THE VIRGINIA CONSTITUTIONAL CONVENTION.

OFFICIAL REPORT.

(CONTINUED FRO MPAGE 2.)

that is the very point I was thinking of this morning. It would take longer to get that kind of a law through the Legislature than it would take to enact a special law for every county in the State of Virginia. You would never get the Legislature to agree upon a law that was so flexible that you could apply it to different counties. I appeal to gentlemen here who are members of the Legislature if it is not true that that would be a practical impossibility. Therefore, in conclusion, I believe we ought to leave it both with the supervisors and with the Legislature, and consequently with the people who will be represented, and whose opinions will be expressed through these various agencies.

Mr. R. WALTON MOORE: Mr. Chairman, I shall detain the committee only a few minutes to answer one or two of the points which have been made by the opposition to this provision. In the first place, I wish to submit that the question of bonding counties is absolutely irrelevant. That question is not affected by anything in our report. I think and hope that question is being dealt with by other committees of the Convention.

There is now no restriction, as I understand, upon the power of the General Assembly in that regard. I think there ought to be a restriction.

Leaving out of view, then, the question of bonding the counties, it seems to me that no sufficient argument has been adduced against the adoption of what we propose. Mr. Chairman, what do we propose? We do not propose that the General Assembly of Virginia shall grant any enumerated legislative powers to the Board of Supervisors. What we propose is to divest the General Assembly of authority to enact special road laws. But there will be preserved to the General Assembly the right to enact general road laws for the State, and in enacting those general laws the right to make general provisions for maintaining and working the roads, and it can make those provisions so flexible and of such latitude, and can delegate such limited powers of legislation, that there will be no difficulty at all in the Board of Supervisors of any county taking care of the roads of that county.

Gentlemen mistake very much if they think it will be necessary for the General Assembly to say to a county Board of Supervisors "we will refrain from any legislation whatever touching the roads of your county and require you to do all of the legislating." That is not to be expected, and that has not occurred in the other States where constitutional provisions of this sort have been adopted.

Now, take the State of New York. In that State, where they have mountains and valleys, where they have seashore and river country, where there is great diversity of natural conditions, they have said in their Constitution, recently adopted: "The laying out, opening, altering, working, or discontinuing roads, highways or alleys, or for draining swamps or other lowlands," shall not be regulated by any special or local statute.

The Legislature in that State is prohibited from any local or special legislation in that class of cases, the exact class of cases that we have now under consideration here. Then, the Constitution of New York contains this further provision, similar to the one which we are proposing.

"The Legislature shall by general laws confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may from time to time deem expedient."

That has proved to be a successful plan in the great State of New York, where the roads are good and improving, and where there is far less criticism and far less dissatisfaction than in Virgina.

The same system has been adopted, as the gentleman from Brunswick (Mr. Turnbull) has remarked, in the State of New Jersey, and it has been found satisfactory. It has been adopted in the State of Colorado and found satisfactory. It has been adopted in Idaho and California and many other States and found satisfactory. All across this country from ocean to ocean that system has been adopted and found satisfactory, and there has not been an intimation of a desire upon the part of any State which has tried it to give it up.

I had almost omitted to refer to our sister State of West Virginia, which stands with the other States mentioned. Now, Mr. Chairman, what has been done so commonly and successfully elsewhere is not likely to produce injury here.

What has been one paramount result of the operation of this system in other States? Greater uniformity has been attained, and that I submit is what we have got to obtain in Virginia before we will really improve our roads as we should. We are without uniformity of system now, and the only remedy is to say to the General Assembly, you shall cease to pass these special laws which result in a patchwork system, if it really deserves the name of system.

At present what occurs? Often without regard to the wishes of the people of a county, a member of the House of Delegates comes here and has a special law passed for that county, and the people are forced to live under it. If that is incorrect—if the legislation that has been thus had is satisfactory—the gentleman from Bedford (Mr. Brown) should not object to our proposition, because every county now has its special laws and if all of those special laws, or the majority of them, are good, they can be retained intact under one of the provisions of this article.

