

Mr. McCONNELL. I move the convention take a recess until eight o'clock this evening.

Mr. MAYHEW. I amend that by moving we adjourn until nine o'clock tomorrow morning. (Seconded).

ARTICLE XV.—IRRIGATION—JOURNAL RECORD

The CHAIR. The chair is informed by the secretary that the report of the committee on Agriculture, Irrigation and Manufacturing was made on Saturday and passed upon by the convention, voted upon, and the yeas and nays recorded, and ordered referred to the committee on Revision and Enrollment, and that all the proceedings had this afternoon were entirely unnecessary. And he desires to be relieved from the necessity of keeping any record of what transpired as to that matter today, inasmuch as no changes were made in the bill. If there is no objection the secretary will omit the proceedings with regard to that article today.

It is moved and seconded that the convention now take a recess until 8 o'clock p. m. To that an amendment is offered by the gentleman from Shoshone that we adjourn until tomorrow morning at 9 o'clock. (Carried). Adjourned until 9 o'clock tomorrow morning.

July 30, 9:00 o'clock A. M.

TWENTY-SECOND DAY.

Convention called to order by the President.

Prayer by Chaplain Smith.

Roll call:

Present: Ainslie, Allen, Anderson, Armstrong, Ballentine, Bevan, Blake, Campbell, Cavanah, Chaney, Clark, Coston, Crutcher, Glidden, Hampton, Harris, Hasbrouck, Hays, Heyburn, Hogan, Jewell, King, Kinport, Lewis, Maxey, Mayhew, McConnell, Melder, Myer, Moss, Parker, Pefley, Pierce, Pinkham, Pyeatt, Reid, Savidge, Sinnott, Shoup, Standrod, Sweet, Taylor, Underwood, Vineyard, Whitton, Wilson, Mr. President.

Absent: Andrews, Batten, Bean, Beatty, Brigham, Crook, Gray, Hagan, Hammell, Harkness, Hendryx, Howe, Lamoreaux, Lemp, McMahan, Morgan, Poe, Pritchard, Robbins, Salisbury, Steunenberg, Stull, Woods.

Mr. CLARK. Mr. President, I move we take from the secretary's table the report on Military affairs and finally consider it.

Mr. BALLENTINE. I have received a letter this morning stating that the whole country in the immediate neighborhood of where I live is on fire, and I ask indefinite leave of absence.

There being no objection, leave was granted.

MOTION TO LIMIT SPEECHES

Mr. ANDERSON. In accordance with the notice given yesterday, I now move that the speeches of members on this floor hereafter be limited to five minutes. (Seconded).

The CHAIR. You had better put it so that the rules be so amended as to strike out ten minutes and insert five minutes.

Mr. ANDERSON. I will put the motion in that way.

Question was put by the chair.

Mr. HEYBURN. Mr. President, it seems to me we had better consider what we are doing in this matter. There are one or two important measures to consider, and if it was necessary to have the limit extended for the other measures considered, I think we had probably better retain the rule as it is until after we are through with the important business, and leave it simply to the consciences of members. I don't think I ever exceed five minutes myself; but you propose in a day to two to take up the judiciary bill, and I don't believe it is wise at this time to cut the time down to five minutes, unless there is a special reason for it.

Vote and carried.

ORDER OF BUSINESS

Mr. MAYHEW. Motion has been made, Mr. President, to take up the Military or Militia Bill.

The CHAIR. The gentleman from Ada in making that motion accompanied it with the statement that it

would take only a minute or two to complete it. The chair has knowledge of the fact that the gentleman from Logan, Mr. Armstrong, desires to offer an amendment, which he has not as yet got thoroughly drawn.

Mr. CLARK. I will withdraw my motion then.

Mr. MAYHEW. I would like to inquire how long it is going to take to prepare that amendment. I think we are getting behind, and we should make some effort to get through with this convention this week, but if we keep on we shall be here two months. That has been lying on the president's desk nearly two weeks since it was reported by the committee of the Whole, and if any member desired to offer an additional section I should think two weeks' time would be sufficient to prepare it, and I am opposed, as one of the members of this convention, to delaying it a single moment.

The CHAIR. There is nothing before the convention. That motion was withdrawn.

Mr. MAYHEW. I renew the motion then, and move that we take up the Militia bill and consider it in convention.

The question was put by the chair.

Mr. SHOUP. Mr. President, I desire to give notice to the convention that tomorrow morning I shall ask the convention to take up the Bill of Rights that has been lying on the table.

Mr. MAYHEW. Why not take it up today?

Mr. SHOUP. Two members of that committee are absent who will return tonight, Mr. Morgan and Mr. Standrod.

Mr. CLARK. Mr. President, there is an order on file, is there not, to have the Bill of Rights printed before it comes before us again?

Mr. SHOUP. Yes.

Mr. CLARK. We could not take it up very well today anyhow.

The CHAIR. The recollection of the chair with reference to that matter is, that the Bill of Rights has

been considered in convention and sent to the committee on Engrossment.

Mr. SHOUP. No sir, it was ordered reprinted with the amendments nearly a week ago. It has not been considered.

Mr. GRAY. I believe everything in the Bill of Rights was considered in the committee of the Whole, but the Preamble, if I am not mistaken. I know we had that matter up for consideration in committee of the Whole long before Mr. Morgan and others left the convention.

ARTICLE XIV.—MILITARY AFFAIRS.

The CHAIR. The chair will have to call the convention to order. The secretary will read the report on Military Affairs.

Mr. CLARK. I would simply like to inquire if it is the intention of the gentleman from Custer to give notice that he will call up the Bill of Rights tomorrow, whether it is printed or not.

The CHAIR. The chair can give the gentleman no information on the subject; it is immaterial. The gentleman has his right to give his notice.

The secretary will read the first section.

SECTION 1.

SECRETARY reads Section 1. Moved and seconded that Section 1 be adopted.

Mr. PEFLEY. I have an amendment to offer.

Mr. MAYHEW. I would like to ask if this is an amendment that was offered in committee of the Whole, or is it a separate and independent amendment?

Mr. PEFLEY. It is an amendment to Section 1.

Mr. MAYHEW. Was that amendment offered while we were considering it in committee of the Whole?

The SECRETARY. It was not.

Mr. MAYHEW. Then I object to it under the rules.

The CHAIR. The amendment that was offered by the gentleman from Boise has not yet been acted upon

by the convention. Notice was given, but never has been brought up. Consequently the convention is proceeding under the old rule. The chair rules that it is in order.

SECRETARY reads: Except such persons as are disqualified by Section 4 of Bill of Rights from holding office and the right of suffrage.

Mr. WHITTON. I second the motion.

Mr. PEFLEY. Mr. President, I simply wish to say that I don't think it is hardly fair to disqualify a man from having or holding office or anything of that kind, and at the same time oblige him to bear arms for the defense of the homes of persons who disqualify him.

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

The amendment was again read by the secretary.

Mr. MAYHEW. I am opposed to the amendment being incorporated in that bill for this reason, which I desire to state briefly without any argument. Men in the United States have rights protected by the laws of the state and of the government independent of the right and privilege of suffrage. They are permitted to preempt and homestead land. Permitted to do many other things as other citizens, and protected by the laws of our country; and they are only disqualified from voting on account of pernicious habits, such as polygamy and bigamy. Notwithstanding they are prohibited from voting under this law we have engrafted here, still I am in favor of their bearing arms as well as anybody else for the protection of their lives, homes and property. (Vote, and amendment lost).

SECTIONS 2, 3 AND 4.

Sections 2, 3 and 4 are successively read, put to vote and adopted, without debate or amendment.

Mr. AINSLIE. I understand the vote was taken on the proposed amendment to Section 1, and voted down, but Section 1 was not yet adopted.

The CHAIR. Yes.

SECTION 1.

Mr. AINSLIE. I move the adoption of Section 1.
Motion seconded. Vote and carried.

Mr. ARMSTRONG. I desire to offer an additional section.

SECTION 5.

Section 5 read, and Mr. Mayhew moves its adoption.

Mr. PIERCE. I understood there was a substitute for Section 5 that was adopted when this bill was passed in committee of the Whole, and I ask the secretary if such is not the case.

The SECRETARY. No sir, there were a number of amendments proposed to this section, and the thing got to such a pass finally that Mr. Taylor moved to table all amendments, substitutes and everything, and everything was tabled under that motion. I was under the impression there was a substitute adopted, but I have given it a very careful examination, and I know there was nothing.

Mr. AINSLIE. I have kept a record of those things, and it shows that it was adopted as originally printed.

The SECRETARY. Yes, that is it.

The CHAIR. The question before the convention now is the motion made by the gentleman from Shoshone, Mr. Mayhew, that the section as read be adopted as a whole. (Seconded. Vote and carried).

SECTION 6.

The CHAIR. The gentleman from Logan, Mr. Armstrong, proposes an additional section, which the secretary will read.

SECRETARY reads: Section 6. No armed police force, or detective agency, or armed body of men, shall ever be brought into this state for the suppression of domestic violence, except upon the application of the legislature or the executive, when the legislature cannot be convened.

Mr. AINSLIE. I move the adoption of that amendment, and I believe in it. We have had enough of Pinkerton's private squads of men ranging through the west. I see Montana¹ has adopted the same thing, and I think it is a good thing.

The CHAIR. I will call attention to the words "private detective agency." If the gentleman from Boise will examine the amendment and see that it cuts off the employment of private detectives for the detection of individual crime. I don't think it was the desire of the gentleman from Logan to include that.

Mr. CLARK. Read it again. (Section read).

Moved and seconded that the section be adopted. Vote and carried.

Mr. MAYHEW. I move that the bill be now referred to the committee on Engrossment.

The CHAIR. It will be referred to the committee on Engrossment under the rules. It requires no motion.

Mr. CLARK. I move it be put upon its final passage at 2 o'clock this afternoon. (Carried).

ORDER OF BUSINESS

Mr. MAYHEW. Mr. President, I would like to inquire now what articles have been reported back to this convention that have been considered in committee of the Whole, now lying on the clerk's desk.

The SECRETARY. There is Number 1, report on Preamble and Bill of Rights; No. 5, report of the committee on Executive Department; No. 6, report of the committee on State Government, Public Buildings, etc.; No. 8, report of the committee on Municipal Corporations; No. 9, report of the committee on Education, Schools and University Lands. The article on Bill of Rights has been ordered printed, and the printers have not returned the copy. It has been in their hands several days.

¹—Art. 3, Sec. 31, Montana Const. 1889. But the words "or detective agency" did not appear in the Montana section.

Mr. SHOUP. Mr. President, I ask the gentleman, having the Executive report in charge, if that report cannot now be taken up.

Mr. AINSLIE. I am willing it should be at any time.

Mr. MAYHEW. Mr. President, I move that we take up these bills now lying on the secretary's desk in their order to be considered by the convention.

Mr. HEYBURN. Except the Bill of Rights.

Mr. MAYHEW. Well, I am opposed to men going away from the convention and staying two or three days and expecting us to wait until they get back. I am in favor of forcing the printers to report them back. They have had it three or four days.

The SECRETARY. They got it the same day the order was made.

Mr. MAYHEW. If we keep on this way I am satisfied that this convention will never get through with this business.

Mr. HEYBURN. I second the motion.

The CHAIR. It is moved and seconded that all the bills considered in committee of the Whole and referred back to the convention and now lying upon the speaker's table be taken up and acted upon by the convention in their order.

Vote and carried.

The CHAIR. The secretary will take the first one that was reported back. The secretary informs the chair that the amended copy of the Bill of Rights as amended by the convention is in the hands of the printer.

Mr. HEYBURN. I move we pass the Bill of Rights and take up the next one.

The CHAIR. If there is no objection the Bill of Rights will be passed for the present.

ARTICLE IV.—EXECUTIVE DEPARTMENT, SECTIONS 1, 2, 3, 4 AND 5.

SECRETARY reads Section 1, 2, 3, 4 and 5, and each

is voted upon separately and adopted, without debate or amendment.

SECTION 6.

Section 6 read, and it is moved and seconded that it be adopted.

Mr. AINSLIE. I move to strike out the last clause, "The senate may, etc., sit with closed doors," as it was included in another article.

Vote and carried.

SECTIONS 7, 8 AND 9.

Sections 7, 8 and 9 are separately read and adopted, without debate or amendment.

SECTION 10.

Section 10 was read.

Mr. MAYHEW. Mr. Chairman, I was going to suggest an amendment to this section. The words "ten days" should be changed to "five days," because ten days is one-sixth of the session of the legislature.

Mr. AINSLIE. We have no objection on the part of the committee.

Mr. MAYHEW. Then if there is no objection in the convention I move that it be changed from ten days to five days.

Mr. AINSLIE. Where you have short sessions of the legislature I think five days is long enough myself.

The CHAIR. If there is no objection the secretary will substitute the word "five" for the word "ten" in line 11.

Moved and seconded that the section as amended be adopted. Vote and carried.

SECTIONS 11, 12, 13, 14, 15, 16, 17 AND 18.

Sections 11, 12, 13, 14, 15, 16, 17 and 18 are separately read and adopted, without debate or amendment.

SECTION 19.

Section 19 was read.

Mr. McCONNELL. I have an amendment.

SECRETARY reads: Amend Section 19 by striking out in lines 14, 15 and 16 the words "no officer named in this section shall be eligible to or hold any other office of the state, except regent of the university of the state, during his tenure of office."

Mr. McCONNELL. We have provided here that they shall hold the office of regents. But we have provided otherwise that they shall be commissioners of lands, commissioners of penitentiaries, and board of examiners. There are three other offices prescribed that they shall hold, and there may be other commissions the legislature would like to create, and by appointing these gentlemen members of the commissions. it will save the expense, and I think there is no need of having those lines in there. I move the adoption of the amendment.

Mr. SHOUP. I desire to offer an amendment.

SECRETARY reads: Amend Section 19 by striking out in lines 14, 15 and 16 the words "no officer mentioned in this section shall be eligible to or hold any other public office except regent of the state university, during his tenure of office."

Mr. SHOUP. I will withdraw my amendment; it is the same as the other.

Mr. AINSLIE. I don't know whether that could be termed to impose another position upon an officer, thus making him hold another office. It is like a probate judge being ex-officio clerk of his own court. The office of regent of the university doesn't carry any salary with it, and I think these exceptions might perhaps be put in as it was adopted by the committee of the Whole and was incorporated in the article to prevent them holding any other office that had any emoluments attached to it, to confine them strictly to their duties. Those are nothing but honorary offices. I think it might be amended by putting in these exceptions.

Mr. McCONNELL. There might circumstances arise under which the legislature would wish to appoint

either one of these gentlemen to some other office, which would be merely an honorary office as these are. If there is any way to get around it so as not to tie the legislature up, I would be willing; but we have already provided for these offices, which are the largest offices, in this, and I think it is well enough to strike those lines out. I don't think the people in this territory would like any man to have a second office in which there was emoluments.

