

The CHAIR. It has been moved by the gentleman from Logan that Governor Shoup in behalf of this convention be authorized to extend a cordial invitation to the members of that association to visit this city and this convention on their way through this territory. (Vote.) The resolution is carried.

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

Mr. MAYHEW. I move the convention now adjourn until Monday morning at 10:00 o'clock. (Seconded and put to vote.)

The CHAIR. The motion is adopted and the convention is adjourned until Monday morning at 10:00 o'clock.

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## NINTH DAY.

BOISE, MONDAY, *July 15, 1889.*

The CHAIR. Gentlemen of the convention, you will please come to order.

Prayer by Chaplain Smith.

ROLL CALL. Present: Messrs. Ainslie, Allen, Anderson, Andrews, Batten, Beane, Beatty, Bevan, Blake, Brigham, Campbell, Cavanah, Chaney, Clark, Crutcher, Gray, Hagan, Hammell, Hampton, Harris, Hasbrouck, Hays, Hogan, Howe, King, Kinport, Lamoreaux, Lemp, Lewis, Maxey, Mayhew, Melder, Myer, Morgan, Pefley, Pierce, Poe, Reid, Robbins, Salisbury, Sinnott, Shoup, Standrod, Sweet, Taylor, Underwood, Wilson, Mr. President.

Excused: Messrs. Ballentine, Harkness, Heyburn, McMahan, Pritchard, Stull, Vineyard and Whitton.

Absent: Armstrong, Coston, Crook, Glidden, Hendryx, Jewell, McConnell, Moss, Pinkham, Savidge, Steunenberg, Woods.

The CHAIR. A quorum of the convention being present, the secretary will read the journal of the last session. (Approved).

Mr. MAYHEW. Several members have arrived who have not been sworn in.

The CHAIR. The chair would inquire whether the gentlemen are here present. If there are any delegates present who have not been sworn in as members of the convention, gentlemen, you will be kind enough to rise and be sworn. (Beane, Hagan and Taylor sworn by the president).

The CHAIR. Presentation of petitions and memorials. If there are none, the reports of standing committees are next in order.

Mr. AINSLIE. We will submit to the convention the report of the committee on the Executive Department.

Mr. HASBROUCK. Your committee on Ways and Means are ready to report.

The CHAIR. The secretary will read these reports in the order in which they came in.

COMMITTEE REPORT—EXECUTIVE DEPARTMENT.

SECRETARY reads report of the committee on Executive Department.

Mr. CLARK. Before this goes to the committee on Printing, I move that the secretary be authorized to number the sections consecutively.

Mr. AINSLIE. The committee in considering that matter probably thought it would be proper for the committee on Revision to number the sections. We thought that the committee on Salaries would have to fill them in also and it would come before the committee of the Whole after the amendment and then be inserted. The numbering would have to be done by the committee on Revision anyway.

The CHAIR. I understand the motion as made is practically temporary, for the convenience of the convention when each particular article is being considered in the committee of the Whole so that reference can be made to it. The final numbering of sections would, of course, have to be made by the committee on Enrollment and Revision. (Seconded).

The CHAIR. It is moved and seconded, gentlemen, that the secretary be instructed to fill up numerically the blanks of the report of the committee on Executive De-

partment by numbering the sections. (Vote and carried). It is so ordered. The report of the committee on Executive Department which is incorporated or proposed to be incorporated in the constitution, will lie upon the table, under the rule, to be printed.

SECRETARY reads report of the committee on Ways and Means.

COMMITTEE REPORT—WAYS AND MEANS.

The CHAIR. Gentlemen, what will you do with the report of the committee on Ways and Means?

Mr. HASBROUCK. I do not suppose that it will be necessary to print this report. It is a mere matter of expenditure of this convention. I have been to confer with the territorial secretary and perhaps it would be as well to refer it to him as he will have to make up the payroll and to have a list of the mileage of members.

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

Mr. HASBROUCK. I will move that the report be received and adopted and referred to the secretary of the territory for the purpose I have named.

Mr. ALLEN. I second the motion and call your attention to the fact that there is some mention of numbers and some corrections that might be made by the secretary, probably.

The CHAIR. It is moved and seconded, gentlemen, that the report of the committee on Ways and Means be referred to the secretary of the territory with the request that he shall issue certificates to the various members based upon this report, and that any corrections necessary to be made may be made by the secretary. Is that the understanding?

