from the several counties of this Territory:

Ada County,

W. C. Maxey,

John S. Gray,

Edgar Wilson,

John Lemp,

A. B. Moss,

Chas. A. Clark, Isaac N. Coston.

P. J. Pefley,

Frank Steunenbergh.

Alturas County,

O. B. Batten,

L. Vineyard,

Patrick McMahan,

Jas. H. Beatty,

A. J. Pinkham,

J. W. Ballentine.

Boise County,

J. H. Myer,

Fred Campbell,

Geo. Ainslie.

Bear Lake,

J. L. Underwood.

Bingham,

W. H. Savidge.

F. W. Beane,

H. B. Kinport,

J. T. Morgan,

H. O. Harkness.

Logan County,

J. S. Whitton,

Henry Armstrong,

W. C. B. Allen.

Owyhee County,

Samuel J. Pritchard,

Chas. M. Hays,

J. I. Crutcher.

Shoshone County,

W. B. Heyburn,

W. H. Claggett,

W. M. Hammell,

S. S. Glidden,

W. W. Woods,

A. D. Bevan,

Alex E. Mayhew,

G. W. King.

Kootenai County,

Henry Melder,

Albert Hagan,

W. A. Hendryx.

Washington County,

Sol. Hasbrouck,

E. S. Jewell,

Frank Harris.

Custer County,

O. J. Salisbury,

A. J. Pierce,

A. J. Crook,

James M. Shoup.

Cassia County,

H. S. Hampton,

J. W. Lamoreaux.

Elmore County,
 Frank P. Cavanah,
 A. M. Sinnott,
 Homer Stull.

Lemhi County,
 N. I. Andrews,
 Thos. Pyeatt,
 John Hogan.

Nez Perce County,
 J. M. Howe,
 J. W. Reid,
 J. W. Poe.

Latah County,
 Willis Sweet,
 W. J. McConnell,
 J. W. Brigham,
 W. D. Robbins,
 H. B. Blake,
 A. S. Chaney.

Oneida County,
 D. W. Standrod,
 John Lewis.

Respectfully submitted,

W. B. HEYBURN,

Chairman.

Your committee further begs to recommend to this convention that the Honorable E. A. Stevenson be admitted as a delegate at large and as such be entitled to a seat in this convention.

The CHAIR. Gentlemen, what will you do with the report?

Mr. PINKHAM. I move that the report be received and adopted as read. (Seconded).

The CHAIR. Gentlemen, you have heard the motion. Are you ready for the question?

Mr. BEATTY. I move an amendment to that motion, to strike out the latter part of the motion, so that the report be simply received. I have a motion to make supplementary to that. I will state here my object in mak-

ing that amendment. I have been informed by a number of gentlemen in this place, in whom I have confidence, that if the committee in the case of the contest in Ada County will settle the number of members to be represented from each party, that the delegations among themselves could then very soon select the gentlemen of those delegations, and it is clear, as represented to me, that it will give more satisfaction to the members of the different parties here. I will state, however, that they were republicans who so stated to me that it will give more satisfaction to the members of the republican party if the interested members who are selected as delegates be allowed to settle among themselves who shall represent them. If the committee on Credentials should fix the number five, they then could select the five. I move that this committee be allowed an hour in which to settle this matter, and in the meantime, the report of the committee be simply received. (Seconded).

The CHAIR. It is moved and seconded that the part of the motion relating to adopting the report be stricken out. You have heard the motion. Are you ready for the question?

Mr. CAVANAH. I would like to have that part read.

The CHAIR. Will you read us the motion including your amendment, Mr. Beatty?

Mr. BEATTY. The motion of my colleague here was simply that the report of the committee be received and adopted. My amendment is simply that the report of the committee be received and not adopted. That is all there is of it. The adoption may be acted upon later. It is not to set aside the report of the committee at all. If my colleague will accept the amendment, then the motion is simply this, that the report of the committee be received. It is then before the body for action.

Mr. PINKHAM. With the consent of the chair, I have no objection to accepting the motion as amended by my colleague, but will stand upon that and let the motion go before the house in the way he presented it.