Mr. AINSLIE. He might be appointed to some other office.

The question was put by the chair and a viva voce vote was taken. A division was called for which resulted, 25 ayes and 5 nays, and the amendment was adopted.

Mr. HAMPTON. I would suggest that by unanimous consent the word "legislature" in the eighth line be changed to "house of representatives."

The CHAIR. There is no objection and the change will be so made by the secretary.

Mr. MAYHEW. I suppose here is the proper place and time to fill up these blanks for the salaries.

Mr. SHOUP. The salary bill has not yet been considered in convention.

Mr. MAYHEW. If we follow it up here, that ends the chapter, doesn't it? This is only as to the executive, I suppose.

Mr. SHOUP. The committee on Revision can do that.

Mr. MAYHEW. Not without the consent of this house as to what it shall be.

Mr. REID. I will ask unanimous consent in order that we may complete this. The object of the gentlemen going into convention was to complete it, and I ask unanimous consent that we may proceed now with the Salary bill and consider it in convention as in committee of the Whole and complete the Salary bill we were on yesterday, and fill up these blanks. It was understood and so determined by the convention when

this bill was up before, that these blanks should be filled after the consideration of that bill. I don't know why we should postpone the salary bill any further. We are about half through with it, and I think we can complete it in half an hour. We might go on and fix the salary of the district attorney, and then if you abolish it we can go back and amend this or drop it out. But we will get our work in order, and I ask unanimous consent to take up the salary bill and complete it and fill these blanks, and then proceed with the next.

Mr. WILSON. I rise to a point of order. I understand we must consider these articles in committee of the Whole.

Mr. REID. Then I suggest to the gentleman to just consider enough of the Salary bill to fill these blanks up as we go along. We left the section unfinished.

Mr. WILSON. Can we proceed in convention to consider it?

Mr. REID. We can if nobody objects.

Mr. ALLEN. I would like to offer an amendment to this section in line 21, following the word "general,"¹ add the words "Commissioner of Immigration."

Mr. MAYHEW. I will ask the gentleman if there is any such officer provided for in the constitution.

Mr. ALLEN. We adopted in the Labor article yesterday an amendment in regard to immigration and labor statistics and an officer to be called, as I understand, "Commissioner of Immigration and Statistics."

The CHAIR. The gentleman from Nez Perce asks unanimous consent that the convention do now consider so much of the Salary bill as relates to offices whose salaries are mentioned in the pending measure. If there is no objection it will be so considered and the pending bill laid aside for that consideration. The secretary will please lay aside this bill and take up the other one, No. 13.

The secretary will read those paragraphs of Section

¹—In second line from the end of the section as it now stands.

19, which leave the salaries in blank, in their order, beginning with the first one and disposing of that, and then the next.

SECRETARY reads: The governor at ——— dol-lars per annum.

Mr. REID. I move that that be filled by the inser-tion of \$2,500. (Seconded).

Mr. MAYHEW. I move to amend and make it \$3,000. (Seconded).

The chair put the question on the amendment to fill the blank with \$3,000.

A viva voce vote was taken and the chair being in doubt a rising vote was taken resulting in ayes 26, nays 13, and the amendment was carried.

Mr. REID. Now, Mr. Chairman, I demand the ayes and nays on this; we want a record.

The secretary proceeded to call the roll.

Mr. ALLEN. Mr. Chairman, as I understand this is simply for the first term.

Mr. REID. Yes, the bill provides; it is just the re-port made by the committee on Salaries. The legis-lature may increase it at any time, but the Salary bill proposes \$2,500, and the amendment is to raise it to \$3,000.

Mr. ALLEN. But this is one term only.

Mr. MAYHEW. Yes.

Mr. ALLEN. I am in favor of making the justices of the supreme court and the governor the same; but I am opposed to paying too high salaries permanently. I vote No.

Roll call:

Ayes: Anderson, Armstrong, Bevan, Blake, Campbell, Clark, Crutcher, Gray, Hampton, Harris, Hays, Heyburn, Hogan, Kin-port, Lemp, Maxey, Mayhew, McConnell, Melder, Moss, Parker, Pinkham, Shoup, Wilson—24.

Nays: Allen, Ainslie, Ballentine, Cavanah, Chaney, Coston, Hasbrouck, Jewell, King, Lemp, Myer, Pefley, Pritchard, Pyeatt, Sinnott, Sweet, Underwood, Vineyard, Whitton, Mr. President—20.

The secretary reads: Secretary of State, _____ dollars per annum.

Mr. REID. I move that be filled as reported by the committee on Salaries, at \$1,800. (Seconded).

Mr. MAYHEW. I move to amend by putting it at \$2,000.

Mr. SHOUP. There seems to be some misunderstanding in this convention as to the power of the committee on Revision. If we insert here what these salaries are of these officers, I see no necessity of repeating it in the Salary bill. If it is in the Salary bill I see no necessity of having it here. It is simply saying the same thing twice.

The CHAIR. It is moved and seconded that the salary of the secretary of state be fixed at \$1,800, and to that is an amendment that it be made \$2,000.

Mr. REID. And on that amendment I call for the ayes and nays.

The secretary called the roll.

Mr. HEYBURN. Before voting I would like to make inquiry of the committee whether any provision is made for clerks for the secretary. I understand the present secretary of the territory requires at least two clerks, and sometimes more, and I find no provision for clerks. If none is made, then the salary should be more; if there is a provision made, perhaps this is sufficient.

Mr. REID. So far as the salary was concerned it only provided salaries for those officers named in the constitution. I think the legislature will have authority to provide for the payment of clerks just the same as for clerks for the other officers.

Roll call:

Ayes: Ainslie, Allen, Armstrong, Bevan, Blake, Gray, Hays, Heyburn, Hogan, Lemp, Maxey, Mayhew, Moss, Parker, Shoup—15.

Nays: Ballentine, Campbell, Cavanaugh, Chaney, Clark, Coston, Crutcher, Hampton, Harris, Hasbrouck, Jewell, King, Kinport, Lemp, McConnell, Melder, Myer, Pefley, Pierce, Pinkham, Pyeatt, Reid, Sinnott, Sweet, Underwood, Vineyard, Whitton, Wilson, Mr. President—29.

And the amendment is lost.

The question was then put upon filling the blank with the words 1800. Vote and carried.

SECRETARY reads: State Auditor, State Treasurer, Attorney General and Superintendent of Public Instruction, ———— dollars each per annum.

Mr. REID. I would state that the committee on Salaries have made different salaries for those officers, and I move to insert for state auditor \$1,800. They provided \$1,000 yesterday for state treasurer; \$1,500 for attorney general. To make the question divisible, I move that the salary of state auditor be put at \$1,800. (Seconded. Vote and carried).

Mr. REID. I now move that the salary of the state treasurer be put at \$1,000, as determined by the convention on yesterday.

Mr. CLARK. I move to amend and make it \$1,500.

Mr. REID. I accept the amendment, as it was originally reported by the committee.

The question was put by the chair and a viva voce vote taken. The chair being in doubt a rising vote was taken which resulted as follows: Ayes 18; nays 24, and the motion to fix the salary at \$1,500 was lost.

Mr. REID. I move that it be fixed at \$1,000.

Mr. CLARK. I move that it be fixed at \$1,200.

Mr. REID. The convention determined \$1,000 yesterday, and I hold fast to that.

The chair put the question upon the amendment and a viva voce vote was taken. The chair being in doubt, a rising vote was taken, which resulted as follows: Ayes, 19, nays 25.

The question was then put upon the original motion to fix the salary at \$1,000. Vote and carried.

SECRETARY reads: Attorney general and superintendent of public instruction ———— dollars each per annum.

Mr. REID. I move that the report of the committee be adopted fixing the salary of those two officers at \$1,500 each.

Mr. WILSON. I move to amend to make the salary of the attorney general \$2,000. We don't want the state to be forced to put a \$1,500 man against a \$10,000 man when it is a corporation.

The CHAIR. Will the gentleman divide his motion?

Mr. REID. Yes, the first officer is the attorney general. I move that his salary be \$1,500. All I have to say is that we discussed it yesterday, and the convention after debating it put it at \$1,500, and the committee reported it at that. I don't feel disposed to accept the amount; if the convention chooses to change it, all right.

Mr. MAYHEW. While this discussion was going on yesterday I took no part in it. But it strikes me that in an important office such as the attorney general of the territory, being a salaried office, we should make the office respectable and that the person who fills it should be a respectable attorney. I insist that the duties to be performed by the attorney general when we become a state require that he should have at least \$3,000, and I will give my reasons why briefly. The attorney general of the territory has to be the adviser of all the state officers; he will be required to examine not only records and authorities but give written opinions for the different departments. It will be his duty to defend all cases in behalf of the state; to prosecute all criminal cases appealed from the different district courts to the supreme court. He will be required, as it is provided in the Judiciary bill, that there shall be four terms a year of the supreme court, to attend all those terms, which will require almost the entire attention of the attorney general. Any person who accepts that position must give up in fact practically his entire business in his profession to that which is required on the part of the state. I say, Mr. President, taking everything into consideration, we are cutting down the salary of the officer who is one of the most important in the state. And as was said by Mr. Sweet, these corporations that are now and will be in the state will have the ablest at-

torneys they can find anywhere in the state to prosecute their business and their cases. If we give a reasonable salary to some respectable lawyer, a man of ability and character, we can have this office filled, and he will be able to cross lances with those attorneys who represent the large corporations. So far as I am concerned, I don't care what any other member of this convention thinks; I say it is a disgrace and a shame even to put the salary at \$2,000 for the attorney general, and I think any lawyer who has any regard for his own profession and for that high office should be willing to make it \$2,000 at least. It ought to be \$3,000.

Mr. HARRIS. I move to amend the amendment and make it \$2,500.

Mr. MAYHEW. I will second that amendment with pleasure.

Mr. SHOUP. I will call the attention of the convention to the fact that the attorney general is also a member of the board of pardons; he is also on the state prison commission. In my opinion \$2,500 is little enough salary for him.

The CHAIR. It is moved and seconded that the salary of the attorney general be fixed at \$1,500, to which is an amendment fixing it at \$2,000, and to that is an amendment to fix it at \$2,500. (Vote. A division was called for).

Mr. MAYHEW. I call for the ayes and nays on that question.

Roll call:

Ayes: Ainslie, Anderson, Bevan, Blake, Gray, Hampton, Harris, Hays, Heyburn, Hogan, King, Maxey, Mayhew, Melder, Parker, Pinkham, Shoup, Sweet, Wilson—19.

Nays: Allen, Armstrong, Andrews, Campbell, Cavanah, Chaney, Clark, Coston, Crutcher, Hasbrouck, Jewell, Kinport, Lemp, Lewis, McConnell, Myer, Moss, Parker, Pierce, Pyeatt, Reid, Sinnott, Underwood, Vineyard, Whitton, Mr. President—26.

The question was then put on the amendment to the amendment to fix the salary at \$2,000.

And the amendment was lost.

Mr. MAYHEW. I call for the yeas and nays.

Roll call:

Ayes: Ainslie, Allen, Anderson, Armstrong, Ballentine, Campbell, Bevan, Crutcher, Gray, Hampton, Harris, Hasbrouck, Hays, Heyburn, Hogan, Jewell, King, Kinport, Lemp, Maxey, Mayhew, Melder, Moss, Pinkham, Pyeatt, Shoup, Sweet, Underwood, Vineyard, Wilson, Mr. President—31.

Nays: Cavanah, Chaney, Clark, Coston, McConnell, Myer, Parker, Pefley, Pierce, Reid, Sinnott, Whitton—12.

And the salary was fixed at \$2,000.

Mr. REID. I move to insert for the salary of the superintendent of public instruction \$1,500 as reported by the committee on Salaries.

Mr. SWEET. I would like to ask Mr. Reid if the traveling expenses are provided.

Mr. REID. Yes, whenever he travels, as are the lieutenant governor, attorney general and others.

Motion seconded. Vote and carried.

Mr. HEYBURN. I move to strike out in line 7 all after the word "annum" down to the end of the sentence in line 9; that is, the following: "The lieutenant governor shall receive the same per diem as may be provided by law for the speaker of the house of representatives, to be allowed only during the sessions of the legislature." I moved to strike it out of the Salary bill yesterday, and it ought not to be in both places.

Mr. REID. When these blanks are filled in, the Salary bill will not appear in the constitution at all.

Mr. HEYBURN. If it is not going to be in the Salary bill, you are going to have a little difficulty there that can probably be adjusted by the committee, but there are things in this Salary bill that must necessarily go in the constitution, because there is the authority of the legislature to provide for traveling expenses.

Mr. REID. That is in this section also. It can be put in the Salary bill.

Mr. HEYBURN. It will require a change to be made. It has not been provided for in the other bill so far.

Mr. REID. But it was suggested by consent you could leave it out.

Mr. HEYBURN. Then I withdraw my motion.

Mr. REID. I now move the adoption of the section as amended with the blanks filled.

The CHAIR. I suggest that the secretary read the section in full as amended.

Mr. ALLEN. I would like to offer an amendment that the word "which"—

The CHAIR. That has been struck out by consent already.

Mr. ALLEN. And that the words "Commissioner of Immigration and Statistics" be added as provided for yesterday.

The CHAIR. As provided for yesterday on the Labor bill, the word "shall" was stricken out and the word "may" inserted, leaving it optional whether the legislature would create that office or not.

Mr. ALLEN. I thought that was made obligatory; that was my impression.

The CHAIR. Yes, I think you are correct.

The secretary reads the whole section.

Moved and seconded that the same as amended be adopted.

Mr. ALLEN. There was an amendment some time ago to the section.

The CHAIR. The chair heard no second to the amendment.

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

SECRETARY reads: I move to insert the words "commissioner of immigration and statistics" after the word "general" in line 21 Section 19.

Mr. REID. I second the motion in order to speak to it. I would ask the gentleman to withdraw that in order to offer it when the article on Labor comes up. We are going to have no separate salary bill, and as these offices are created it would be better to have the salaries fixed in it. I have just conferred with the chairman

of the committee on Labor, and it is proposed to insert his salary when we get to that article. If the gentleman will withdraw his motion we will insert it there and it will be harmonious.

Mr. ALLEN. I will withdraw it.

Mr. REID. I offer the following amendment in line 20 after the words "payment of:" Strike out "mileage" and insert "actual expenses." The reason I do it is this. He can now only get pay for his mileage; it does not include hotel bills, and he might be on a tour of six weeks visiting schools and organizing county institutes, and this act would provide for his railroad fare; but for his hotel bills there would be no provision, and they might consume his entire salary. I know it was the object of the committee on Salaries to pay him all his actual expenses. So I move to strike out "mileage" in line 20 and insert "actual expenses." (Seconded).