Mr. HASBROUCK. Yes, Sir.

Motion carried.

The CHAIR. Are there any further reports from standing committees? If not, reports from special committees? Final readings? Gentlemen of the convention, this constitutes the regular order of business for the day. What is your further pleasure?

Mr. WILSON. I would ask that Mr. A. B. Moss from Ada, be excused for three days. He went home Saturday and writes me that one of his children is sick and he cannot return.

The CHAIR. Is there any objection to excusing Mr. Moss for the period of three days? If there is no objection, it will be considered as ordered by the convention.

Mr. HARRIS. I would ask that Mr. E. S. Jewell of Washington be excused until tomorrow morning, for the reason that he has to prove up on land before the clerk of the court at Weiser and this necessitates his absence.

The CHAIR. How long will he be absent?

Mr. HARRIS. He will be in his seat tomorrow morning.

The CHAIR. If there is no objection, Mr. Jewell will be excused until tomorrow morning. There is no objection.

The CHAIR. The chair has received a note from Mr. W. C. Maxey, one of the delegates from Ada county, stating that he is called away by one of his patients for the day, and asking to be excused for the day. If there is no objection, he will be excused as requested.

Another matter has been called to the attention of the chair by Mr. Gliddon, one of the delegates from Shoshone, who requests that a proposition be submitted to the convention allowing him, inasmuch as his return is somewhat problematical, on account of his business, to withdraw from the committee on Revenue and Finance, and requests that Mr. O. J. Salisbury of Custer county be placed upon that committee by the consent of the convention. Is there any objection to this change being made? If there is no objection, it will be so ordered by the chair.

Gentlemen, what is your further pleasure?

Mr. MORGAN. I move that we proceed to the consideration of the reports that have been handed in to

the convention in their regular order, and the first one coming up would be the report of the committee on Salaries.

Mr. MAYHEW. I hope that the gentleman will withdraw that motion for the committee of the Whole to consider that report as made. I am requested just now by several members of this convention, to move that we adjourn until tomorrow at 2 o'clock. The object of doing so, Mr. President, I will state before I make the motion; most of the committees are now busy about preparing their reports to be submitted to this convention. They say if this time is given them, from now until tomorrow at 2 o'clock, most of the committees, if not all, will be prepared to report, and thereafter we can take up these matters and consider them by the committee of the Whole. I will state this, the members of the committee desire to be present when these reports are considered in the committee of the Whole. They also desire to be present at the meeting of their committees. They cannot be at both places at the same time. I think we would be prudent and gaining time if the convention will adjourn until tomorrow at 2 o'clock so that these reports can be made, so that we can take them up in their order and not be further delayed in considering them in the committee of the Whole. I move that this convention adjourn until tomorrow at 2 o'clock.

Mr. MORGAN. I withdraw my motion.

Mr. BEATTY. I move an amendment to that, that we take a recess until this evening at 5 o'clock. I will state my reasons briefly, thus: The committee on Printing will not have work enough to keep the printer busy, and by 5 o'clock a number of reports can be referred to the Printing committee. By this means we will save time. We understand the printer is pushed, and if we delay until tomorrow at 2 o'clock to get more work before him, he may be delayed several days to get the reports waiting for the return of the Printing committee, and we want all of these matters before us to

consider them in our rooms and not merely to consider them here in the chamber. Now if there are no more reports made until tomorrow at 2 o'clock, we will not get these reports printed until the next day or day after that, which will be near the end of the week. By adjourning until this evening at 5 o'clock, several committees may be ready to place their reports in the hands of the committee. I make the amendment with the hope of saving time. (Seconded). (Mr. Mayhew accepted the amendment).

The CHAIR. Gentlemen, it is moved and seconded that this convention do now take a recess until 5 o'clock this afternoon. Motion is carried.

#### AFTER RECESS.

*5:00 P. M.*

The CHAIR. Gentlemen of the convention, you will please come to order. The convention this morning took a recess to this hour for the purpose of enabling any reports of standing committees to be presented in order that they might go into the hands of the printer as soon as possible, so that they might be discussed in the committee of the Whole. If there is no objection, we will begin calling for the reports of standing committees.

If there are no further reports from standing committees of the convention, what is your further pleasure?