Mr. WATSON: May I ask the gentleman from Fairfax a question in reference to the State of West Virginia?

Mr. R. WALTON MOORE: Certainly.

Mr. WATSON: I wish to ask the gentleman if he ever travelled over the roads of West Virginia?

Mr. R. WALTON MOORE: Yes, sir; I have travelled over the roads of West Virginia to some extent, and I do not think it can be said that the roads in that State are worse than the roads in the State of Virginia. I have travelled over the roads of the State of Virginia to a greater extent and I would be glad to give them higher praise than is possible. The truth is that our people are as anxious about their roads as they are about any one thing that concerns them. Recently the two great political parties met in Convention and the platform of each party contains, I believe, a plank about roads. The candidates of the parties are now stumping the State and one of the topics under discussion is this matter of bettering the roads.

Now, my fear is, as long as you adhere to the present lack of system, as long as you provide for this patchwork performance, allowing a member of the House of Delegates from any county to come here and pass a special road law, which is almost certain to be altered when the General Assembly again meets—so long as you do that you will fail to start upon the course of improvement of the roads of the State of Virginia which ought to be made, and which ought to be made in the near future.

Mr. BROWN: I should like to ask the gentleman a question.

Mr. R. WALTON MOORE: Certainly.

Mr. BROWN: Does the gentleman mean that by delegating this power to one hundred boards of Supervisors we will avoid the possibility of patchwork?

Mr. R. WALTON MOORE: I will answer the gentleman that I do not think there ought to be a delegation of power to the boards of supervisors to the extent intimated by his question. We ought to do what has been done in the other States, and by general law lay down general principles and rules and authorize the local boards of supervisors to act within the limits of those principles and those rules. We are behind-hand in Virginia, because we decline to adopt the modern system and the modern methods which are improving the roads in other States.

Mr. O'FLAHERTY: Will the gentleman allow me to ask him a question?

Mr. R. WALTON MOORE: Certainly.

Mr. O'FLAHERTY: Is there anything in the present Constitution to prevent a general road law?

Mr. R. WALTON MOORE: Certainly not. The gentleman knows that without any answer.

Mr. O'FLAHERTY: All right. Then why has not a general road law been passed?

Mr. R. WALTON MOORE: General road laws have been passed. There was an effort at the time I was in the General Assembly, to enact a general road law. When the bill was being considered member after member arose upon the floor of the House of Delegates and had his county excepted, until finally the only highway in the State of Virginia, I understand, to which the bill applied, was a piece of ground located in the city of Winchester.

Mr. O'FLAHERTY: Would not that be the result in this case, that a member would rise and have his county excepted or he would not vote for the proposed law; and the result would be that you would have no general road law under your system? Would we not have this result, I ask? If you attempt to pass a general road law man after man would except to it, and if he could not except to it he would vote against it and you could not get it passed.

Mr. R. WALTON MOORE: Certainly not.

Mr. O'FLAHERTY: I do not see the difference.

Mr. R. WALTON MOORE: Certainly not, because the General Assembly would be shut up to general action or to no action at all, and it cannot be imagined that the General Assembly will fail to give the public the laws which existing conditions demand.

Mr. O'FLAHERTY: Are you going to assume that they are going to take what they do not want?

Mr. R. WALTON MOORE: Who are "they?"

Mr. O'FLAHERTY: The people.

Mr. R. WALTON MOORE: No, sir; the people will have what they want. The people will elect a General Assembly to come here. The people will express their will to the General Assembly, and that will will be carried out by appropriate legislation, and it will be carried out in a broad way and in a general way, and will not be carried out in any special and sporadic way as it is now.

Mr. PORTLOCK: May I interrupt the speaker?

Mr. R. WALTON MOORE: Yes, sir.