Mr. MAYHEW. Isn't that rather a broad term, "actual expenses?" He might make out his bill to cover all his whiskey bills, if he happened to be a man of that character.

Mr. REID. I will amend it by saying "actual and necessary expenses." We have to lodge some discretion with an officer, and when he files his bill he will be required, like a salesman, to itemize his expenses, and if whiskey or any improper expenses are included, that man would not be superintendent of public instruction of our state any more, I think. But I will amend it and say actual and necessary expenses.

Mr. AINSLIE. There is only one objection to that, under Section 18, that if the legislature allows them mileage, I never saw a mileage account yet, but what gave more than actual expenses.

The question was put by the chair and a viva voce vote taken, and a division called for. On the rising vote, 24 ayes and 9 nays, and the amendment was adopted.

Mr. REID. I move the adoption of the section now as amended. (Seconded).

Mr. HEYBURN. Before that is done I desire to send up an amendment.

SECTION 18.

SECRETARY reads: Amend Section 18 by striking out all after the word "law" in the third line.

Mr. HEYBURN. Mr. Chairman, under the Judiciary bill which has been reported——

The CHAIR. The chair will have to rule that the amendment is out of order except by unanimous consent. It has been passed upon and adopted in convention.

Mr. HEYBURN. We are now upon a motion to adopt the whole article, and I take it I may offer an amendment. I understand the motion is for the adoption of the article.

Mr. REID. No sir, it is to adopt Section 19.

Mr. HEYBURN. Then I will withhold the amendment until we consider the whole article.

The vote was taken on the motion to adopt Section 19 as amended, and it was carried.

Mr. AINSLIE. I now move the adoption of the article as amended. (Seconded).

Mr. HEYBURN. Now, I renew my amendment to Section 18, which is to strike out all after the word "law" in line 3. The reason is that in the report of the Judiciary committee, Section 11 (10), it is provided that "the supreme court shall have original jurisdiction to hear claims against the state, but its decision shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the legislature for its action." This Section 18 provides that "they shall also constitute a board of examiners, with power to examine all claims against the state, except salaries or compensation of officers fixed by law. And no claim against the state, except salaries and compensation of officers fixed by law, shall be passed upon by the legislature without

first having been considered and acted upon by said board." We should make rules to be considered by this board and the supreme court, and we ought to confer jurisdiction upon one body or the other. If we are going to vest it in this board, there is no necessity to vest it in the supreme court; and if it is to be vested in the supreme court, there is no necessity to have it vested in this board. There is no necessity to hear those claims twice. It deprives the legislature of the power to pass upon them until they have been passed upon by this board under Section 18. Section 11 (10) of the Judiciary committee provides that the supreme court shall act in this matter.

Mr. AINSLIE. If the gentleman will examine the sections in the Judiciary article and the one in this article, he will find no conflict at all. Section 18 only makes them a board of examiners, "with power to examine all claims against the state, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law." In Section 11 (10) the party who has claims against the state can commence suit in the supreme court. "The supreme court shall have original jurisdiction to hear claims against the state, but its decision shall be merely recommendatory." Now, these claimants originally can commence suit in the supreme court, and then the matter must be certified to the legislature, and it will allow it. The supreme court in Section 11 (10) of the Judiciary bill is exactly like the court of claims in Washington. In the treasury department they have different powers; the first, second, third and fourth auditors, and comptroller of claims, etc.; and all claims go to one of these officers. If the examiner for instance is the comptroller, and he rejects the claim, the claimant then has the right to sue in the court of claims to recover the amount. And that is the condition here. The governor, attorney general and secretary of state constitute a Board of Claims, and if they allow it there is no neces-

sity to go into court, if they reject it, then they go into court.

The CHAIR. There is no second to the amendment, and it is out of order unless the gentleman wished to move to reconsider. Does he wish to reconsider it?

Mr. HEYBURN. I do not.

The CHAIR. Then the chair must rule that it is out of order.

Mr. HEYBURN. I would like to know if the chair rules that when an entire article is before the convention, it is not in order to move to amend it under the rules?

The CHAIR. The chair rules that the convention in proceeding upon any article section by section, when a section is adopted it expresses the sense of the convention, and after having passed the section by its adoption you cannot without unanimous consent or a motion to reconsider go back to any section which has been adopted.

Mr. HEYBURN. That has not been the rule enforced in the body heretofore.

The CHAIR. That is the understanding of the chair, and whenever the present occupant has occupied the chair that has been the rule. Else there is no sense in adopting it section by section. It is moved and seconded that the article as a whole be adopted. (Vote and carried).

The CHAIR. The article will now be referred to the committee on Engrossment for engrossment. What time will the committee fix for the final reading of this article?

Mr. AINSLIE. I will ask that it be put tomorrow at two o'clock. (Carried).

The CHAIR. The secretary will now take up the next bill.

ARTICLE X.—PUBLIC INSTITUTIONS. SECTION 1.

SECRETARY reads Section 1 and it is moved and seconded that it be adopted. Vote and carried.

SECTION 2.

Section 2 was read.

Mr. CAVANAH. Mr. President, I move to insert the word "twenty" in the second line in place of "ten."

Motion seconded and question put by the chair.

Mr. REID. Mr. Chairman, I hope the amendment proposed by the gentleman from Elmore, Mr. Cavanah, which was incorporated in the original report of the committee, will be adopted, and let us go back to twenty years. And I do it, sir, because as I conceive, the reasons for it are in the interests of Idaho. We want our capital to be the most beautiful, the wealthiest and most attractive city in the state. Here are all the elements of a great city; it is in a beautiful valley; we daily witness the improvements made by turning water upon it; we see the enterprise and thrift of her citizens; and if you have it inserted in the constitution that at the end of ten years the capital may be removed, what inducement or encouragement will there be for capitalists or anybody else to invest in public or private improvements? We know it requires many years to complete such works. We want, for instance, great water works to irrigate these plains, so this valley can be turned into beautiful parks, and drives, and everything of that sort. We want to encourage the citizens who reside here now, and who may come hereafter, to erect palatial homes, so that our capital city may be as attractive as any in the west. And as to its situation, who can desire more? We from the north and northwest come down here and meet you gentlemen from the southeast, which is just half way, as you will see if you look at the map; and when I shall return to my home and tell our people of the prospects we have for admission, and all I have learned and seen about Idaho, and the hopes and encouragement for the future, that which will give me more joy is the assurance—I put it beyond all doubt—is the assurance, that within the next two years a railroad will go right up Snake river to Lewiston, and out

through the northwest. That is all I can say about it now. The plans are laid and it will be consummated, and then we can come to this city in five or six hours; you gentlemen from the southwest can do the same. And even now I can leave here tonight and day after tomorrow morning I will be in Lewiston, when it used to require half or two-thirds of the week. The railroad facilities will connect us, the northwest with the southeast. And why should we have it understood that our capital shall be a football? We may want it up north, and you may want it in the southeast, or other gentlemen may want it further down south. Let us determine that the capital shall stay right here. I have found that the intelligence of Boise, the enterprise and hospitality of her citizens, will always afford us a generous welcome and a pleasant sojourn, so let us all pull together, and let us have it understood that our capital for at least a quarter of a century, shall remain in Boise. Then if her good citizens, who have been so hospitable and kind and patriotic, do not show themselves worthy of our capital—don't show that they intend to make this a beautiful city and an attractive capital, and worthy of this new state and her developing resources, then we can come in and by a vote of the people move it elsewhere, to some place that will make it what it ought to be. But I think, at least, we ought to give them the assurance that if they will make investments and render this valley and this city beautiful and attractive, and everything of that sort, and we hold out those inducements to them for a quarter of a century, we will be repaid by having one of the most beautiful cities of the west; Portland and Spokane cannot excel Boise in resources; here are enterprise and capital, and I believe these people will make our capital the pride of Idaho. But if we leave it for only ten years, and have it understood in all our state politics that this shall be a local question, like Mormonism or annexation, to disturb our politics and our people, what inducement will there be to capital to come here and invest in parks, water works,

gas works, street railroads and everything of that sort? I hope every gentleman of the north will give his vote to let this capital stay here at least a quarter of a century, and encourage and induce this people to beautify and adorn their city.

Mr. McCONNELL. I heartily endorse what my friend from Nez Perce has said on this question. One item that entered into the question of annexation was the difficulty of access to the territorial capital; but now then that difficulty has been removed. We are, as the gentleman says, within twenty-four hours of Boise City; we are as near as the people in the southeastern part of the territory. This is the central location, and as the subject of irrigation, which we had under discussion yesterday, is a subject which will interest the people in the future, perhaps more than any other, in the development of its agricultural resources, people coming here will naturally come to the capital; and in what point of the territory can they see the results of irrigation so well demonstrated as here in this city? Gentlemen, I hope you will adopt this amendment.

Mr. AINSLIE. As a resident of southern Idaho, I desire to congratulate the people upon the generous sentiments uttered by the two gentlemen who have preceded me, representing that portion of the territory that has appeared to be dissatisfied ever since the removal of the capital from Lewiston in 1864. I am glad to see that the feeling of union and harmony that has been evidenced by the statements of these gentlemen, has met with a hearty response by the people of southern Idaho. Although not a resident of this county and town, I take pride in this section of the territory, and I hope, as the gentlemen have so generously come forward and offered to extend the time that the capital may be located here, that every county in the territory represented on this floor will concur with the generous sentiments uttered.

Mr. MAYHEW. After listening to the distinguished speech of the distinguished gentleman from Nez Perce, all I have to say to that is, let us lay aside all feeling

and sing that good old song "Haste to the Wedding." I shall vote against it.

Mr. McCONNELL. Let Brother Mayhew start the tune.

Mr. HASBROUCK. Mr. President, I too hope this amendment will prevail. I do not think it ought to be located for ten years. I have lived a long time in Boise City, and so far as I know, there is not another place in the territory, nor probably ever will be for the next quarter of a century, so well adapted to be the capital of this state as Boise City. I would have been in favor of making it the permanent seat of government, but I do not suppose I could get a second to that proposition, therefore I hope the amendment will prevail. I have no idea it will be taken to Weiser, and if it cannot, I don't want it taken anywhere else.

Mr. CAVANAH. I make this motion, Mr. President, solely in the interest of economy. I am glad to hear our people of the north speak so highly of our country here, although I do not live in this country. If it is left ten years, in less than four years they will begin to agitate the removal of the capital in the legislature, and for that reason I am in favor of locating it in Boise City for twenty years.

"Question, question."

The CHAIR. It is moved and seconded that the word "ten" in the second line be stricken out and the word "twenty" inserted. (Carried).

Moved and seconded that Section 2 be adopted. Carried.

SECTION 3.

Section 3 read, and it is moved and seconded that it be adopted. Vote and carried.

The CHAIR. The chair understands that by unanimous consent the word "legislature" in all cases is substituted for the words "legislative assembly."

SECTION 4.

Section 4 read, and it is moved and seconded that it be adopted. Vote and carried.

SECTIONS STRICKEN OUT.

The SECRETARY. The committee recommended the striking out of Sections 5 and 6.

Mr. AINSLIE. I move that the report of the committee be adopted. (Seconded).

Vote and carried.

SECTION 5.

Section 7 (5) read, and it is moved and seconded that it be adopted. Carried.

SECTION 6.

Section 8 (6) read, and it is moved and seconded that it be adopted. Carried.

SECTION 7.

Section 9 (7) read, and it is moved and seconded that it be adopted. Carried.

Mr. CAVANAHER. I move the adoption of the article as read as a whole. (Seconded. Vote and carried).

The CHAIR. The article is adopted and referred to the committee on Engrossment. What time will be fixed for its final reading?

Mr. CAVANAHER. I move it go over to final reading at three o'clock tomorrow. (Seconded).

Mr. MAYHEW. I move that it be reported back this evening at eight o'clock.

The CHAIR. The chair will ask the chairman of the committee on Engrossment as to whether it can be prepared by that time.

Mr. AINSLIE. I don't think it can be prepared by that time.

Mr. HASBROUCK. I think so.

The CHAIR. The chairman informs the chair that

it can be reported at eight o'clock, but that would be a matter more with the engrossing clerk than with the committee. I don't think however, that the committee has any more matters before it than can be engrossed by that time. Will the committee be able to act upon it at that time?

Mr. HASBROUCK. I think so.

The CHAIR. The motion is made that the time be fixed for final reading at three o'clock tomorrow, and an amendment is offered fixing eight o'clock this evening. The question is on the amendment. (Vote). The amendment is lost. Those in favor of fixing tomorrow at three o'clock say aye; contrary no. (Vote.) The motion is carried. The secretary will read the next article.

ARTICLE XII.— MUNICIPAL CORPORATIONS.

The SECRETARY. The next article is No. 8, the report of the committee on Municipal Corporations.

SECTION 1.

Section 1 read and it is moved and seconded that it be adopted. Carried.

The SECRETARY. There was a motion to strike out Section 2.

SECTION STRICKEN OUT.

Mr. REID. I move that the report of the committee of the Whole to strike Section 2 out be adopted. (Carried).

SECTION 2.

Section 3 (2) read, and it is moved and seconded that it be adopted. Carried.

SECTION STRICKEN OUT.

Mr. AINSLIE. I move that the report of the committee striking out Section 4 be adopted. (Seconded. Carried).

SECTION 3.

Section 5 (3) read, and it is moved and seconded that it be adopted. Carried.

SECTION 4.

Section 6 (4) read, and it is moved and seconded that it be adopted. Carried.

ARTICLE XII. ADOPTED.

Mr. AINSLIE. I move the adoption of the article as a whole as amended. (Carried).

The CHAIR. It will be referred to the committee on Engrossment.

Mr. MAYHEW. This being a short article and not many amendments to it and as it can soon be engrossed, I move that it be engrossed and reported tomorrow morning at nine o'clock. (Seconded).

Mr. HASBROUCK. I would like to ask whether the convention would like to have these articles engrossed in their order. If that is a fact, I think tomorrow morning at nine o'clock would be too soon to report this. If it makes no difference as to their being reported in their regular order I am not opposed to the motion.

Mr. MAYHEW. I notice the motion prevailed that the article just passed be reported tomorrow at three o'clock. I don't desire to make any objections to it because it seemed to meet with the approbation of some of the gentlemen; but the fact is the engrossing committee and engrossing clerk will have ample time to report this tomorrow morning at nine o'clock. It is a short article and the sooner we have it done the better. If the gentlemen had considered a moment they would have seen very readily that this matter which was to be reported tomorrow at three o'clock could have been reported at nine o'clock just as well as at three. We can get through that much quicker.

The CHAIR. In response to inquiry made of the chairman of the committee on Engrossment, the chair

will state that the secretary will keep a record of the order in which these various bills have been set and time fixed for final reading, and up to date there has been nothing that would interfere with the report tomorrow morning at nine o'clock. The others have been put at two and three o'clock. It is moved and seconded that the article just adopted be made a special order tomorrow morning at nine o'clock for final reading.