#### PRINTING OF COMMITTEE REPORTS.

Mr. CLARK. Mr. President, there was a disposition this morning to adjourn from day to day until the reports are all presented and printed. I simply would like to call the attention of the convention to this fact, as a member of the committee on Printing. I have conferred with the printers to find out about how fast they could get along. If the convention should carry out this sentiment of the morning to adjourn until all are in and all printed, it is my opinion that they will not be able to commence the consideration of the reports

before Friday. The printers are working as rapidly as they can; worked all day yesterday and all night. It is barely possible they might get through by Thursday. I simply give this as a warning, so that the members may reconsider that determination and get down to the general file tomorrow.

Mr. BEATTY. I would like to ask the gentleman much work they have before them now and how long it will take them to finish the printing of the reports they have made.

The CHAIR. There are four reports now ready upon the calendar and which are ordered to be printed. The report of the committee on Ways and Means was turned over to the secretary of the territory. Report of the committee on Legislative Department, on Public Salaries and Militia have been made and have been printed and are now upon the calendar.

Mr. ALLEN. Mr. Chairman, I will say to the gentleman that the report of the committee on Corporations is in the hands of the printer and will be ready for report tomorrow morning, I understand.

Mr. MAYHEW. Mr. President—

The CHAIR. One moment. I am informed by the secretary that in addition to those which are already printed, there are two others now in the hands of the committee.

Mr. MAYHEW. Mr. President, I would like to inquire. Our rules, as I understand it, demand that when a matter is reported back from the printer printed, it lies upon the files or secretary's desk to be considered in the committee of the Whole. Am I correct in that proposition?

The CHAIR. Substantially, I think.

Mr. MAYHEW. Now I would like to inquire, Mr. Chairman, if it would be proper to move that the convention continue to be ready to go into a committee of the Whole to consider the next report made by a committee, or are they to be taken up in order, and if they are to be taken up in order, what order are they to be taken

up in? Is it simply the preamble of the constitution to be considered first in the committee of the Whole, or can we take up any report that has been made by a committee—reported by the committees—and consider it in the committee of the Whole?

The CHAIR. The rules provide that any matter which is reported by any standing committee of the convention for incorporation into the constitution, after being printed in full, shall lie upon the table and be printed, and when printed, shall be placed upon the calendar and referred to the committee of the Whole. The chair does not understand that it requires any special motion to that effect.

Another rule provides that these various reports as printed and placed upon the calendar, shall be placed upon the calendar in the order in which they are presented to the convention. It would be, as a matter of course, entirely competent for the convention to suspend the rules of the convention and take up out of its order any one of the reports of the standing committees, but without suspension, of course, that could not be done.

Mr. MAYHEW. I would like to inquire, Mr. President, what report of a committee was the first report made.

The CHAIR. The secretary will please advise the gentleman.

SECRETARY. The first report made was Preamble and Bill of Rights; No. 2 is the Militia and Military; No. 3, Legislative Department; No. 4, Corporations report; No. 5, Executive Department.

Mr. MAYHEW. I would move, if I am in order, then, and the chair will inform me if I am not, that upon the convening of the convention tomorrow morning, after we listen to any reports that may be had, and after we get through with the general order of business, that we take up and consider in the committee of the Whole that article of the constitution on Bill of Rights and Declaration. I think they have it here—tomorrow



morning—after the morning order and ordinary business of the convention. If I can get support for that motion. (Motion seconded).

Mr. SHOUP. There was a memorial referred to the committee of the Whole before the Bill of Rights was in. Wouldn't that be the first business before the convention?

Mr. MAYHEW. Was that in relation to prohibition?

Mr. SHOUP. Yes, Sir. Well, before we take up the Bill of Rights, the first thing in order then would be the first thing in the order of business tomorrow morning, and I move we take up prohibition.

The CHAIR. The chair will have to rule that the motion of the gentleman from Shoshone is out of order, unless accompanied by a motion to suspend the rules. The rules provide that these reports must be considered in the committee of the Whole in the order in which they come in.

Mr. MAYHEW. That is just what I am trying to get at.

The CHAIR. If the motion covers that, it is unnecessary to make it a motion, because that is a part of the business under the rules. The chair will submit the question to a vote if the gentleman desires.

PROPOSED ARTICLE ON PROHIBITION.

Mr. MAYHEW. It is provided in the rules that when the committee shall be ready to proceed with the order of the day, a motion to go into a committee of the whole convention on orders of the day shall have precedence over all other matters except motion to adjourn or take a recess. Now if it would be in order, I would move that we go into a committee of the Whole in the consideration of this prohibition matter. (Seconded.)