The CHAIR. As there is no objection to the amendment as adopted, gentlemen, are you ready for the question? The motion now is that the report of the committee on Credentials be received. (Vote, and motion carried).

A MEMBER. I will move you, Sir, that the members selected from Ada County be allowed one hour in which to agree upon the names that shall be reported to this convention as the delegation. I understand the report of the committee presents the name of five republicans out of nine, and four democrats out of the nine to be selected from Ada county. I move now that the republican members be allowed one hour in which to select the five that shall represent them, and the democratic members of the delegation be allowed the same time, if desired, for the same purpose. If at the end of that hour they have not agreed upon the names of the parties who shall act as delegates here, then the convention will summarily adopt the report of the committee. (Seconded).

The CHAIR. Gentlemen, you have heard the motion. Are you ready for the question? (Question). Vote, and carried.

The CHAIR. The motion is adopted.

A MEMBER. As the gentlemen are permitted to have one hour in which to settle this matter, I now move this convention adjourn until 2 o'clock this afternoon. My object is this: That both parties, I think, have a desire to confer as to the officers that will proceed as permanent officers of this body, and I do not know whether the republicans have determined upon the selection of their officers or not; the democrats have not got together and have made no selection as yet and they desire until two o'clock in which to agree among themselves as to whom they will place in nomination as officers of this body. That is the object of my motion. (Seconded).

The CHAIR. It has been moved and seconded that we now adjourn until 2 o'clock this afternoon. (Vote).

A division is called for. On rising vote, the motion is lost.

Mr. McCONNELL. I move you, sir, that this convention adopt the report of the committee on Credentials with the exception of that in regard to the contest from Ada County. (Seconded).

The CHAIR. It is moved and seconded that the report of the committee on Credentials be adopted with the exception of that referring to Ada County. Is that correct, Mr. McConnell?

Mr. McCONNELL. Correct.

The CHAIR. As many as are in favor of this motion, signify by saying aye; Mr. Heyburn, I beg pardon. I believe you rose before the question was put. With the permission of the house, we will hear from the chairman of the committee.

Mr. HEYBURN. I move to amend the motion of the gentleman from Latah, including in the exception the resolution contained at the end of the report of the committee, so that it will read that the report of the committee be adopted except as to the delegates from Ada county. (The amendment is accepted).

CHAIRMAN. Gentlemen, you have heard the motion. As many as are in favor of the motion, signify it by—

Mr. POE. Pardon me; that is a matter we have no opportunity to offer remarks upon. The gentleman has moved an amendment that all shall be adopted except that which refers to the delegation of Ada County and the resolution that is pending.

The CHAIR. Yes, sir.

Mr. POE. The reason of that amendment I believe is that they confused the delegation of Ada County. The committee on Credentials do not so consider it. The committee on Credentials recommended the adoption of the resolution to the effect that Governor Stevenson be allowed to sit as delegate at large in this convention, not as a delegate from Ada County. The delegation from Ada County by the committee on Credentials has been settled, of course, subject to this body. They have made their selections as to the parties entitled to represent

Ada County in this convention. Now they recommend another party, irrespective of his count at the polls, as being a proper person for this convention to admit as a delegate at large, and I cannot conceive of the propriety of not adopting the report of the committee as to that resolution, simply as the report of the committee has raised the question, because there is no dispute—no contest. This is a matter of Governor Stevenson—has nothing to do with the matter of the delegation of Ada County.

The CHAIR. Are you ready for the question? Gentlemen, the question is upon the adoption of the report of the committee on Credentials with the exception of the Ada County delegation matter and the matter of the admission of Governor Stevenson.

Mr. CLAGGETT. I offer as amendment to that resolution that the report of the committee on Credentials be read and passed upon by the convention, section by section. (Seconded). Put to vote and carried.

The CHAIR. The amendment is adopted. The report will be read by sections. (Secretary reads the report as to Ada County).

The CHAIR. Is that considered as one section of the report?

Mr. Heyburn. That is one section.

The CHAIR. Gentlemen, what will you do with this section of the report?

A MEMBER. I move that it be accepted.

Mr. BEATTY. That would be out of order. The convention has already acted on that, and the only way to get at that matter is a motion to reconsider.