Vote and carried.

The CHAIR. The secretary will read the next bill.

ARTICLE IX.— EDUCATION AND SCHOOL LANDS.

The SECRETARY. That is Bill No. 9.

Mr. McCONNELL. No. 9 has already been considered in convention.

Mr. MAYHEW. I think it has too.

The SECRETARY. The journal shows it was considered in committee of the Whole yesterday and the final section has been ordered printed, which was disposed of and reported back, but no action taken upon it. It has not been considered in convention yet.

SECTION 1.

Section 1 read and it is moved and seconded that it be adopted. Carried.

SECTION 2.

Section 2 read, and it is moved and seconded that it be adopted. Carried.

The SECRETARY. Strike out Section 3.

SECTION STRICKEN OUT.

Mr. McCONNELL. I move that the report of the committee of the Whole be adopted to strike out Section 3. (Seconded. Carried).

SECTION 3.

Section 4 (3) read, and it is moved and seconded that it be adopted. Carried.

SECTION 4.

Section 5 (4) read, and it is moved and seconded that it be adopted. Carried.

SECTION STRICKEN OUT.

The SECRETARY. The committee recommended striking out Section 6.

Moved and seconded that the report of the committee be adopted. Carried.

SECTION 5.

Section 7 (5) was read, and it is moved and seconded that it be adopted. Carried.

SECTION 6.

Section 8 (6) was read.

Mr. REID. I now offer again the amendment offered by Mr. Clark of Ada, and on that I call the ayes and nays; "Provided that nothing herein contained shall be considered to prohibit the reading of the Bible in the public schools in any commonly received version," and I shall also call the ayes and nays on the amendment last read.

The convention adopted that amendment in Washington the other day, that no political, sectarian, denominational or other book could be used in the schools; but you might consider a history to be political, and that would exclude histories. Now, I do not contend that we should teach party politics, but the word political has a broader significance than partisanship. If you exclude every political work, for instance, you cannot introduce political economy in those schools and teach it under that. Works on political economy are prescribed in every school.

Mr. WILSON. Do you claim political economy is a political work?

Mr. REID. I certainly do.

Mr. WILSON. It is not any more than astronomy or geography or chemistry.

Mr. REID. We have a science of government, and the children ought to be taught it; it is not democratic or republican politics, but there are works on politics and the science of government as we teach it and practice it every day, which children in schools and academies ought to be taught. And that amendment, as I take it, cuts that out.

Mr. SWEET. I would like to say to the gentleman from Nez Perce in support of the position he takes in that respect, that I myself was a student in an institution where the students and the regents of the university got into personal difficulty over the works used on political economy. They were using Perry's works, and it is as you know a free trade book. The protective members of the board of regents insisted that it was teaching the students of the university free trade, and they got into a row over it, and I don't know whether they are out of it yet or not.

Mr. REID. Yes, and Mr. Wayland used to teach that slavery was provided for in the constitution; and after the war he took the other ground, and then they excluded it from some institutions but kept it in others, but there are certain works, for instance, certain histories in the north and in the south, too, that are recognized, Goodrich's and others, that are accepted by everybody.

Mr. MAYHEW. Do I understand you to move to strike out the word "political?"

Mr. REID. No sir, I am speaking to these two amendments.

Mr. MAYHEW. Well, I understand the gentleman's discussion is a political discussion. I would be in favor of striking that out.

Mr. REID. I have called for the ayes and nays, and I reserved the right to do it the other day when the question was on its reading. Mr. Hasbrouck offered that amendment the secretary has just read, that no political, denominational, or sectarian work should be read. And I call the attention to what the word "po-

litical" means, and I also call the ayes and nays on the amendment offered by Mr. Clark of Ada.

Mr. WILSON. I take issue with the gentleman from Nez Perce as to whether or not political economy is a political work. It is not a political work at all, and every college and university in the United States teaches the free trade theory of political economy, except one, and that is Cornell University. It is a notorious fact that every college and university of the United States of any standing at all that has political economy taught there, teaches the theory of free trade absolutely, but Cornell University presents both sides. Yet, it is not a political text book. It is not a political question within the contemplation of the amendment of this word political. *Political* means there, synonymous with the word *state*; not the science of political parties. Free trade and protection are not political questions. They are questions of government taught one way or the other in the schools, almost uniformly in one way in these United States; but they are not political questions and would not come within that inhibition, and I think it ought to be there.

The CHAIR. The chair will have to rule that this discussion is out of order, for the reason that there is nothing now before the convention except the amendment by the gentleman from Nez Perce renewing the amendment offered by the gentleman from Ada, Mr. Clark. It will be in order if any question should arise with reference to adopting the amendment reported by the committee of the Whole, which was offered by the gentleman from Washington.

Mr. REID. I demand the ayes and nays on both, and my friend from Shoshone moved to strike out "political," and I call attention of the gentleman from Washington to the fact that if you strike out the word "political" the last section covers the balance of it, "sectarian or denominational."

The CHAIR. The motion before the house at present is with regard to the report of the committee of the

Whole on the amendment offered by the gentleman from Washington. The only thing before the house is the adoption of the amendment offered by the gentleman from Nez Perce.

Mr. AINSLIE. What is that amendment?

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.

Mr. WILSON. On that I have a word to say. The ayes and nays are called on that question, and I am glad of it. Not because the Bible is not all right, but because it is not the place for it in the public schools. We don't propose to teach any religious tenets or sectarian doctrines there. The question whether the Bible is a sacred book, I am not able to answer. Some have decided it is and some have decided it is not; but whether it is or not, I am opposed to reading it in the public schools, because a great many of our people are opposed to the Bible as it would be read in the public schools, and those people are our taxpayers, and they object to it and do not send their children to school if it is read there. Not because the Bible is not all right, but because it is not the place in the public schools for it.

Mr. MAYHEW. I am in favor of the amendment of my friend from Nez Perce for one reason, just because my friend says he is going to put us on record. A very impressive record this is going to be in the convention. Now, if it is understood by the record that I have got to establish the fact here that I am not a pagan, Buddhist, Mormon nor Mohammedan, but that I am a Christian, I am willing to go on record that I am a Christian. That is all there is about it.

Mr. REID. This amendment does not require the Bible to be read in the schools, but allows communities that wish the Bible to be read or desire to have it done. Under this section as it is adopted, just as the superintendent of public instruction has done once before, they can exclude the Bible on his ruling, but under this amend-

ment if any teacher wants the privilege of reading the Bible in the school he may have it. If they decide not to do so that is all right. But I don't want any law passed so that a Christian community in this territory may not have the privilege of having the Bible read in schools; that is, the commonly received version, without comment, if they want to have it done.

Mr. HAYS. I shall vote against this amendment. I do not believe, Mr. President, that there is a gentleman in this convention who has a higher regard for the Bible than myself. Yet, I vote against this amendment for the reason that if it is carried, it will create dissension in the public schools of our state. That will certainly follow, for while there are a great many who believe in that book, there are a great many who do not. And when you pass a law allowing it to be read in the public schools, parents, who do not believe in the Bible will object, and parents who do believe in it will want it read, and that is where the dissension comes in. You will have more trouble than you ever dreamt of. You can't satisfy all, nor you won't satisfy any. It will be a continual pulling and hauling against it. Some will want it and other will not want it, then there is dissension. You will have it throughout your public schools, not only in your universities, but in your common schools. We have enough trouble now, and we will have more trouble after this amendment is adopted. I shall therefore vote against it.

Mr. MAXEY. There are many men that have views contrary to the teachings of the Bible; but who is asking that the Bible be excluded from our public schools? Is it the denominations representing the Christian church? Is it the Mormons? Who is it that is asking the exclusion of the Bible from the common schools? How are the children, Mr. President, to learn the great moral lessons, especially the children of those men who would exclude the Bible from the common schools, and also from their homes? How are their children to get the moral lessons, for instance, "Thou shalt not steal,"

“Thou shalt not kill;” Thou shalt not commit adultery;”
 “Thou shalt not bear false witness?” Where do they
 learn those lessons, gentlemen?

Mr. HAYS. At Sunday school.

Mr. MAXEY. But are you to have Sunday schools?
 These gentlemen that object to the Bible, not only in
 the schools but at home, how are those children to ob-
 tain those lessons? What denomination can object to
 the ten commandments; and how are the children to ob-
 tain those moral lessons?

“Question, question.”

Roll call:

Ayes: Allen, Anderson, Ballentine, Campbell, Chaney,
 Clark, Glidden, Kinport, Lewis, Maxey, Mayhew, McConnell,
 Melder, Myer, Pinkham, Pyeatt, Reid, Underwood—18.

Nays: Ainslie, Armstrong, Cavanah, Coston, Crutcher,
 Hampton, Harris, Hasbrouck, Hays, Heyburn, Hogan, Jewell,
 King, Lamoreaux, Moss, Parker, Pefley, Pierce, Sinnott, Shoup,
 Sweet, Vineyard, Whitton, Wilson, Mr. President—25.

And the amendment was lost.

Mr. SWEET. I have an amendment.

SECRETARY reads: Provided that nothing herein
 shall be construed to prohibit the reading of those por-
 tions of the Bible of any version as inculcate lessons of
 morality.

Mr. REID. I second the motion.

Mr. SWEET. I do not care to make any argument
 in favor of this substitute, beyond the facts stated the
 other day. At the time this amendment and substitute
 was before the house. This substitute is the one offered
 by you, Mr. President, at that time. I desired to vote
 for it then, but it was passed before I knew it. And
 still I don't believe teachers should be permitted to
 teach the Bible and teach promiscuously, and say what
 they do believe of the various religious doctrines taken
 from that book; at the same time I don't think there
 can be any harm in permitting teachers to read a moral
 lesson.

Mr. MAXEY. I have an amendment to that sec-
 tion.

Mr. MAYHEW. I desire to say a word in relation to the amendment.

The CHAIR. What is the amendment? We will take these amendments up and dispose of them one by one.

Mr. MAYHEW. Mr. President——

Mr. REID. The rules require that all amendments be put in, and then you vote in the order in which they are considered. Some amendment might be offered which would influence our vote on another amendment. I think we are entitled to have them all read before we vote.

The CHAIR. There is no objection to it except as a matter of convenience.

Mr. CAVANAH. Mr. President, as a matter of convenience, I wish to make a motion that all these motions be laid on the table, and that the section as originally reported by the committee on Education be adopted. (Seconded).

Mr. SHOUP. Allow me to make a suggestion to the gentleman. If this motion prevails, the matter proposed to be amended will go with it on the table.

Mr. MAYHEW. I desire to simply——

“Question, question, question.”

SECRETARY reads: Amend Section 8 (6) to read at the close of the section: “But nothing shall be construed in this article as prohibiting the teaching of the ten commandments.”

Mr. MAYHEW. How about Christ’s sermon on the mount? He might have inserted Christ’s sermon on the mount, and at Galilee.

The CHAIR. The first question is on the adoption of the motion of Mr. Sweet.

Mr. HARRIS. I move it be laid on the table.

Mr. WILSON. I am opposed to that, because I think it casts reflection upon it; it virtually says that portions of the Bible are not moral lessons; and I don’t believe a teacher could discriminate between those which are and those which are not moral lessons.

Mr. HARRIS. Mr. President, I move that the amendments be tabled.

Mr. REID. I hope this matter will not take that course. We have been offering amendments here to different articles. There seems to be a disposition——

The CHAIR. The motion is not debatable.

Mr. REID. I demand the ayes and nays.

The CHAIR. The question is, that the motion as amended by Mr. Sweet will lie upon the table, and the yeas and nays are demanded.

Mr. McCONNELL. I would like to have you decide whether that will carry the section with it.

Mr. MAYHEW. It does.

Mr. AINSLIE. I think I can get a motion that will reach those things; a motion to indefinitely postpone all pending amendments, and call the previous question upon the section as it stands.

Mr. REID. I make a point of order, that there is a motion pending to lay on the table.

The CHAIR. The original motion by Mr. Harris to table the amendments, carries the main question with it.

Mr. HARRIS. I will withdraw the motion.

Mr. REID. I object to the withdrawal of it.

The CHAIR. The motion cannot be withdrawn except by consent. The secretary will call the roll.

Roll call:

Ayes: None.

Nays: Ainslie, Allen, Anderson, Armstrong, Ballentine, Campbell, Cavanah, Chaney, Clark, Coston, Crutcher, Glidden, Hampton, Harris, Hasbrouck, Hays, Heyburn, Jewell, King, Lemp, Lewis, Maxey, Mayhew, McConnell, Melder, Myer, Moss, Parker, Pefley, Pierce, Pyeatt, Reid, Sinnott, Shoup, Sweet, Underwood, Whitton, Wilson, Mr. President—39.

Mr. CAVANAHA. Now, Mr. President, is my motion in order, that all those other amendments be laid on the table, and the section as originally reported from the committee on Education be adopted? And on that I call the previous question.

Mr. MAYHEW. I would like to ask the gentleman, do you desire to defeat the section formerly read, or do you desire simply to defeat the amendments? Your motion will defeat the section; it will all be laid on the table.

Mr. CAVANAH. I will withdraw it then.

The CHAIR. The chair suggests that the shortest way to get rid of this matter, there being considerable feeling on both sides, and the most equitable way, is to take up the amendments and vote on them.

Mr. AINSLIE. I propose that we take up the amendments and vote them down if it takes all day. It is wasting the time of the convention, they have been voted down twice; but if the gentlemen desire to consume the time of men here on nothing but religious crankism, we will vote them down.

Mr. MAYHEW. I call the previous question.

The CHAIR. The question before the house is, the adoption of the amendment offered by Mr. Sweet.

Mr. REID. I make a point of order, that when we considered this in committee of the Whole I reserved the right to call the ayes and nays on the question of the gentleman from Washington; and no call for the previous question or anything else can prevent the consideration of that in the convention, under the rules. We have had the ayes and nays on one proposition, but not on the other. Now the gentleman gets up and calls this religious crankism. When we considered the Legislative bill and the Irrigation bill, the gentleman offered numerous amendments, and was not cut off with any feeling. This is a great moral question, it is one we have to go before the people on; but it is not so much that question as whether or not in these public schools we can teach our children moral lessons. It is a question whether the people of this state are to contribute their taxes to schools from which, you say by your vote, they shall exclude moral lessons. My friend said it was a question of taxation, and for that reason he did not want the Bible in it. Well, if they have to dictate

that we cannot teach our children moral lessons, then I don't want to be taxed to support them. I claim the right under every state government in the country, with the Constitution resting its foundation upon the very principles incorporated in that Book, to have the lessons of morality taught, and I don't propose to be cut off in our rights here as long as we can maintain them, by any appeal to passion, or sneering, that this is religious crankism or anything of the sort. I want this question to receive the same consideration and fairness that other questions have received here.