The CHAIR. The previous motion is withdrawn?

Mr. MAYHEW. Yes, Sir.

The CHAIR. It is moved and seconded that the——

Mr. GRAY. Mr. President, I would say this: That there was to be a further hearing on this question of

prohibition. There was a communication, as I understand it, submitted or that was to be submitted, to be considered by this convention.

Mr. MAYHEW. I don't know anything about any future communication. This matter is now before the convention and should be taken up and considered in the committee of the Whole. We are in favor, if I am in order, to resolve that we consider this matter in committee of the Whole at once, or have this matter referred to some committee on temperance or prohibition.

The CHAIR. I would suggest to the gentleman from Shoshone, if he will not object, that I received some time today—I don't remember when—a communication upon this same subject, which, unless there is objection, I will pass to the secretary and have read as a connected part of the same general proposition.

Mr. MAYHEW. I will not insist upon my motion until this is read.

The CHAIR. Yes; your motion will be put when this is read.

SECRETARY reads:

Boise City, Idaho, July 15, 1889. To the Honorable President of the Constitutional Convention for the Incoming State of Idaho. Dear Sir:—Will your Honorable Body kindly oblige the National Woman's Suffrage Association by granting the undersigned a hearing at some hour most convenient for yourselves, at any time within the next two days, for the purpose of considering the fundamental principles of liberty as women who are not prohibitionists understand them. Very respectfully, Abigail Scott Duniway.

Mr. MAYHEW. That seems to be rather indefinite—the next two days—when the madam will be here to lecture us upon that point. As I understand it, this communication is to take matters other than the prohibition question into consideration. I insist upon my motion.

The CHAIR. It is moved and seconded by the gentleman from Shoshone that this convention now resolve

itself into a committee of the Whole for the purpose of considering the prohibition proposition. (Vote). The chair is in doubt. All those in favor of the proposition will rise and stand until counted.

SECRETARY. Those in favor, 23; opposed, 22, Mr. President.

The CHAIR. The motion prevails and the convention has resolved itself into a committee of the Whole. The gentleman from Nez Perce, Mr. Reid, will be kind enough to take the chair.

CONVENTION IN COMMITTEE OF THE WHOLE.

Mr. REID in the Chair. The convention is in committee of the Whole on the resolution offered by the Ladies of the Woman's Christian Temperance Union. Secretary will read the resolution.

SECRETARY reads:

ARTICLE .....

SECTION 1. The manufacture, sale, or keeping for sale of intoxicating liquors for use as a beverage is hereby prohibited, and any violation of this provision shall be a misdemeanor punishable as shall be provided by law.

SEC. 2. The manufacture, sale, or keeping for sale of intoxicating liquors for other purposes than as a beverage may be allowed in such manner only as may be prescribed by law.

SEC. 3. The general assembly shall at the first session under this constitution, enact laws with adequate penalties for its enforcement.

Mr. SWEET. Just read the prohibition question.

SECRETARY reads: To the Delegates of the Territory of Idaho in Constitutional Convention, Greeting: The Idaho Woman's Christian Temperance Union request and earnestly pray you, first, that in the constitution to be proposed to the citizens of Idaho for their approval or rejection, no discrimination on account of sex shall be made; but citizens of both sexes, possessing the necessary qualifications, shall be equally eligible as electors. Second, that the following shall be made an article of said constitution, namely:

ARTICLE .....

SECTION 1. The manufacture, sale, or keeping for sale of intoxicating liquors for use as a beverage is hereby prohibited, and any violation of this provision shall be a misdemeanor punishable as shall be provided by law.

SEC. 2. The manufacture, sale, or keeping for sale of intoxicating liquors for other purposes than as a beverage may be allowed in such manner only as may be prescribed by law.

SEC. 3. The general assembly shall at the first session under this constitution, enact laws with adequate penalties for its enforcement.

The CHAIR. Now read the first section.

SECRETARY reads Section 1.

The CHAIR. The section is before the convention for consideration as a committee of the Whole.

Mr. MAYHEW. In order that we may have some expression on this matter, I move that the convention adopt the section as read by the secretary. We may as well do it at once. (Seconded). (Laughter).

Mr. McCONNELL. Mr. Chairman, I move that it be referred to the committee of three consisting of the members who were appointed by the chair to escort the ladies here, to draft an article.