The CHAIR. I did not so understand it, Mr. Beatty.

Mr. BEATTY. I understand that the convention referred that matter, the Ada County delegation, to the delegation themselves, and gave them an hour to agree upon the five republicans and four democrats, and if they are not able to agree, the convention should act upon the matter at once. And that has been acted upon by the convention. Now, then, I say that the convention

cannot take that matter up by a new motion except by a motion to reconsider. The motion of Judge Claggett I do not understand goes to that point. If it does, it is out of order. I submit that to the chair.

The CHAIR. The chair understands that differently from the gentleman.

Mr. BEATTY. I understood the Judge to refer to the report of the committee of Ada County. That report of the committee has been referred to the members from Ada County. I think the reading of the names from Ada County is out of order and that report should come before the convention with the exception of that from Ada County.

The CHAIR. Gentlemen, the chair understands the matter in this way. The motion was made by Mr. McConnell that the report of the committee be adopted with the exception of the Ada County matter. That was amended by the gentleman from Shoshone (HEYBURN), which amendment was accepted by the member; that this motion included the resolution in reference to Governor Stevenson. While that was under discussion, the amendment was moved by Mr. Claggett as a substitute that the report be read by sections and passed upon in that way, and we have commenced the reading of the report of the committee by sections—have read the part in reference to Ada County, and that is now properly before the house.

A MEMBER. Mr. Chairman, what has been done to the amendment passed upon by this convention?

The CHAIR. The amendment was adopted.

Mr. POE. I think our minutes will show that the motion in regard to Ada County was referred back to the committee on Credentials, and that you will call to mind that after that was done, a motion to adjourn until 2 o'clock was lost. The object to adjourn was to enable the committee to act upon Ada County. Now our minutes ought to show that and will, I think. (A call for the reading of the minutes).

(Secretary refers to the minutes).

Mr. POE. Mr. Chairman, I move that this whole business in reference to the adoption of this report be tabled and that this convention adjourn one hour. (Seconded). Put to vote and carried.

The CHAIR. The motion is carried. The house stands adjourned for one hour. (10:38 A. M.).

AFTER RECESS.

The CHAIR. The convention will please come to order. The chair has received a communication from the republican delegates of Ada county which will be placed before the convention. The secretary will read the communication.

SECRETARY reads:

*To the Hon. John T. Morgan,
President Constitutional Convention.*

SIR:—At a meeting of the delegates elected by the county of Ada to represent said county in the constitutional convention for Idaho Territory, held in Boise City on this 5th day of July, they agreed that the following named persons shall be seated in your convention: John S. Gray, John Lemp, Edgar Wilson, A. B. Moss, W. C. Maxey.

Respectfully,

CHAS. H. REID,
JONAS BROWN,
D. P. B. PRIDE,
EDGAR WILSON,
JOHN S. GRAY,
JOHN LEMP,
A. B. MOSS.

Mr. CLAGGETT. I move that the names of the gentlemen which have been read by the secretary be accepted as the Republican members of the Ada County delegation and that they be allowed seats upon the floor at once and entitled to all privileges. (Seconded). Put to vote and carried.

The CHAIR. The ayes have it. The gentlemen are admitted. What is the further pleasure of the convention?

Mr. GRAY. I suppose it is in order to take up the permanent organization. Now I will make a motion that there be a committee appointed on Permanent Organization.

REPORT OF COMMITTEE ON CREDENTIALS.

Mr. BEATTY. I think the first business before the convention is taking action on the report of the committee on Credentials which has not yet been adopted, as I understand it.

Mr. CLAGGETT. As I understand it, Mr. Chairman, that is the unfinished business of the convention which was only temporarily organized. It now stands on the motion made by myself that the convention act upon that report section by section.

The CHAIR. Yes, sir. The secretary will please proceed with the reading of the report of the committee on Credentials. I believe that the action upon the Ada County delegation has not been had in full, and we will request the secretary to read the report of the committee as amended by accepting the names of the Republican members.

Mr. BEATTY. I will ask if the Democratic delegates of Ada County have agreed.

Mr. CAVANAUGH. I did not know that the Democratic delegates were dissatisfied with the names presented in the report.