Mr. SHOUP. May I ask the gentleman if he claims the right to offer this amendment after it has been considered in committee of the Whole?

Mr. REID. I certainly do under the rules, and the chair held that this convention has been going out of order, that there wasn't but two questions you could vote on; one was the amendment offered by Mr. Clark and the other was the amendment offered by Mr. Hasbrouck; on which I reserved the right to call the ayes and nays. All the other amendments are entirely out of order, the way I construe the rules, because we considered it in committee of the Whole and you offered all the amendments you wanted to; and when you get back to the convention the only amendments, I take it, under our rules, that you can consider are those that have been acted on in committee of the Whole; and the only reason you can consider them is that you may call the ayes and nays.

Mr. SHOUP. How can you in the convention——

Mr. MAYHEW. (Interrupting) Is there no way under the rules here—if not, it strikes me I don't understand them—to cut off this debate and bring it to a direct vote? I have heard speeches here about the Christian religion that do not add anything to my faith in it or detract anything. Our minds are made up on it after these long debates in support of reading the Bible. It seems to me the convention is opposed to it.

I am satisfied, at least. I desire to have the debate cut off.

“Question, question.”

Mr. MAYHEW. I call the previous question. (Sec-
onded.)

The CHAIR. The chair heard no seconds before to that call. The question is now upon the adoption of the amendment offered by the gentleman from Latah, Mr. Sweet. Upon that the gentleman from Shoshone, Mr. Mayhew, demands the previous question. The question is now, shall the main question be put. (Vote). The ayes have it. The question is now upon the adoption of the amendment offered by the gentleman from Latah. Upon that question the ayes and nays are demanded.

Mr. HEYBURN. I ask the gentleman from Latah what section he desires his amendment to.

Roll call:

Ayes: Allen, Anderson, Ballentine, Campbell, Chaney, Glidden, Hampton, Kinport, Lewis, Melder, Myer, Moss, Pinkham, Pyeatt, Reid, Sweet, Underwood, Mr. President—18.

Nays: Ainslie, Armstrong, Bevan, Cavanah, Clark, Coston, Crutcher, Harris, Hasbrouck, Hays, Heyburn, Hogan, Jewell, King, Lemp, Maxey, Mayhew, McConnell, Parker, Pefley, Pierce, Sinnott, Shoup, Vineyard, Whitton, Wilson—26.

And the amendment is lost.

The question then recurred upon the amendment of the gentleman from Ada, Mr. Maxey. The secretary read the amendment. Amend Section 8 (6) by the addition: “but nothing shall be construed in this article as prohibiting the teaching of the ten commandments.”

The vote was taken and the amendment rejected.

Mr. AINSLIE. I now move the previous question.

Mr. REID. I make the point of order that the question of Mr. Hasbrouck’s amendment has not been had on the call of the ayes and nays. I move now that the convention do not concur in the amendment recommended by the committee of the Whole on the motion of the gentleman from Washington. And on that I call for the ayes and nays. (Secoded).

The CHAIR. It is moved and seconded that the convention do not concur in the amendment recommended by the committee of the Whole on the motion of the gentleman from Washington, Mr. Hasbrouck. And on that question the ayes and nays are demanded.

Mr. REID. I ask that the amendment be reported before we vote.

SECRETARY reads: And 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. AINSLIE. Now, as I understand it, if we vote for this motion, it is equivalent to rejecting the amendment offered in the committee of the Whole.

The CHAIR. Yes.

Roll call:

Ayes: Allen, Ballentine, Campbell, Clark, Glidden, Hampton, Kinport, Lewis, McConnell, Myer, Pinkham, Pyeatt, Reid, Shoup, Sweet, Underwood—16.

Nays: Ainslie, Anderson, Armstrong, Bevan, Cavanah, Chaney, Coston, Crutcher, Harkness, Harris, Hasbrouck, Heyburn, Hogan, Jewell, King, Lemp, Maxey, Mayhew, Melder, Moss, Parker, Pefley, Sinnott, Vineyard, Whitton, Wilson, Mr. President—27.

And the amendment is lost.

The CHAIR. On the motion of the gentleman from Nez Perce that the convention do not concur in the amendment recommended by the committee of the Whole, the vote stands: Ayes, 16; nays, 27. And the motion of nonconcurrency is lost.

Mr. AINSLIE. I now move that the report of the committee of the Whole be adopted so far as Section 8 (6) is concerned. (Seconded. Carried).

SECTION 7.

Section 9 (7) read, and it is moved and seconded that it be adopted. Carried.

SECTION 8.

Section 10 (8) read, and it is moved and seconded that it be adopted.

Mr. MOSS. I would like to ask that the words "public school" be stricken out and "state" substituted, in order that it may be in conformity with the previous part of this section, as well as other parts of the article. Will it be necessary to offer an amendment?

Mr. McCONNELL. The committee will consent to that.

Mr. REID. I would like to inquire of the committee if by that amendment, and also by Section 9 (7), the control of the university lands is not put in the hands of the state commissioners—land commissioners; whether the university lands are taken away from the Board of Regents and put in the hands of the land commissioners?

The CHAIR. The question is upon adopting the amendment. (Vote). The ayes have it. The question is now upon the adoption of Section 10 (8) as amended. (Vote and carried).

SECTION 9.

Section 11 (9) read, and it is moved and seconded that it be adopted. Carried.

SECTION STRICKEN OUT.

The SECRETARY. "Strike out Section 12."

Moved and seconded that the action of the committee be approved and that Section 12 be stricken out. Vote and carried.

SECTION STRICKEN OUT.

The SECRETARY. "Strike out Section 13."

Moved and seconded that the action of the committee be sustained. Carried.

SECTION 10.

The substitute for Section 14 (10) read, and it is

moved and seconded that the substitute be adopted. Carried.

SECTION STRICKEN OUT.

The SECRETARY. "Strike out Section 15."

Moved and seconded that the action of the committee be sustained. Carried.

SECTION STRICKEN OUT.

The SECRETARY. "Strike out Section 16."

The CHAIR. If there is no objection the same disposition will be made. There is no objection, and it is so ordered. The secretary will read.

SECTION 11.

The SECRETARY. I would like to call the president's attention to the fact that the printers in printing Section 17 (11) have got it different from the original section in two particulars. They have used the word "real estate."

Mr. MAYHEW. That came in under the amendment of Mr. Heyburn.

The SECRETARY. Yes, and the printer made mistakes in the printing, and the convention acted upon it yesterday in my absence; and the only question is, the original section as it was written was: "The permanent educational funds belonging to the state shall be loaned on first mortgage on improved farm lands within the state, or on state or United States bonds, under such regulations as the legislature may provide; *Provided*, That no loan shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings."

Mr. MAYHEW. There is an amendment or a substitute to that section offered by Mr. Heyburn.

Mr. McCONNELL. That was voted down.

Mr. MAYHEW. Well, I desire to hear that amendment read again.

The SECRETARY. There should be inserted the words "other than university lands arising from the disposition of university lands belonging to the state;" that was done yesterday.

The CHAIR. It is moved and seconded that the substitute as amended by the committee of the Whole, and reported to the convention, be adopted.

Mr. McCONNELL. I want to have it understood now, does the secretary keep the copy we pass, or the copy they pass in the printing office?

The SECRETARY. The copy as printed I send in.

The CHAIR. The printing office has no authority to change matter passed by the convention.

Mr. HASBROUCK. The secretary read the section in this manner: "other than university lands arising from the disposition of" etc. I would like to know whether it is funds or lands.

The CHAIR. I would suggest that the words "other than funds arising from the sale of university lands" will be put in there, which will cover the point exactly.

Mr. McCONNELL. The committee will accept that.

SECRETARY reads the section as corrected: "The permanent educational funds, other than funds arising from the disposition of university lands belonging to the state, shall be loaned on first mortgage on improved farm lands within the state, or on state or United States bonds, under such regulations as the legislature may provide; *Provided*, That no loan shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings."

The CHAIR. The question is now upon agreeing to the report of the committee of the Whole recommending the adoption of Section 17 (11) as read. (Carried).

ARTICLE IX. ADOPTED.

Moved and seconded that the article be adopted as a whole. Vote and carried.

The CHAIR. The article is adopted and referred to

the committee on Engrossment for engrossment. What time will be fixed by the convention for final reading?

Mr. MAYHEW. I move it be engrossed and reported back tomorrow morning at nine o'clock.

The SECRETARY. It cannot be done; it is too long.

Mr. HASBROUCK. I will amend the motion, that it be put upon its final reading Thursday morning at nine o'clock. (Seconded).

Mr. MAYHEW. I hope that will not be done. If the engrossing clerk cannot come up to the occasion, I shall certainly move that we have an additional assistant. If you keep putting these things off, gentlemen, we shall not get through for two or three weeks. I know I have got to get away this week, and I want to lend my feeble aid to the completion of this constitution as long as possible. I move it be reported back tomorrow morning at nine o'clock. (Seconded).

Mr. HASBROUCK. I don't believe it ought to be ordered back before Thursday. I have no idea this convention will get through by that time.

Mr. MAYHEW. I move that there be elected or appointed now by this convention an additional clerk on engrossment. Let us get through; if one can't do it, let us have half a dozen.

The CHAIR. Does the gentleman withdraw his motion to fix the time for final reading at nine o'clock tomorrow morning?

Mr. MAYHEW. No, I do not.

The CHAIR. Then the motion to elect another engrossing clerk is out of order. It is moved and seconded that the article just adopted be reported for final reading tomorrow morning at nine o'clock. The gentleman from Washington moves an amendment, that it be made a special order for Thursday morning at nine o'clock.

Mr. CLARK. I want to introduce an amendment to fix the time at half past two o'clock tomorrow. We have one reading for two o'clock, and one for three

o'clock, and probably the clerk can get this ready by half past two.

The CHAIR. The question is first on the amendment to the amendment, to fix the time at half past two tomorrow afternoon. (Carried).

Mr. McCONNELL. I move the convention take a recess until two o'clock this afternoon. (Carried).

AFTERNOON SESSION, *July 30, 1889.*

ORDER OF BUSINESS

The CHAIR. I think it is proper to make a statement to the convention about the present condition of business, so you may all know just how the matter stands. All of the reports of the committees, which have been considered in committee of the Whole some time ago, and laid aside upon the speaker's table without going upon the calendar, have now been disposed of. There are now to be disposed of four reports, which have been reported back to the convention, to each one of which there is pending one additional section. I refer to the report of the committees on Livestock, on Labor, on Public Indebtedness and on Private and Public Corporations; and those additional sections, one to each report, being disposed of, and referred to the engrossing committee, will leave to the convention only four subjects. Those are, the report of the Judiciary committee, Revenue and Finance, Apportionment and Schedule. The chair makes the statement at this time so as to notify the members of the convention, and particularly the members of the committees on Schedule and Apportionment, that in all human probability unless those committees report and report very soon we will be out of business tomorrow.

Mr. VINEYARD. Mr. Chairman, I would ask if it be in order, if those various sections put into those reports that are still undisposed of, which you have mentioned, could be considered in the convention.

The CHAIR. That has already been ordered; they are now before the convention.

Mr. VINEYARD. I move that we take up the first one of them not disposed of.

The CHAIR. The chairman of the committee on Public and Private Corporations is not present.

Mr. VINEYARD. Then let us proceed to the next one.

ARTICLE XVI.—LIVESTOCK.

The CHAIR. It is moved we take up the article reported by the committee on Livestock, as it was acted upon yesterday and reported back to the convention by the committee of the Whole. (Carried).

SECTION 1.

SECRETARY reads Section 1, and it is moved and seconded that it be adopted. Carried.

The SECRETARY. There is an additional section, offered yesterday by the gentleman from Latah, Mr. McConnell, as Section 2, as follows:

PROPOSED SECTION 2.

“The legislative assembly shall by law prescribe the manner, terms and conditions upon which domestic animals may be permitted to graze upon the unoccupied lands of the state, or of the United States within the state, and shall by law regulate the subject of pasturage upon such lands as to preserve as far as practicable the value of the range and prevent injury to such lands; but nothing herein shall be so construed as to authorize the passage of any law inconsistent with the laws of the United States relating to the settlement, occupancy, use or disposal of the public domain.”

Moved and seconded that the section be adopted.

Mr. ALLEN. Mr. President, in regard to the discussion had as to the words “United States lands,” I shall move as an amendment that the word “United States” where it first occurs be stricken out.

The CHAIR. On yesterday when this question came up, and when the power of the state was questioned

with reference to this matter, I supported very strongly the idea that the state had the power, and on that proposition I have not changed my opinion. However, lest any member of the convention may have assumed, while I was contending for the power of the state, that I was in favor of the adoption of this amendment, I wish to say now that I never have been in favor of putting it in the constitution, for the reason that the state will have the power anyway without putting it in the constitution, and by putting it in it may to a certain extent cause a question to be raised in Washington City when the constitution is presented. I make this statement so I may not be misunderstood. Is there any second to the amendment of the gentleman? (Seconded).

Mr. SHOUP. Mr. President, I move that the section be stricken out.

Mr. HEYBURN. I second the motion.

The CHAIR. This is offered as an additional section. It is moved that the section be adopted. (Vote). The noes seem to have it. It is lost, and the amendment is rejected.

Mr. McCONNELL. Mr. President, is there anything on the regular calendar? If not, I move that we resolve ourselves into committee of the Whole.

The CHAIR. We are already considering a question in convention. What shall be done with the report of the committee on Livestock?

Moved and seconded that the same be adopted. Vote and carried.

The CHAIR. The article will go to the engrossing committee to be engrossed. What is your pleasure?

Mr. HASBROUCK. I move that this now be passed to final reading tomorrow morning at two o'clock.

Mr. HASBROUCK. The committee on Engrossment is ready to report.

ARTICLE XIV.—MILITARY AFFAIRS.

SECRETARY reads the report as follows:

Boise City, Idaho, July 30, 1889. Mr. President:

Your committee on Engrossment have carefully examined the article in relation to Militia and Military Affairs and find the same is correctly engrossed. Hasbrouck, Chairman.

The CHAIR. If there is no objection, the secretary will read the engrossed bill.

The secretary reads the article.

The CHAIR. The question is now upon the final passage of the article as read. The secretary will call the roll.

Roll call:

Yeas: Ainslie, Allen, Anderson, Armstrong, Ballentine, Bevan, Chaney, Clark, Coston, Crutcher, Glidden, Hampton, Hasbrouck, Hays, Heyburn, Hogan, Kinport, Lemp, Lewis, Maxey, McConnell, Myer, Moss, Pierce, Pinkham, Pyeatt, Sinnott, Shoup, Sweet, Underwood, Vineyard, Whitton—32.

Nays: None.

And the article was adopted and referred to the committee on Enrollment and Revision for incorporation in the constitution.