Mr. MAYHEW. I call the gentleman to order.

The CHAIR. What is the point of order?

Mr. MAYHEW. That it is not an amendment to the motion I made for the adoption.

The CHAIR. The chair holds that the point of order is well taken.

Mr. AINSLIE. In order to test the sense of the convention, I move the whole subject matter be indefinitely postponed.

The CHAIR. As a substitute?

Mr. AINSLIE. Yes, Sir; takes the place of the other motion—to indefinitely postpone.

The CHAIR. The gentleman from Shoshone moves that the first section of the article read be adopted by the convention; as a substitute the gentleman from Boise moves that the whole matter be indefinitely postponed. Is there a second to the motion? (Motion is seconded).

The CHAIR. It is before the convention. Any remarks?

Mr. MORGAN. Mr. President, I rise to a point of order. I think the amendment of Mr. McConnell

was in order. I will read the rule upon which I rely. (No. 32). "When a question is under debate, no motion shall be received but to adjourn, to take a recess, to proceed to the orders of the day, to lay on the table, for the previous question, to postpone to a day certain, to commit, to amend, to postpone indefinitely; which several motions shall have precedence of each other in the order in which they are arranged." That would make his motion to commit to a committee in order.

The CHAIR. It was not to commit.

Mr. McCONNELL. Yes, to commit to the committee.

The CHAIR. The motion was to refer it to a committee to be appointed by the chair. As I understand it, the convention committed this to the committee of the Whole and his motion, then, to be in order, would have to be that the committee of the Whole report back to the house and refer it then with the recommendation to the house that it then be referred to the committee. As I understand the rule.

Mr. BEATTY. Before we vote on this question, I should like very much to hear from the able member from Shoshone who has moved the consideration of this subject. I would like to vote upon it intelligently, and I have no doubt he can give us some strong reasons why we should vote in favor of his motion. I do not like to vote ignorantly on the motion and I hope it will be properly discussed and that we may hear from the able gentleman from Shoshone.

Mr. MAYHEW. I should say to that, Mr. President, I decline to address this convention or committee upon that question of prohibition, but refer the question back to my friend from Alturas, and let us hear from him.

Mr. AINSLIE. In order to put that motion properly—— Under the rules it has gone to the committee of the Whole so that it is already committed. I therefore place the motion in parliamentary language, that it report this memorial back to the convention with the

recommendation that the matter be indefinitely postponed. (Motion seconded).

The CHAIR. The gentleman from Boise moves that the question now before the house, being the first of these several articles under this resolution, be reported back to the house with the recommendation that it be postponed indefinitely. Is the committee ready for the question? (Vote).

The chair is in doubt. All in favor may rise and stand until the secretary can count them.

SECRETARY. In favor, 19; opposed, 23, Mr. Chairman.

The CHAIR. The motion is lost. The question now recurs upon the motion of the gentleman from Shoshone, that the committee adopt the first section as read by the clerk. (Question). (Vote). The noes seem to have it. The noes have it, and the section is not adopted.

Secretary will read Section 2.

SECRETARY reads Section 2. The manufacture, sale or keeping for sale of intoxicating liquors for other purposes than a beverage may be allowed in such manner only as may be prescribed by law.

Mr. CLARK. Mr. President, I move that when the committee rise it recommend to the house the adoption of a section which I will send to the clerk as a substitute for the section now before the committee of the Whole.

SECRETARY reads. The first concern of all good government is the virtue and sobriety of the people and the purity of the home which all legislation should further by wise and well-directed efforts for the promotion of temperance and morality.

The CHAIR. The section to substitute is before the convention.

Mr. CLARK. In anticipation of the same question from the gentleman from Alturas upon my right (MR. BEATTY), I give my reason for favoring this as a substitute. It is a literal transcription of the temperance plank of the last republican convention. It commends

itself, therefore, to the majority of this body as emanating from the highest political authority in the land.

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

SECRETARY reads the substitute again.

Mr. MAYHEW. I would like to inquire in what part of the constitution the gentleman is going to put that. (Laughter).

Mr. CLARK. In the Bill of Rights.

Mr. MAYHEW. Very well, then, the motion should be that the Bill of Rights be amended or for this to be added to the Bill of Rights.

The CHAIR. Is there a second to the gentleman's motion that this be adopted as a substitute? (Motion is seconded by several).