Mr. PORTLOCK: These special road laws are of recent date, so far as my examination into the matter goes, and prior to these road laws there was a general road law. Now, I want to ask the gentleman, and I want each member of this committee from the several counties in the State to answer it mentally, whether or not the roads throughout the State of Virginia are in any better condition to-day by virtue of local road laws than they were under the general law that is embodied in the Code?

Mr. R. WALTON MOORE: Is not the gentleman from Norfolk wrong in his premise? We have been enacting special road laws from time immemorial almost. The statute books of the State for the last twenty-five or thirty or fifty years are full of such special laws. Such improvement as has been made has been made under special laws. But my own belief—which I venture with diffidence to put against the belief of other gentlemen here who have had longer and wider experience—my own belief is that there will be greater improvement and swifter improvement when the change is made which we propose.

Mr. BROWN: May I ask a question?

Mr. R. WALTON MOORE: Certainly.

Mr. BROWN: In your reply to the question I asked you a few minutes ago, the impression was left upon my mind that my interpretation of the provisions of this legislative report would allow greater local supervision of road than the gentleman seems to contemplate. Is it your position that the Legislative Committee proposes to take as much as possible of local control of road matters out of the hands of the counties?

Mr. R. WALTON MOORE: We do not attempt to go into particulars. We leave it all to the General Assembly. It is for that body to say how far the general law shall be operative everywhere (I mean as to the details of maintaining and working the roads) andto what extent the boards of supervisors shall exercise legislative power. It is all trusted to the General Assembly; and it is better, to trust it to the General Assembly than to trust it to individual members of the General Assembly.

I repeat that the General Assembly acts in a perfunctory manner now in this matter. A member of the House of Delegates introduces a road bill, for instance, for the county of Brunswick, and it goes through without examination or question. It may be good or it may be bad, but I will hazard the assertion that there have been more bad laws than good laws thus enacted. This is proved by the rapid and continual changes to which they are subjected.

When we reapportion the State for members of the House of Delegates, unless the membership is enlarged, it will be necessary to turn more than one county into some of the districts. There will be legislative districts made up of perhaps three or four or even more counties. That is because some sections of the State have so advanced in population that they will be entitled to more representation than they have now. There may be several counties represented by one member in the House of Delegates and if we adhere to the present system we will have the curious result of one man coming here and attending to all the road legislation for several counties. He does it now more or less unsatisfactorily for one county and sometimes for two counties. He will then discharge the duty still less satisfactorily for a larger number of counties.

Mr. KEEZELL: Mr. Chairman, in view of the discussion of this question yesterday, in which I participated somewhat, I did not intend to have anything to say to-day, but it seems to me that the chairman of the Legislative Committee has reversed himself from the position he took yesterday with reference to this matter. Yesterday, as I understood him, the proposition was to delegate to boards of supervisors the power of legislation.

Mr. R. WALTON MOORE: Let me say to the gentleman from Rockingham that he must have misunderstood me, because if he will read the report—and of course the question must be decided upon the language of the report—he will see that there is nothing in it which warrants the view that we are directing the General Assembly to make any delegation of legislative power. Out of abundant caution we have simply provided that the General Assembly be authorized to delegate legislative power to the Board of Supervisors in any case, not simply in the case of a road, but in any case in which it may be deemed proper.

Mr. KEEZELL: I will say, then, if I have misunderstood the gentleman, that certainly the trend of the arguments adduced here by those who spoke yesterday in favor of this section and against the amendment of the gentleman from Bedford (Mr. Brown) was that the Board of Supervisors were closer to the people than the member or members of the Legislature from a particular county, and therefore it was a better tribunal to legislate about road matters than the Legislature of Virginia. That certainly was the argument adduced here in support of the proposition of the committee.

In the remarks I made yesterday I contended that a member of the Legislature was as much the representative of the people as was a Board of Supervisors, and I thought it was unwise to take away from the Legislature all opportunity for local legislation in regard to roads and to invest the Board of Supervisors with that entire power. I did not yesterday bring out the point as it was brought out by the gentleman from Northampton. But it was one of the strong points of objection in my mind against investing the Board of Supervisors with the exclusive right of local legislation. It was the point that you made them both a legislative and an executive department or by this provision; that they made the laws and then they executed them; that there was no check upon them; that they could make such laws as they pleased and execute them as they saw fit.