ORDER OF BUSINESS

The CHAIR. What is your pleasure, gentlemen?

Mr. McCONNELL. I move we resolve ourselves into committee of the Whole for the further consideration of the report on Salaries of Public Officers. (Seconded).

Mr. HEYBURN. Mr. President, I move an amendment, that there be included in the business of the committee of the Whole, the report of the committee on Public and Private Corporations, the report of the committee on Public Indebtedness and Subsidies, so that we may have all those matters before us without rising.

The CHAIR. Those matters have all been considered and reported back to the convention already, with the reservation of the right to offer the additional sections in the convention, with the exception of the one covered by the motion of the gentleman from Latah.

Mr. HEYBURN. Then I hope the gentleman will

yield and allow the convention, before resolving itself into committee of the Whole, to dispose of those matters, so that those bills may be engrossed, and come in the convention, to save time.

Mr. McCONNELL. I think the committee on Engrossment has got all they can do.

Mr. HEYBURN. They have increased the committee. We want to finish the business of the convention this week, and we have only four days more.

Mr. McCONNELL. I will submit.

Mr. VINEYARD. Was not that my motion, or didn't it prevail without a motion awhile ago, that all those matters be taken up, and that it is before the convention now to take up those sections? I move we proceed to the next section.

ARTICLE XI.—PUBLIC AND PRIVATE CORPORATIONS.

The CHAIR. Yes, I think that was the original motion. The secretary will read the report of the committee on Public and Private Corporations as reported by the committee of the Whole to the convention.

Mr. AINSLIE. I would suggest that this salary bill would not properly come up here until we get through with the Judiciary bill tomorrow.

SECRETARY reads Section 1.

Mr. HEYBURN. Mr. President, the convention has acted on everything in that report except the single section, which was passed over to be reported on.

SECTION 6.

Mr. ALLEN. Mr. President, by consent of the chairman of the committee, I shall ask to present one amendment, which simply defines the language in Section 7 (6). I will offer this amendment in line 12 after the word "state," to add the words—

The CHAIR. (Interrupting) We are proceeding in convention regularly for the reading of this bill section by section.

Mr. HEYBURN. Mr. President, I understand that

everything in this article has been disposed of except Section 21, which was laid over at the request of the chairman of the committee.

The CHAIR. So the chair is informed.

Mr. HEYBURN. And no amendment is in order to any other section. It has been passed on and adopted by the convention.

Mr. MAYHEW. So far as offering this amendment to Section 7 (6) is concerned, I desire that it may be offered, and if it will meet with unanimous consent, it may be inserted.

Mr. HEYBURN. It will take a motion to suspend the rule.

Mr. MAYHEW. Couldn't we have it done by unanimous consent?

The CHAIR. Is there any objection to the suspension of the rule?

Mr. HEYBURN. We would like to hear the amendment first.

Mr. ALLEN. The amendment has been agreed to by the chairman of the committee, thinking it would give a clearer idea to the section. After the word "state" in line 12, Section 7 (6), add the following: "the shorter distance being included within the longer distance." It is simply a phrase taken from the Interstate Commerce Bill, which explains the limitations and intent and purpose of that phrase or paragraph.

The CHAIR. Are there objections to entertaining this amendment? If there are none, the amendment will be considered as being before the convention, provided it is seconded.

Mr. MYER. I second the amendment.

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

(The amendment was restated by Mr. Allen as above.)

The CHAIR. Reduce it to writing and send it to the clerk's desk. Now, gentlemen, you have heard the amendment read. Are you ready for the question?

Mr. AINSLIE. I would like to have that explained. We have been over this bill pretty closely, and if there

are any important amendments they should have been brought up at that time. I don't understand the object of it.

Mr. ALLEN. The object, as I understand the meaning of the language, is this: It is simply to make more clear, and to bring it within the restrictions enforced by the Interstate Commerce Bill, and use the same term, which is used in that law, as that clearly defines the exact meaning and status of this restriction. I thought there could be no objections to it, or I would not have offered it; and I think it would define it.

Mr. AINSLIE. Read the section as it proposes to change it.

Mr. SHOUP. The gentleman evidently refers to Section 4 of the Interstate Commerce Bill, which reads:

“That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance:”—[24 Stat. L. 380].

Mr. ALLEN. That was the intention.

Mr. PINKHAM. I call the attention of the gentlemen of the convention to the reading of the section proposed to be amended, immediately preceding: “No railroad, or transportation or express company shall be allowed to charge, collect or receive, under penalties, which the legislature shall prescribe, any greater charge or toll for the transportation of freight or passengers, to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this state.” The same meaning is carried in the section as that which the gentleman proposed to substitute, only it is expressed in

different language. There is not a particle of difference that I can see.

Mr. AINSLIE. Mr. President, it seems to me this section is about as clear as it can be drawn; I don't think the language can be improved upon by the suggestion of the gentleman from Logan. I don't see where his amendment strengthens it anywhere. It may leave a loophole somewhere.

Mr. ALLEN. "The shorter distance being included within the longer distance," is the language of the Interstate Commerce Bill.

Mr. MAYHEW. My attention was called to this amendment, and I told him if he thought it made it any more explicit, I had no objections to it being inserted, and I do not see that I have any objections to it. I do not see that it makes any difference to the section.

Mr. HAYS. I want to have the gentleman explain the difference.

Mr. ALLEN. If the gentleman will allow me a moment, I can explain the situation by a little draft, as I understand it. Two points on a straight line being given, the present language covers this exactly; that is, the freight traffic between those points. But in the development of other lines there are frequently times when there are two lines reaching the same point or practically crossing this point, and reaching *this*, in which they have a little more circuitous route. It was simply to define between the two points, which would cover additional lines; that is, parallel competing lines. It was for that purpose and that only, because I thought there might be a complication in regard to that language, that this suggestion was made. It certainly does not change the purport of it.

Mr. AINSLIE. Now, you make a bend a little farther around than that, a competing line that runs round some other town; now run to the same point, starting right from the bottom end of your line, and make a line around—

Mr. ALLEN. Oh, no, I will show you.

Mr. AINSLIE. (Continuing the diagram) Here you have a railroad running from here to here, and there is another town out here, and they buy out this competing line and run around here; it is a longer route than this straight route, and if you want your freight shipped from here to here, they will ship it around the short way and charge you as much as they would away around there. That is where this amendment comes in, and I am opposed to it.

Mr. ALLEN. Well, that is not the full intent. The point is this: there is a complication of conditions which might arise, in which there might be another branch from this point.

Mr. MAYHEW. I think that ends the amendment, Mr. Chairman, if there is objection to it.

Mr. ALLEN. Certainly, I don't ask it unless there may be no objection. I simply submit that it defines the section.

The CHAIR. The question is upon the adoption of the amendment of the gentleman from Logan. The convention gave unanimous consent to its entertainment. (Vote.) The motion is lost, and the amendment is rejected.

The secretary will read the additional section reported by the chairman of the committee on Public and Private Corporations.

SECTION 18.

Section 21 (18) read, and it is moved and seconded that it be adopted. Carried.

ARTICLE XI. ADOPTED.

Moved and seconded that the entire article be adopted. Vote and carried.

The CHAIR. And it is referred to the committee on Engrossment. What time shall be fixed for the final reading.

Mr. VINEYARD. I move that it be reported for final reading at half past three tomorrow. (Seconded.)

Mr. PINKHAM. Is this a very long article? As

there is as much as the Engrossing committee can do, I move it be reported back on Thursday morning at 9 o'clock.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. MAYHEW. I hope that motion will not prevail. I insist again on what I said this morning, that if this engrossing clerk cannot perform the duties required of her in a shorter time, that we have an assistant clerk, and let us get through with this. If we have to put it off until Thursday morning at nine o'clock, that only gives us two or three days after this for the reading and getting through the committee on Revision. We can just as well have it done tomorrow at two o'clock as not if we will provide the convention with an assistant clerk. I have always observed in legislative bodies, Mr. President, that at the close of the meeting we have to have an additional enrolling clerk and frequently an additional engrossing clerk. It is always done, to employ some person to assist in the performance of that duty, and I don't see why we cannot do it.

Mr. AINSLIE. I would suggest that the employment of an assistant engrossing clerk at \$5.00 a day is a good deal cheaper than to pay \$5.00 a day to sixty members, and it will save us two or three days perhaps.

The CHAIR. It is moved and seconded that the final reading of the article just read be fixed for tomorrow afternoon at half past three o'clock. To that an amendment was offered that it be fixed for Thursday morning at nine o'clock. (Vote.) It is lost. The question is now upon ordering it to final reading tomorrow at half past three o'clock. (Vote.) It is carried. It is in order to bring up the question as to increasing the force of clerks.

Mr. McCONNELL. I move that the chairman of the committee on Engrossment procure such additional help as may be necessary from time to time to facilitate the work of this convention. (Seconded.)

Mr. AINSLIE. I will ask the mover to accept the

amendment, that it be at the same compensation per day, as the present engrossing clerk receives. (Carried.)

ARTICLE VIII.—PUBLIC INDEBTEDNESS AND SUBSIDIES.

The CHAIR. The clerk will now read the report of the committee on Public Indebtedness and Subsidies.

Mr. VINEYARD. Are we not now considering this additional section?

The CHAIR. On this article the convention has not passed on any part of it. The committee of the Whole recommended it with a reservation in regard to offering an additional section which has been made. The secretary will read the article as reported back by the committee of the Whole.

The chair will state, so far as this report is concerned, that he is informed by the assistant secretary that the amendments were kept by the chief secretary, and are of such a character that it will be necessary for him to be here; the assistant secretary is not familiar with it. If there is no objection the consideration of this report at this time will be laid aside.

PROPOSED SECTION 6.

Mr. HEYBURN. We might come to the consideration of Section 6.

The CHAIR. If there be no objection, Section 6 as proposed, that is, the additional section, will be read by the secretary.

Mr. MAYHEW. I move the adoption of that section.

Mr. AINSLIE. Mr. President, I offer an amendment to the fourth line from the bottom after the word "redemption" to insert "by sealed proposals." If you put it at open bids, there will be a ring of scrip owners, so that it won't do any good. We had a similar law in my county of Boise a few years ago¹, where only about my county of Boise a few years ago, where only about twenty-five per cent went into the redemption fund, and

¹—There were several revenue acts passed by the territorial legislature at different sessions applying only to Boise county, and each repealing previous legislation.

warrants were drawn on the general fund at six per cent. We had so much in court expense; so much general fund; and twenty-five per cent, I think in the redemption fund. We provided that when there was so much in the redemption fund, it could be added to by the treasurer, and then advertise for sealed proposals; but parties holding scrip against the county could hold it longer and draw ten per cent interest, and might have to wait five or ten years. But they had the privilege of bidding by sealed proposals, offering to fund their warrants at a certain per cent discount. And we redeemed about \$100,000 of our indebtedness at fifty cents on the dollar, about four years after this law went into effect; and then the ring of scrip holders came down to the legislature and got them to strike out those words "by sealed proposals." Now, I move to insert the words after "redemption" "by sealed proposals." (Seconded.)

The CHAIR. It is moved and seconded that after the word "redemption" in the fourth line from the bottom, the words "by sealed proposals" be inserted. Are you ready for the question?

Mr. HEYBURN. Mr. President, there are several amendments on the table now, and I would suggest some of them depend upon whether or not those I have sent up shall be adopted. I will ask the clerk to read them.

SECRETARY: (Reading) Amend by inserting after the word "school" in the third line, "road, bridge and hospital." Amend Section 6 by inserting before the first word "one-half of it."

The CHAIR. The matter is now pending on the amendment of the gentleman from Boise.

Mr. AINSLIE. I desire to change the place of inserting that, so as to make it read better; to come in after "therefor," in the sixth line above.

Moved and seconded that the words "by sealed proposals" be added after the word "therefor" in the sixth line from the bottom. (Carried.)

SECRETARY reads: Amend by inserting after the

word "school" in the third line, "road, bridge and hospital."

Mr. SHOUP. I would like to inquire if that section applies to county warrants that are now outstanding. I understand the state will assume all the liabilities of the territory. Does this apply to warrants already issued, or to those to be issued after we become a state?

The CHAIR. The chair can only refer the gentleman to the amendment. The chair has no power to interpret amendments.

Mr. SHOUP. I did not ask the question of the chair; I asked it for the benefit of the convention.

Mr. GRAY. I understand that the committee on Schedule will provide, whatever the indebtedness of the territory is now, or any obligations it may have, shall be preserved. The committee on Schedule has provided for the payment of everything that has ever been contracted by the territory up to the time of the taking effect of this constitution.

Mr. HEYBURN. Mr. President, I believe the question is now on the proposed amendment to insert after the word "school" in the third line the words "road, bridge and hospital."

The CHAIR. I will ask Mr. Sweet to take the chair, as I offered this amendment.

Mr. Sweet in the chair.

Mr. REID. I have an amendment.

SECRETARY reads: Amend by striking out the words "county purposes" and insert in the second line the words "ordinary county expenses." Add after the word "derived" the words "for these purposes."

Mr. CLAGGETT. Mr. President, the theory of the section we are now considering is that all special funds in the county shall be abolished, with the exception of the fund for school purposes. We all know what difficulty we have, that there will accumulate under fixed statutes, in a given fund a large surplus, and some of the other funds will be left so short as to leave the county practically with no fund in those regards. The

object of this is to leave the school fund intact and have that a special fund, and the only one; and place all the revenues coming into the county treasury, after deducting the amount going to the state, and what ought to be done (and for which I will offer an amendment at the proper time), deducting also the amount that may be needed to pay the interest on any outstanding bonded debt of the county, and the ordinary current expenses of the county—that all these funds shall go in there, so that the county commissioners, having power and charge of the whole matter, may arrange those funds from time to time to suit the necessities of the various conditions of the county. So far as the hospital tax is concerned, I think it would be a very great advance on the part of our legislature to abolish it altogether. For if there is a county hospital in any county in this territory that is worthy of the name, I would like to know where that county is situated. If that fund is, as a general proposition, anything at all except so much money, which is practically squandered and by which the people get no good as a hospital tax, specially levied for that purpose, I would like to know where it is. I have never heard of any county where it has ever been of any consequence whatever. And right here where there are large sums every year paid for hospital services, whenever anybody gets sick and requires care, the custom is to ship him out of the territory into a foreign territory to receive proper medical treatment, but that does not come in here. The theory of the bill so far as this matter is concerned, is to put the whole funds, except the school fund, under the control of the county commissioners, and let them pay all the current expenses of the county, and then take whatever is left—and there will be some left, because you will bring it right down to a cash basis—and apply that to the redemption of the outstanding warrants of the county.