The CHAIR. Are you ready for the question? The clerk may read the original section.

(Secretary reads Section 2 of the memorial; also the substitute).

The CHAIR. The question recurs upon the motion of the gentleman from Ada, to adopt the substitute in place of the original section as read.

Mr. SWEET. As this is strictly a non-partisan convention, I would suggest an amendment to that by adding the plank in the democratic platform on the same subject. (Laughter). I can't quote it; I don't know that platform by heart, but if I can get hold of it I will submit it in writing and we will then have a non-partisan affair.

Mr. MAYHEW. I hope the gentleman will have time to hunt that up. If he can find any such provision as that in the democratic platform, I would like to see it. (Laughter). They have been known to steal a good deal from the republicans, but I don't think they have stolen that. (Laughter).

Mr. SWEET. Mr. Chairman, I am informed that the democratic platform is out of print, but I thought it might be committed to memory, probably by the gentleman from Shoshone.

Mr. MAYHEW. I have no doubt but what that principle may have been adopted some time in the democratic platform, but my recollection of the last fifty years is, I never heard of anything of the kind, and I will state for the benefit of the other side it has now become obsolete.

Mr. SWEET. I think that is true in part.

Mr. MAYHEW. No doubt of that, and our republican friends, or some of them I know, have adopted our democratic principle, the more you drink the wiser you get.

(Question! Question!)

The CHAIR. Will the gentleman from Latah send up the amendment?

Mr. SWEET. I am unable to reduce it to writing.

The CHAIR. All in favor of the adoption of the substitute of the gentleman from Ada, say aye. (Vote). The ayes have it and the substitute is adopted.

The CHAIR. The clerk may read Section 3.

SECRETARY reads:

SECTION 3. The general assembly shall at the first session under this constitution, enact laws with adequate penalties for its enforcement.

The CHAIR. What will the committee do with this section?

Mr. MAYHEW. I move its adoption. (Seconded).

The CHAIR. The motion is that the committee do adopt the section as read by the clerk. (Vote). The noes have it and the section is rejected.

The clerk will now read all of the article or any part of it for which a substitute has been adopted as it will be reported to the convention.

SECRETARY reads:

SECTION 2. The first concern of all good government is the virtue and sobriety of the people and the purity of the home, which the legislature should further by wise and well directed efforts for the promotion of temperance and morality.

The CHAIR. The question now recurs, shall the



section as adopted be reported to the convention with the recommendation that it be adopted?

Gentleman from NEZ PERCE. I suggest a change in the number of the section.

The CHAIR. Yes; without objection, it will be numbered "Article —, Section 1."

All in favor of the article as adopted, that it be reported back to the convention with the recommendation that it be a part of the constitution, make it known by saying aye. (Vote). The chair is in doubt. All who are in favor of the article as read by the clerk being reported back to the convention, rise and be counted.

SECRETARY. Ayes, 23. Those opposed, 19.

The CHAIR. The ayes have it and the article is adopted.

The committee have disposed of the subject ordered referred to it. The motion is now in order that the committee rise to report progress.

Mr. WILSON. I move that the committee rise and report progress and ask leave to sit again. (Carried).

CONVENTION IN SESSION—PRESIDENT CLAGGETT IN THE CHAIR.

Mr. REID. Mr. President, the committee of the whole house having had under consideration a memorial referred to it by the convention, report the following:

Article —, Section 1. The first concern of all good government is the virtue and sobriety of the people and the purity of the home, which the legislature should further by wise and well-directed efforts for the promotion of temperance and morality.

They recommend that this be adopted as a part of the constitution.

The CHAIR. The chair understood that the motion was that the committee rise and report progress and sit again on this subject. Am I mistaken?

Mr. WILSON. Yes, Sir; that was the motion I put.

Mr. REID. Not on this subject, but sit again.

The CHAIR. Well, if that is the motion, that is, what was adopted, I did not so understand the gentle-

man. The report of the committee of the Whole, gentlemen, is that the committee report the pending proposition back to the convention and report progress thereon and ask leave to sit again on this question.

Mr. MORGAN. If I understood it correctly, the committee upon its vote recommended that this become a part of the constitution. I suppose it was gotten at rather awkwardly. The intention of the committee of the Whole was that it be reported back to the convention with the recommendation that it become a part of the constitution, and the chairman of the committee of the Whole has so understood it and so reported it.