Mr. BEATTY. I move then the adoption of the report of the committee as to the Democratic members presented in the report. (Seconded). Put to vote and carried and the report is adopted.

SECRETARY. In the original report, the name of Mr. Maxey does not appear. In whose place was he selected?

A MEMBER. T. C. Catlin.

(The remaining portions of the report of the committee relative to delegates entitled to seats from the several counties are read in order and adopted without amendment).

SECRETARY. Shall I read the resolution of the committee at the end of the report?

The CHAIR. Yes, sir.

SECRETARY. (Reading). Your committee recommend that Ex-Governor E. A. Stevenson be admitted as a delegate at large and as such entitled to a seat and vote in this convention.

Mr. CLAGGETT. I offer as a substitute for the last clause of this report the following: *Resolved*, That the freedom of the floor of the convention be and the same hereby is tendered to Governor Shoup and Ex-Governor Stevenson as honorary members of the convention, in recognition of their eminent services in behalf of state government for Idaho; and that like compliment be and hereby is extended to the honorable Justices of the Supreme Court. (Seconded).

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

Put to vote and carried.

The CHAIR. The substitute is adopted. What is the further pleasure of the convention?

PERMANENT ORGANIZATION.

Mr. HAMMELL. I now move the appointing of a committee of nine delegates to have charge of permanent organization. (Seconded).

The CHAIR. Gentlemen, you have heard the motion; are you ready for the question?

Mr. SWEET. I do not know that I fully understand the meaning of this motion, but if I do, I hardly think it is in accordance with the order agreed upon or commonly understood by members of the convention on both sides of the house. My understanding was that after the question of who is entitled to seats on this floor as members of the convention should be finally settled, that the respective parties were to go into caucus and appoint committees on the question of permanent organization. Now, if this is intended for the same thing, well and good, but if it is not, I am opposed to it, because

these names should be agreed upon in caucus; and besides, in that way you can leave each party to the selection of its officers and that will be settled.

Mr. BEANE. For the purpose of following out the program mentioned by Mr. Sweet, I move we adjourn until 3 o'clock for the purpose to enable the several committees or caucuses both to get together and make these selections. (Seconded).

The CHAIR. The motion to adjourn is in order.

Put to vote and carried. Recess.

3 o'Clock P. M., July 5, 1889.

The CHAIR. The convention will please come to order. Gentlemen, as we have no order of business at present, I presume the first business before the convention will be the election of permanent officers. I await a motion.

GRAY. I nominate W. H. Claggett to be permanent president of this convention.

The CHAIR. The motion should be to proceed to the election of permanent officers.

Mr. BEVAN. I make that motion in order to proceed to elect a permanent president of this convention. (Seconded).

Put to vote and carried.

The CHAIR. Mr. Judge Beatty, will you take the chair, please.

Mr. MORGAN. I have the distinguished honor, Mr. Chairman and gentlemen of the convention, to place in nomination for president of this convention, a gentleman distinguished in the councils of the nation as well as distinguished in the councils of a sister territory, and latterly in our own territory. I am happy to say, Mr. Chairman, that he is a gentleman eminently qualified for the position for which I place him in nomination. I have the pleasure now to nominate the Honorable W. H. Claggett of northern Idaho as the permanent chairman of this convention. (Seconded).

The CHAIR. The name of W. H. Claggett of Northern Idaho is placed before this convention as president. Nominations are still in order.

Mr. HEYBURN. I desire to especially second the nomination of Mr. Claggett as chairman of this convention. I have the pleasure to live in the same jurisdiction and come from the same county and I can vouch for his ability to administer the duties pertaining to that office, and for the impartiality, wisdom and courtesy with which we may expect to be governed.

The CHAIR. Gentlemen of the convention, are there any other nominations? The chair awaits the motions of the convention as to further proceeding. If there are no more nominations, the chair will announce that nominations are now closed for president. What is the pleasure of the convention?

Mr. BALLENTINE. There being no opposition, I move that Mr. Claggett be elected president by acclamation. (Seconded).

The CHAIR. Gentlemen, the motion now is that Honorable Wm. H. Claggett be elected as the permanent chairman of this convention by acclamation. (Vote). The motion prevails. The chair will appoint a committee to escort the Hon. W. H. Claggett to the chair, if there is no motion to that effect.