Mr. HEYBURN. Mr. President, I introduced this amendment because I did not think it would be just to take taxes collected for road funds, to keep public

roads in repair, and throw it into the general fund where it may be entirely absorbed for some other purposes, and leave no fund at the disposal of the county for keeping its roads and bridges in repair. It is just as important to keep the roads and bridges in repair as it is to keep up any other part of the public expense, or its property in repair. And if you do not amend this section so as to except the road fund or the bridge fund, then you will find you will have no means of providing for keeping them in repair, because this fund is to be applied, whenever there is a surplus over actual expenses of running the county, to the purchase of bonds, and leaves no option to the county commissioners to take any portion of it for roads and bridges. It simply shuts them out. If anybody can tell me how the roads and bridges can be kept in repair if you adopt this section, I should be pleased to have him do it. The hospital tax in our county is used in this way: when the indigent poor are to be provided for, our county commissioners hired somebody to take care of them. We have buried a number of people under those circumstances in our county, and there is scarcely a time when there is not some person being taken care of by the county. Very old or crippled people wander into our camps, and failing to make a livelihood, they have to be taken care of. We should not put ourselves in a position where we could not do it if public necessity requires it. We should always leave that door of charity open and the fund raised for that purpose should not be taken to buy bonds, or for any other purpose. I think those funds ought to be kept sacred in the county.

Mr. MAYHEW. I understand, Mr. President, it is not proposed in this Section 6 to interfere with anything at all, so far as this constitution is concerned, with the injured and sick or the invalids of the county, at present.

Mr. HEYBURN. It is; it strikes right at that exactly.

Mr. CLAGGETT. Oh no.

Mr. MAYHEW. If that is the purpose of the amendment I should vote against it.

Mr. HEYBURN. If the gentleman will permit me, it says all taxes except the school taxes shall be devoted to these two purposes: first, the payment of the county expenses, and, second, the purchase of bonds. So that it does not matter what the intention of it is; that is the effect of it, and there cannot be any other interpretation put upon it.

Mr. MAYHEW. I understood the gentleman who first addressed the convention upon this subject to say that he believed the legislature in the future should not provide any law for a hospital fund for the county; and he goes on to say they are generally shipped out. I have observed in the county which I represent a great many persons who come here and are taken sick, and are provided for by the funds of that county, and they are not sent out. Our county has quite a number of patients at different times that are taken care of by the county, and I think always should remain there, and funds should always be on hand to take care of them. The people should be generous and kind enough to take up persons who are unfortunate, that have no money to provide for themselves in sickness, or when they meet with serious accidents. I shall not support the amendment to Section 6 if that is the purpose.

Mr. CLAGGETT. My colleague has wholly misstated the whole proposition, and misstated my remarks. As we have it now, we have a special hospital fund, a special hospital tax that goes into a special fund; and the needs or necessities of the poor people of the county who receive injuries and so on are relieved to the limit of that fund; and when I said they had to be sent away, they had to be sent away because the fund itself was insufficient. The county commissioners cannot increase the fund. The consequence is we have no adequate care in any shape or form of the indigent, sick, maimed, halt and blind; and for the purpose of not abolishing the funds themselves, but abolishing the

disposition of the funds, I propose to put them all into one common fund so that the commissioners of the county can handle them; and if the hospital fund is less than needed they can take from this fund which constitutes a part of the county expense provided in this section to be paid, and so they can transfer from one fund to another in order to be actually able to meet the exigencies and requirements of the county government. That is what this amendment refers to. I wish the committee would read it. It takes in every one of the expenses now provided by law to be covered by special funds, and they can transfer them.

Mr. VINEYARD. And paid out of the current fund?

Mr. CLAGGETT. And paid out of the current funds in cash; and if your hospital fund is insufficient, as it is at times, then in order to meet all of its requirements, where it can be spared from other funds the county commissioners can transfer it. They cannot do it now, cannot transfer anything; they are all tied up on these special funds.

Mr. SHOUP. This bill provides that all county expenses, except for school purposes, shall be paid out of the funds for cash. If that is done, if you pay everything in cash, how will there ever be any warrants outstanding?

Mr. CLAGGETT. It will operate in just this way, if the committee will oblige me; if there are no outstanding warrants, and there is a surplus on hand in cash, it remains in the treasury to meet the expenses of the ensuing fiscal year; so the county commissioners having this cash asset on hand can diminish the levy for that year. On the other hand, as long as there are outstanding warrants, then this surplus in the treasury is to be applied to the redemption of those outstanding warrants on sealed proposals in the manner described here.

Mr. SHOUP. What about warrants already standing out?

Mr. CLAGGETT. By special taxes to be levied for the purpose of their redemption, if there is no surplus fund that will accumulate after the payment of the county expenses in cash. The whole object and drift of the matter is to put our county governments on a cash basis. The saving to the taxpayers and the counties in the aggregate will be worth more and amount to more than twice the cost of your state government and it is the strongest card you can present to the people of this state for the adoption of this constitution.

Mr. PARKER. Mr. President, so far as I am concerned I am in favor of running county governments on a cash basis. In a county like this where the circulating medium is so scarce, it is impossible. We collect taxes in the months of November and December, and in order to provide a cash revenue for the expenses of the current year we have to keep in the county treasury a sufficient fund to pay these current expenses every quarter. Now, as the law stands today the commissioners meet four times a year, or every quarter, and they allow all bills against the county government, salaries and other expenses, hospital fund and everything else. Now, as I told you, we only collect our taxes in the fall of the year, and that will imply of course that we must pay to the county treasurer in October, November and December a sufficient fund to be kept in the treasury to pay the county expenses for the coming twelve months. Now, Mr. Chairman, that is impossible in a country like this, because we haven't got the circulating medium here to do it. Further than that, it is an injustice to take this money out of the pockets of the people and let it lie idle in the treasury all that time, and there isn't a county in the territory today that is situated to do it. Now, under this amendment, if it is carried, there will be money lying idle in the treasury a whole year, and when there is money in the treasury it will be put up at auction; it is a species of financial repudiation, and this money in the county

treasury is to be advertised and bid for. Now, Mr. President, what would we think of a business man who had some of his paper outstanding, and when he had any money to put into his treasury in the ordinary course of business, he advertised in the papers for people to present their obligations? Why, it is equivalent to repudiation, because it is like a man discounting his own paper. It is not safe business, and what is not safe business in the individual I don't think is safe business for the county organization. I shall oppose this amendment.

Mr. REID. This is a very important matter, and if the chief purpose of the gentleman introducing it was to relieve debt-burdened counties, I should support it heartily; but I don't think it does that, and I think it will encourage, as my friend Mr. Parker says, repudiation, and will always keep county warrants down. It will be understood when county warrants are issued under this provision—although I think, with the gentleman from Custer, you cannot issue warrants, but must pay in cash, but if you do issue warrants—the effect will be that every man who takes a warrant will think, “Well, now, I will eventually get ninety-five cents,” and speculators will put this phase on the subject, and the consequence is a county warrant will never be worth more than that. I think when a county issues its paper it ought to be worth a hundred cents. Now, let us read this: “All taxes collected for county purposes.” Now, that might include the ordinary expense fund if it was not for the language that follows: “and all county revenues from whatever source derived.” I hold in my hand the levy we made in Nez Perce county this year: current fund, 60; school fund, 60; county hospital, 5; road fund, 20; then the per capita, and then the special tax to pay on the bonds. Now, under the law those taxes are kept separate and the treasurer keeps track of each fund. That is the way it was apportioned last year. He goes on and gives the amount under the bridge fund, ordinary county fund so much,

and keeps an account with each and apportions the warrants. That keeps each fund separate and apart. Now, the proposition of the gentleman is to put it all in hotch-potch and have just one county fund. Suppose there are some debts for a special purpose, an unusual purpose; that ordinarily would wait if there was not money enough to pay it. Here is the road tax, everybody expects to be paid promptly, and the hospital fund—he seems to make light of the hospital fund, but I find in this county it is really much better than it is in the east; you don't need hospitals in every county, for you don't have enough poor and sick to take care of. Where a poor person is unable to take care of himself the commissioners hire some hotel or private person to take care of him instead of building a county hospital, and I think it is better to have a separate fund. Levy a tax and keep it distinct and separate, instead of having one common fund. What would be the result? As the gentleman says, you have got to keep enough money in your treasury the whole year round to pay expenses. You don't know what they are going to be; you make an estimate when you levy your tax now. Some unusual calamity may happen, your expenses will go over the amount of the taxes levied. Then what is the consequence? You issue warrants. Well, you have got to pay them in cash, but suppose you do have to issue warrants, then if you issue warrants to a certain amount, right away it will be understood as soon as the money gives out and warrants are issued, that none of them will be paid except at ninety-five cents. What would be the consequence? Right away the men throughout the country, who do the work, not the speculators, but the men who ought to be paid right down, when there ought to be no shaving unless it is ninety-eight or ninety-nine cents—right away warrants will drop to ninety-five cents or under; and who will get the benefit of it? Why, the sharks and speculators who are shaving paper. My friend from Idaho takes the proper view of it, I think, when he says it amounts to publishing

to the world that the county will repudiate its own debts. How can it do that? Any county that gets five or ten thousand dollars in debt can neglect to levy enough taxes to pay that debt. Then, you say, we will mandamus them. But you have put a provision in the constitution which says they may hold back and advertise. In the first place I believe it is unconstitutional because it gives them the right to impair the validity of contracts, and it goes out to the world that we have provided in our constitution that the county authorities may advertise, and they being the tax levying power, they furnishing the means to meet the county obligations, in a measure force the people holding warrants to take less than their face value. And they ought not to be clothed with that authority. If it would keep counties from getting in debt, that would be all right. I think we have done that; if we have not, we ought to pass some law that counties, like the state, should not exceed a certain per centum of the taxable value.

Mr. HEYBURN. We have done that.

Mr. REID. Then you check that much, and how are you going to relieve the present indebtedness? We are not impairing the validity of contracts already issued. But my friend informs me that we have prevented the counties of the state from exceeding a certain amount of taxation, and I think it is well guarded. But how can we relieve that which is already out, except virtually repudiating it, I can't see. Now, I offer an amendment to strike out "for county purposes" and insert "ordinary county purposes." That would mean what we call now county fund, and in the other line after "derived for this purpose;" that is, limiting it for this purpose, and let the commissioners go on and levy for bridge, hospital, and everything of that sort, road tax, etc., and keep it separate, so that when people work on bridges and on hospitals they can be paid, The bridge tax in our county is seven or eight thousand dollars, accumulating a little every year. As soon as we get it large enough there are two or three important

bridges to be built, for which there is not now quite money enough; it is understood they are going to be built. That money is set apart. Under this section it would go into the general expense fund and be applied to a purpose for which it was not levied.

Mr. CLAGGETT. This amendment in its substantial features is not a new proposition at all. As I stated when the matter first came up under a bill, which I got through the Nevada legislature it wiped out the debt of Storey county in a little over two years, and that debt amounted to over two million dollars. It was done without a particle of objection after the law passed and it was seen how it operated.

Mr. REID. How much did you shave the paper?

Mr. CLAGGETT. I did not shave the paper at all; but every county is bankrupt which does not pay its debts in cash, or, as a man pays them, upon a reasonable extension of time; and the whole theory of the argument here is wrong. Afterwards it was adopted here, first, I believe in the county of Boise, and then afterwards in the county of Owyhee. And I would like to have these two gentlemen who represent those two counties state to the committee how that thing operated in fact as a practical proposition.

Mr. AINSLIE. Well, I will state that in my county it operated pretty well; but in order to prevent the law from becoming obnoxious upon the ground of its impairing the obligations of contracts, we left a margin in what we called "general fund" to take up warrants that were drawn on that fund. We did not compel people to come in on the redemption fund, but only gave them the privilege of bidding on this fund if they desired to do so. The view we took of the constitutionality of the act was that we were compelled to provide a fund upon which those warrants were drawn; we had a general fund, a current expense fund, besides the hospital and road funds, and have those funds today; but in creating the redemption fund by act of the territorial legislature, we did not abolish the general fund at all.

Our entire debt then outstanding against the county was drawn on the general fund, some of it, five, ten or sixteen years old.

Mr. REID. You got authority from the legislature to create a redemption fund in addition to the others?

Mr. AINSLIE. Yes; and the county commissioners in making their levy only levied five cents on a hundred dollars to go into the general fund. So we did not abolish that fund entirely, but we put such an amount into the redemption fund that if they preferred to take less on their warrants under sealed proposals, instead of waiting for the general fund, they could do so and the money was there to pay them.

Mr. CLAGGETT. Was any of the current expenses required to be paid in cash?

Mr. AINSLIE. We created a current expense fund in addition, and the actual necessary expenses of the county were drawn on the expense fund; and those parties could also bid on the redemption fund if they wanted to. But we had the general fund that existed from the foundation of the territory upon which those warrants were drawn.

Mr. CLAGGETT. Under the operation of that law did not Boise county get out of debt, and has not the scrip of Boise county been maintained at par ever since, under the operation of the law?

Mr. AINSLIE. Well, it operated to this extent, that a great many parties would prefer to take a discount on their warrants instead of waiting for the general fund to pay them off in their regular turn; and probably a large portion of the indebtedness, a hundred thousand dollars, was taken up at fifty cents or sixty cents on the dollar. Our warrants today stand at face. If a man presents a bill, he goes in and gets a county warrant, and walks across the street and gets the face of it. He may not get it out of the treasury for six months or a year, but any merchant will take it at face, because it draws seven per cent a year.

Mr. SHOUP. I hope this amendment will not be

adopted. If we adopt this amendment, we will have to tax our people sufficient to pay all our current expenses as we go along. We will have to create a tax for paying outside warrants which are already standing out. And you know Mr. Burrows of Michigan made a speech at the hotel in which he said he did not know what kind of people we were. Now, I think when he sees our constitution and sees this section in it, he will have no trouble to make up his mind what kind of people we are. He will make up his mind that we are the kind of people that hire men to work for us, and if we have money enough to pay them, we pay them; if not, we give them a note, and say to them, "the first man that presents his note at a discount is the man I am going to pay." That is the opinion he will form of us or anyone else who sees this constitution with that section in it.

Mr. HAYS. I desire to make a few remarks on this subject, in view of the fact that some twelve or thirteen years ago our county was in debt in the sum of about \$80,000. Warrants on the general fund, hospital fund and road fund accounts were worth about fifty cents on the dollar at the time. Something had to be done to get our county out of debt. If you will wait a moment I will tell you what was done. Today our warrants are worth one hundred cents on the dollar. I read Section 841:¹

"All taxes levied and collected in said county for county purposes, including such special taxes as are, or may be authorized by law, all licenses now or hereafter provided by law, all fines and forfeitures, all receipts from toll roads, bridges and ferries, and all poll taxes shall after the amount belonging to the territory has been deducted, be paid into, and constitute a fund to be called 'Current Expense and Redemption Fund,' which shall be disposed of as hereinafter provided, and not

¹—Sec. 9 of an act regulating salaries and fees and the collection and disbursement of revenue in Owyhee county, approved Jan. 9, 1877. Sec. 841, Special and Local Laws of Idaho, (1887.)

otherwise; provided, that nothing in this section shall be so construed as to interfere with or relate to the special tax levied for school purposes in said county; and provided further, that there shall be no special per capita tax for hospital purposes levied in said county, but a special per capita tax of \$2.00 shall be paid by each male inhabitant of said county, over twenty-one and under fifty years of age, for school purposes, and the board of county commissioners shall furnish the necessary blank receipts, and said tax shall be collected by the assessor at the same time that the poll tax is collected, and shall be paid in full into the school fund of said county."