Mr. REID. If that had not been the understanding, it would have been out of order, without annulling the action taken upon it. Now the question is whether the report of the committee be adopted.

The CHAIR. The chair is, of course, perfectly willing to put anything to vote which was reported, but the understanding of the chair was, the motion was that the committee rise and report progress and ask leave to sit again. No one raising an objection, I assumed that that was correct.

Mr. REID. The question was put to the committee of the whole whether it be recommended to the convention to become a part of the constitution and that was submitted on an aye and no vote, and then the question was put by the chairman of the committee of the Whole that it was then in order to rise and report progress. I then understood the gentleman from Ada (MR. WILSON) to make a motion for the committee to rise and report progress and sit again on some other subject and we had then disposed of it.

The CHAIR. The chair understands under parliamentary rules that when an entire proposition is disposed of and reported, that to report progress and ask leave to sit again leaves it in the same position as it was in case the resolution or proposition had not been finally passed upon. I will ask the gentleman from Ada, Mr. Wilson, what the motion was.

Mr. WILSON. My motion was that the committee rise and report progress and ask leave to sit again; that is, leave to sit again on this question. No objection was raised and the motion was put and carried, and it was perfectly in order for this reason, that the special order on which this body went into a committee of the Whole was a question of constitutional prohibition. My friend from Ada county introduced a substitute which is not constitutional prohibition. I don't know what it is. It is a very nice sentiment because it is a portion of the Republican platform of last year, but it is not constitutional prohibition and that is what we are considering—what we have been considering in the committee of the Whole in order to determine upon it, and therefore my motion was perfectly in order and was carried.

The CHAIR. That will be the ruling of the chair unless there is further light upon it. The report of the committee, gentlemen, is that the committee rise and report progress and ask leave to sit again on the proposition pending before the committee. All those in favor of adopting that report signify it by saying aye. (Vote). The chair is in doubt. All in favor of adopting the report will rise and stand until they are counted.

SECRETARY reports 17 in favor; 19 opposed.

Mr. REID. Mr. President, I move that that part of the report of the committee of the Whole which recommended the adoption of the substitute offered by the gentleman from Ada be now adopted as a part of the constitution. (Seconded). And on that motion I demand the ayes and nays, if I can get sufficient support. (Seconded).

The CHAIR. The secretary will call the roll.

Ayes: Messrs. Allen, Andrews, Armstrong, Batten, Beane, Beatty, Brigham, Campbell, Cavanah, Chaney, Clark, Coston, Crook, Crutcher, Gray, Hagan, Hammell, Hampton, Hasbrouck, Hays, Hendryx, Hogan, Howe, Kinport, Lamoreaux, Lewis, McConnell, Melder, Myer, Morgan, Pefley, Pierce, Pinkham, Poe, Pritchard, Pye-

att, Reid, Salisbury, Sinnott, Shoup, Standrod, Sweet, Taylor, Underwood, Wilson and Mr. President. 46.

Nays: Messrs. Ainslie, Harris, King, Lemp, Mayhew. 5.

Mr. MAYHEW. Mr. President, I desire to change my vote. I vote aye. (Laughter).

The CHAIR. Forty-seven votes in favor of the adoption of the motion that was made by the gentleman from Nez Perce, and 4 against. The motion is adopted.

Mr. REID. In order to dispose of it finally, I move that the motion by which it was adopted be reconsidered and that that motion lie on the table. (Seconded).

The CHAIR. It is moved and seconded that this motion by which the report of the committee of the Whole was adopted, be reconsidered and that the motion to consider shall lie upon the table. (Vote). The chair is in doubt.

Rising vote shows 32 in favor, 30 opposed.

Mr. MAYHEW. I now move that the adoption of that portion just read and adopted by this convention as a part of the constitution, be made a part of the Bill of Rights. (Seconded).

Mr. REID. I rise to a point of order. The consideration of the Bill of Rights is not before the convention and should be considered in committee of the Whole, and furthermore, I think that falls within the province of the committee on Revision anyway.

Mr. MAYHEW. I wanted it in a prominent place.

The CHAIR. The chair holds the point of order well taken. What is your further pleasure?

Mr. BEANE. I move that we adjourn until 10:00 o'clock tomorrow morning. (Seconded).

The CHAIR. It is moved and seconded that the convention adjourn until 10:00 o'clock tomorrow morning. (Carried).