Mr. MORGAN. Mr. Chairman, I move you that a committee of three be appointed to escort the Hon. W. H. Claggett to the chair. (Seconded).

The motion is that a committee of three be appointed to escort the president, Wm. H. Claggett, to the chair. (Carried). The chair will appoint the Hon. John T. Morgan of Bingham county, Mr. Cavanah of Elmore county and Mr. Batten of Alturas county, to conduct the president-elect to the chair.

Gentlemen, I have great pleasure in introducing to you your permanent president, the Honorable William H. Claggett of Northern Idaho.

Mr. CLAGGETT. Gentlemen of the convention, to say that I thank you most cordially and sincerely for the

distinguished honor which you have seen fit to confer upon me, would express in but feeble terms the sense of honor and of responsibility which I feel on this occasion. We have been convened here by the proclamation of the then governor of the territory, Ex-Governor Stevenson, for the purpose of drafting a constitution which will serve as the organic law for the future state of Idaho. We have been delegated by our fellow citizens in various forms of procedure to appear here and perform that responsible and important duty. Both parties of the territory are nearly equally represented upon this floor. It is a matter of congratulation to the people of Idaho that the general sense of all the people of all portions of the territory has been that this should not be made a partisan but rather a patriotic organization of delegates. We will have, in the course of our discussions and of our proceedings, many questions, perhaps, upon which there will be radical differences of opinion. I trust for my own part that every member upon the floor of this convention will bear in mind at every stage in these proceedings the fundamental theory upon which we have been convened.

We are here for the purpose of forming a state government, drafting a constitution which shall be its organic law. And at every stage of our proceedings, we should be controlled by three considerations. The first one is to adopt such an instrument as will meet with the approval of the people of the territory; secondly, such an instrument as will meet with the approval of the congress of the nation, and, thirdly, and more important than the other two combined, such an instrument as shall secure a proper distribution of the powers of state, and such an instrument as will secure in the future the utmost welfare and prosperity of the people whom we are called upon to represent here. I believe, gentlemen of the convention, that the spirit that will infuse the proceedings of this convention from its beginning to the close, will be the spirit of harmony

and of endeavor to do the best that in our power lies, for the promotion of the ends which we have in view.

For myself, I can make but few pledges to the convention. It is so long since I have been a member of a deliberative body that for some days, at least, you must not be surprised if I am rusty in the methods of procedure. That, at this time, is my misfortune. If it continues, it will be my fault. I can only promise you one thing—that in these proceedings there will be no distinction made between the members of this convention, but everything that shall be done will be done with perfect and absolute impartiality as far as in my power to bestow. I will again thank you for the honor conferred upon me, and announce that as the convention is organized by the election of a chairman, the next thing in order will be the election of a secretary.

Mr. HAYS. I desire to place in nomination the name of a gentleman well qualified by experience to be permanent secretary of this convention, namely, Chas. H. Reed.

The CHAIR. If the gentleman will allow me to recall my announcement, I will announce that the next thing in order is the election of a vice-president.

Mr. POE. I have the honor to present to this convention for the office of vice-president, a gentleman whom I have known for something over a year, with whom I have been intimately associated, and who, though comparatively a newcomer into this territory, is pretty well known throughout the broad extent of this territory by reputation; a gentleman who has occupied the honorable position of representative in congress; a gentleman who is well known for his honesty and integrity and his executive ability. I now place before this convention the name of Honorable James W. Reid of Nez Perce county as the nominee for vice-president of this convention.

The CHAIR. The name of Hon. James W. Reid of Nez Perce has been placed in nomination for the position of vice-president of this convention. Are there any

other nominations? If there are no further nominations, gentlemen, the chair will announce that the nominations are closed. What is the further pleasure of the convention in regard to the nomination?

A MEMBER. Mr. Chairman, I move you that the election of Mr. Reid be made by acclamation. (Seconded). Carried.

The chair recognizes the gentleman from Owyhee.