They were not redeeming our old warrants.

Mr. REID. What did they bring at those offers?

Mr. HAYS. Various prices; sometimes as high as sixty and ninety cents.

Mr. REID. And how low did the price fall?

Mr. HAYS. That depended upon whether the man wanted money very bad or not.

Mr. REID. I just wanted to know how it worked.

Mr. HAYS. But that is the way we have done in our county, and that is the law on which we are acting. It is perfectly satisfactory so far as I know; and I believe it to be a good law. It is the one by which the indebtedness of the various counties in the territory would be paid, and if a law of this kind would be enacted it will give them cash value for their warrants, give them par, and have it all the time, because there will be money in the fund to pay. And if there is any money remaining after the current expenses are paid, that would apply upon the old indebtedness. And there is another thing; this fund includes the hospital, but does not include the school fund. If there is a hospital bill against the county, in our county we make out a warrant against the redemption fund, and the commissioner pays it. It goes right into that fund.

Mr. WHITTON. That is, it takes all the income of the county to run the county.

Mr. HAYS. No sir, the county commissioners make the levy to pay all county expenses. You will never be short in your money except perhaps a month or two at a time. If you are short, you can get ninety-five

cents or ninety-eight cents for your warrants. I believe the amendment is a good one.

SPECIAL COMMITTEE TO DRAFT PROPOSED SECTION.

Mr. CLAGGETT. I move that this pending section with the bill be laid aside, and that a select committee of five be appointed to draft a section and report it to the convention in connection with this bill. In presenting this I did so simply to bring the matter formally before the convention and elicit to a certain extent, at least, the views of the different members. I think the matter can be improved; I thought so at the time I drew it and presented it; but it is a matter of such immense importance I am satisfied every objection that can be raised against it can be obviated, and we can get our counties all over this territory down upon a cash basis.

Motion was seconded and put by the chair.

Mr. HEYBURN. Mr. President, I had hoped we would dispose of this thing at this time. If it is referred to a committee it is probable that I may not be here when the committee reports. . . And as the work of this convention is pretty well laid out for the next three or four days, I want to say a word in reference to this matter now on behalf of the county about whose affairs I know the most. The condition of affairs in our county is this: Two years ago last April, we found our county indebtedness to amount to about \$150,000. Since that time we have issued a little over \$65,000 in county warrants. It represents an excess of expense over income in our county in two years. In other words, in the neighborhood of \$30,000 a year our expenses have been greater than our income. This is because it has been necessary for us—at least the county commissioners deemed it necessary—to buy and build public buildings. In that time we have bought a court house building, a jail building, and public property of various kinds and built a good many miles of public road, and in doing so we have incurred so much expense in excess of income. Suppose that condition of affairs continues, and

we don't know but what it will, where is the fund to come from to pay these gentlemen who have trusted the county and got its warrants for the last two years—those \$65,000 of warrants? Where is the fund to come from to provide for the payment of those warrants? In the interest of common honesty and decency ought not we to make some provision that would at least pay something on those warrants or guarantee their payment at some time? It seems to me we should. I have sent up another amendment which has not been discussed yet;—add before the first words “one-half of” so that it would read “one-half of all taxes collected” etc. Now, that would leave a margin of one-half of the county's income to apply on the payment of its old debts, the debts for which it has received value, and for which value it has not paid. It seems to me that is a little more fair and honest than it is to provide that all the income shall go into this fund. I am willing to support a measure that will provide for putting one-half of the county's income in a redemption fund, something such as was provided for Boise county, as I understand the gentleman—to put one-half the county's income aside for a redemption fund, and the other half to pay for those things where it is actually necessary that the county pay cash to avoid paying exorbitant prices for various things which it has to purchase. But I do hope, whether it be now or upon the report of the select committee of five, or at any other time, that this constitutional convention will not do such an injustice to those persons who have trusted the county and advanced for it in our county some \$65,000, as to leave them without any provision for the payment of their indebtedness.

Mr. SHOUP. If we incorporate this section in our constitution, what kind of an opinion will people have of us? They will regard us as insolvent, as impecunious, and in no way prepared to go into statehood at all. It can have no other effect, if we are going to do this thing at all in the constitution.

Mr. HASBROUCK. I do not really care to impose

upon the select committee, but Mr. Chairman, I wish to say this, that this section seems to be purely of a legislative character, and I doubt the propriety of putting it in the constitution. I do not care so very much about that, but if this committee is appointed, I would like to have them confer with the committee on Revenue and Finance. That committee has reported, but I have not seen the printed report yet, but they have a section in that article on the levying and collecting of taxes. I am really of the belief that it belongs in that article, this very section, and not the one we are now considering. And I would like to direct the gentleman's attention, who proposes to have this committee appointed, to that fact; and if they are appointed, that they confer with the same committee.

Mr. CLAGGETT. I don't suppose there will be any trouble about that. I can see clearly that every objection that is urged here can easily be obviated, and at the same time, the beneficial measure now pending can be secured. In our own county of Shoshone, those gentlemen in whose behalf my colleague grows so eloquent consist of about half a dozen scrip sharps who have formed a combination, and who have had it for the last three years, who stand at the foot of the stairway at every term of court, and who have fixed a price on county scrip, and when a witness or a juror comes down they ask him how much he will sell his warrant for, and they say they will give him fifty or sixty cents on the dollar. The next proposition we will have in the legislature, is when these innocent holders of outstanding warrants of the county will be down here, asking it to pass another bill, and where they have paid but forty cents on the dollar, to give them a bond of the county for a dollar and compound the interest again as they did before. I want to stop all that kind of racket.

Mr. MAYHEW. After all this discussion we have not arrived at any point. I hope this motion prevails; I hope that committee will be requested to report tomor-

row morning. It is not worth while to take a whole week.

Mr. CLAGGETT. I accept the amendment.

Mr. PARKER. Mr. President, I have here a substitute for Mr. Claggett's amendment, which I think will fill the bill as well as the committee can do it.

SECRETARY reads: Substitute for amendment to Section 6: The rate of interest on bonds or warrants issued by any county, city, township, board of education, or other subdivision, shall not exceed six per cent per annum, nor shall such issue of bonds or of warrants at any time exceed five per cent upon the assessed value of the taxable property within such subdivision.

Mr. PARKER. I have submitted this, because in my experience of fourteen years residence in this territory I have found it is impossible for any county organization to do business on a cash basis. No private business can do it, and I venture to say there is not a gentleman in business on this floor, who is out of debt today. A business man can approximate to some extent what his expenses are going to be; he can figure up his insurance, clerk hire, household expenses and everything else. But in dealing with a county organization we have to do with something far different. Under the present law we work entirely in the dark; we put the cart before the horse. The county commissioners make the tax levy, and thereupon the assessor is sent out to make the assessment; and the chances are that at the end of the year the county treasury is running behind. It is always so. It always will be so, and under Mr. Claggett's amendment it will be worse and worse. In every county there is a great deal of unexpected business coming up, and that business will have to be paid for out of the county treasury, and no man can foresee how much there is going to be of that business. No man can tell what the county expenses are going to be. So I say authority ought to be given to the counties or subdivisions to issue interest-bearing warrants, and as the moneys are paid into the county treasury on taxes that money can

be put in circulation again by paying off warrants; kill three birds with one stone. You reduce the principal of your indebtedness immediately; you stop your interest; and you put the money in circulation again. You put that money in the pockets of the people where it rightfully belongs. It is said government is a necessary evil, but rightfully administered it is necessary and good, but no government has authority or power to take money away from the people; it should be left in the pockets of the people to fructify there, and not put it in the county treasury for the treasurer to run away with. I am opposed to putting this temptation in the hands of any man.

("Question, question.")

The CHAIR. The question is on the motion for a special committee to report tomorrow morning.

Vote and carried.

Mr. VINEYARD. I hope these various substitutes will be referred to that committee.

Mr. CLAGGETT. They would have it in charge anyway.

The CHAIR. What is the pleasure of the convention?

Mr. CLAGGETT. I will withdraw that portion of the motion to lay this aside, if it can be brought up in connection with some other bill just as well. We might as well conclude the labors of the convention on this bill.

The CHAIR. The motion will be then to proceed with the consideration of the report of the Committee on Public Indebtedness.

CONVENTION IN SESSION.

President Claggett in the chair.

The CHAIR. Gentlemen of the convention, the bill as reported by the committee on Public Indebtedness has been considered section by section and also as a whole, at the preceding sitting of the convention. It will be referred to the committee on Engrossment for engrossing. What time shall be set for its final reading?

Mr. HASBROUCK. I move it be set for tomorrow morning at 9 o'clock. (Seconded. Vote and carried.)

The CHAIR. The chair will appoint as that special committee, Mr. Ainslie, Mr. Hays, Mr. Reid—

Mr. MAYHEW. I desire to move that the president of this convention be made a member of the committee.

The CHAIR. —and Mr. Mayhew of Shoshone. That makes the five, with the president.

ARTICLE XIII.—IMMIGRATION AND LABOR.

SECTION 7.

Mr. AINSLIE. Mr. President, my impression is that the report of the committee on Labor was laid over for the purpose of the committee offering an amendment by the gentleman from Nez Perce, or an additional section. I move that we take that up.

The CHAIR. The gentleman will send forward his amendment.

Mr. REID. I will read my amendment. I offer it as a substitute for the one I offered before and put it "Board of Arbitration," and I will state that I have examined the debate that was had on the measure in congress, and also the bill that was adopted in the house on that subject, and have drafted this as an additional clause, and the legislature can supply the machinery afterwards. I have modelled it after the powers made by the act of congress.

"Section 7. The legislature may establish boards of arbitration, whose duty it shall be to hear and determine all differences and controversies between laborers and their employers, which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority in respect to administering oaths, subpoenaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law upon justices of the peace."

Mr. MAYHEW. I would like to inquire, will that section permit an appeal from this board of arbitration? There ought to be some higher tribunal to determine matters on appeal.

Mr. REID. They can only go to that board by agreement, and that would depend on their agreement. If they reserve the right of appeal, they can.

Mr. MAYHEW. Does this section make any provision by which they can appeal?

Mr. REID. No sir, but it says they shall hear "such controversies as may be submitted to them in writing by all the parties." They go voluntarily, and when they go in, the writing stipulates what they shall do. Under our constitution as it is now written, the Judiciary article, if it be adopted, there can only be a certain class of courts formed. Now, it is the intention of this, as it was the intention of congress, that the legislature, for instance, might say that the commissioner (if they choose to put it in that way) of Labor and Immigration, a judge of the district court and others might form the board. Suppose the Union Pacific and its employes, or the Northern Pacific and its employes, had a strike, or other difficulty impending; if they saw it was imminent, they could then in writing go to the board of arbitration, and that board could hear it. In order to clothe the board with power to send for persons, papers and witnesses, that is given under the machinery to be provided by the legislature under the general clause of the Judiciary bill which says the legislature shall provide for courts and appeals. I think the legislature can provide for appeals from this board, but it will depend upon how the parties go in. They draw an agreement, and go to this board, with powers and authority, which parties may appeal to, or go into court if they choose, you give the board the right to summon witnesses, preserve order, and everything of that sort. This matter was argued a long time in congress, and finally the bill passed; and this is modelled pretty much on the bill that was introduced in congress as to its general powers.

They provide that the circuit courts and clerks and so on should have the same powers as commissioners, instead of justices of the peace. This provides for the power, and if the legislature goes on and provides who shall constitute the board, furnishes all the machinery, before there is an outbreak—for instance, before there is a stoppage of trains by an actual strike, when those differences commence to brood—

Mr. MAYHEW: (Interrupting) I understand that proposition. The only question I desire to understand, is there anything whereby they can appeal from a decision of this board? The reason of the establishment of this board of arbitration—I understand that thoroughly; but the question I ask, is there any way, if a person feels aggrieved with the decision of that board, that he can get it to the supreme court of the state?

Mr. REID. I think the legislature can provide that or the parties either, in agreeing to it. (The section was read again.) Now, I move the section be adopted. (Seconded. Vote and carried.)

The CHAIR. The preceding part of the article has been adopted, and this section having been adopted, the article is adopted as amended, and is referred to the committee on Engrossment. What time shall be fixed for its final reading?

Mr. VINEYARD. I move that its final reading be set for four o'clock tomorrow afternoon. (Seconded. Vote and carried.)

The CHAIR. This disposes of all the bills which are pending upon supplemental sections.

Mr. REID. I see on the calendar the report of the committee on Public and Private Corporations. That has been disposed of?

The CHAIR. Yes. There is nothing now upon the calendar except the report of the Judiciary committee, and Salaries of Public Officers.

Mr. REID. The latter went over, I think, until we determined the number of judges we shall have.

Mr. AINSLIE. I don't think there is any other

business we can do this evening, as the Judiciary bill was set for tomorrow; and I move we adjourn until tomorrow morning at 9 o'clock. (Seconded.)

Mr. COSTON. Mr. Steunenberg requested me to ask indefinite leave of absence for him as he was called home on account of sickness in his family. (Granted.)

The motion to adjourn was put by the chair.

Mr. HEYBURN. Is that a necessity, Mr. President?

The CHAIR. It seems to be.

Mr. HEYBURN. Well, I suggest that a committee or some person be appointed to see the printers. We have some reports of committees, for instance, the report of the committee on Revenue, and some of those reports must have been in their hands a week or ten days.

Mr. ALLEN. I will say for the information of the gentleman, I think that they will be ready tomorrow morning.

Mr. HEYBURN. That is rather indefinite.

Mr. ALLEN. I will ascertain.

The CHAIR. That matter is all in charge of the committee on Printing.

Mr. HEYBURN. I understand this convention has disposed of all business before it that can be transacted.

The CHAIR. There is nothing before the convention except the report of the Judiciary committee and the committee on Salaries. The judiciary article was set specially for tomorrow morning at nine o'clock.

Mr. HEYBURN. Has the report of the committee on Labor been disposed of?

The CHAIR. Yes.

Mr. HEYBURN. Well, I have nothing to say except I am very sorry we are out of business.

The motion to adjourn was put by the chair. (Vote and carried.)

And the convention adjourned until 9 o'clock A. M., July 31, 1889.