Gentleman from OWYHEE. If in order, I desire to place in nomination for permanent secretary of this convention, a gentleman with whom a large number of the members of this convention are acquainted; a gentleman well qualified for the position by reason of his similar experience, namely, Mr. Chas. H. Reed, of this county. (Seconded).

The CHAIR. Any further nominations, gentlemen, for the office of secretary?

Mr. POE. I have the honor of presenting the name of that pioneer of this county who has acted in the capacity of secretary of many of the legislative bodies that have met in this territory in days gone by, who is well known to be a gentleman in every respect and a gentleman that has no peers. He may have a peer, but no superiors for the position and office. His name is James H. Wickersham of Owyhee County.

The CHAIR. James H. Wickersham is placed in nomination. Are there any further nominations, gentlemen? If there are no further nominations, the chair will declare the nominations closed.

Mr. WILSON. Mr. President, I move that we elect by ballot. (Seconded). Carried.

Election of secretary proceeds by ballot.

The CHAIR. Total number of votes cast, gentlemen, 59, of which Mr. Hasbrouck received 2, Mr. Wickersham 22, and Mr. Reed 35. Mr. Reed having received a majority of the votes of the convention is permanent secretary of the convention. What is your further pleasure, gentlemen?

Mr. HEYBURN. Mr. President, I desire to place in nomination as Sergeant-at-Arms for this convention, the name of Howard French.

The CHAIR. The name of Mr. Howard French is placed in nomination for the office of sergeant at arms. Are there any further nominations?

Mr. POE. I place in nomination for Sergeant-at-Arms John Bartlow. He is quite an able man—he is fully able to fill the position, I think, with honor to himself and to this convention. I have known him in positions of that kind in legislative bodies and know that he is a faithful man and that he performs his duty well.

The CHAIR. The name of Mr. John Bartlow is placed in nomination. Are there any further nominations? If there are no further nominations, the chair will declare that nominations are closed. Gentlemen, you will please prepare your ballots. (Election proceeds by ballot).

Gentlemen, the total number of votes cast is 59, of which Mr. Bartlow receives 25, and Mr. Howard French 34. Mr. French having received a majority of the votes of the convention is duly elected to the office of Sergeant-at-Arms.

Gentleman from LATAH. The time has arrived to charge this committee which was to wait on the Senate committee on Indian Affairs, and I would suggest that the committee be excused. The chair is a member of that committee.

Mr. SWEET. Mr. Chairman, I move that the convention adjourn until tomorrow morning at 10 o'clock. (Seconded).

The CHAIR. It is moved and seconded, gentlemen. If you will allow me one moment.

SECRETARY, Mr. REED. Certainly.

The CHAIR. I will state in response to what was stated by the delegate from Latah, Mr. Sweet, that it would be impossible for me to go with that committee and with the consent of the gentlemen of the convention, I will appoint in my place Mr. W. G. McConnell. If

there is no objection, gentlemen, it will be so ordered. There is no objection. It is moved and seconded that this convention do now adjourn until tomorrow morning at 10 o'clock. (Vote). The noes seem to have it.

(A division is called for; rising vote shows ayes 30, nays 28).

The CHAIR. The motion to adjourn, gentlemen, is carried. This convention is now adjourned until tomorrow morning at 10 o'clock.

THIRD DAY.

July 6, 10:00 o'Clock A. M.

The CHAIR. The convention will come to order. The secretary will call the roll of members and members answer to their names.

SECRETARY. 19 members.

The CHAIR. The convention consists of 72 members and therefore no quorum appears. We are unable to proceed except by unanimous consent. If no one raises the objection of there not being a quorum, to-wit, 37 members, we will proceed to the business of the convention. I would suggest, however, that inasmuch as the organization is not complete that we should therefore take a recess until a quorum appears, but take steps to secure their attendance.

Mr. HEYBURN. I suggest that the sergeant-at-arms might call the attention of the members not present that the convention is in session. Possibly they are not aware of that fact.

The CHAIR. The sergeant-at-arms will notify the members not present that the convention is in session.

The CHAIR. Gentlemen of the convention, the chair is informed by the secretary that the minutes of yesterday's proceedings have not yet been completely written up. We will, therefore, be compelled to delay the reading of the minutes until a later date.