The gentleman, it seems to me, has reversed his position. If I understand the force of his remarks to-day, he does not propose, and it is not his idea, that the Legislature should give such power to the Board of Supervisors, but they are to have some code of general legislation, and then the Board of Supervisors is to be confined within that general scope. The point I made yesterday was that I had served in the Legislature some three sessions as a member of the Senate, and in that time I had seen the effort made three different times to pass some kind of general road legislation, and it was impossible to pass any general road legislation which would be accepted by the different sections of this State, and necessarily so, because of the very divergent interests and the different conditions that exist in the various parts of the State, for which reasons no road law could be passed which would be applicable alike to all.

I think it is very much better to let the Legislature have some power in this matter. I do not want to divest the Board of Supervisors of certain discretion in the matter. I think it ought to have some discretion. I am not here to undertake to rob the Board of Supervisors of proper power in reference to roads. But I think they ought not to be makers of the law, but that they should execute the law within a discretion given them by the makers of the law.

The trouble I see with the report of the committee is this: They say in one section of their report that they do not propose to get rid of special road laws; that the counties which now have them may continue them, if they see fit; but they have arranged, it so it matters not how insignificant an amendment may be which may be necessary to a special road law which it is proposed to continue under their legislation, nor how important it may be, either one of two things has to be done—the Legislature has to vote to repeal the special law in toto, and the county come in under the provisions of the general law, or under some one of the multitude of general laws, as the case may be, as suggested by the gentleman, or the Legislature will have to allow the Board of Supervisors the power to make new laws entirely, as the power may be delegated by the General Assembly.

It does seem to me that the safest and best plan is to let the matter rest as it is now. Let the Legislature have the power, if it sees fit to exercise it, of enacting road legislation applicable to the counties, because counties even in the same section of the State differ materially as to what is proper with reference to a road law. The same road law would not be satisfactory probably in all sections of the Valley of Virginia, because there is great diversity of conditions, even in the Valley of Virginia. You have some sections of the Valley that are very different from other sections, and I suppose the same thing is true with the balance of the State.

The CHAIRMAN: The question is on agreeing to the amendment proposed by the gentleman from Bedford (Mr. Brown) to subsection 16 of section 24, which will be stated.

The SECRETARY: The member from Bedford (Mr. Brown) proposes in line 1 of subsection 16 to strike out the word "working" and in line 2 to strike out the words "roads, highways;" so as to make the subsection read:

"16. Authorizing the opening, altering, maintaining or vacating of streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the State."

The CHAIRMAN: The question is on agreeing to the amendment which has been stated (Putting the question). The ayes appear to have it.

Mr. TURNBULL: I call for a division.

Mr. Brown's amendment was agreed to, there being, on a division, ayes 40, noes 26.

Mr. MEREDITH: If that is the result—I did not propose to interfere with the suggestion made by the committee—I should like to have the word "working" stricken out so far as it applies to streets and alleys.

Mr. R. WALTON MOORE: What is the suggestion?

Mr. MEREDITH: I should like to have the word "working" stricken out as it applies to streets and alleys. I see no necessity for leaving it in there now.

Mr. R. WALTON MOORE: No. I suggest, if it is the wish of the gentleman from Richmond, that perhaps it would be better to strike out that subsection.

Mr. MEREDITH: I think so, too.

Mr. R. WALTON MOORE: Sub-section 16.

Mr. MEREDITH: I ask the Chairman to do it.

Mr. R. WALTON MOORE: I make the motion. I think that is the best shape in which to put it.

The CHAIRMAN: The question is on agreeing to the amendment of the gentleman from Fairfax to strike out sub-section 16.

The amendment was agreed to.

The CHAIRMAN: As the Chair understands, all of the sections up to section 26 were disposed of yesterday either by passing them over or by acting upon them, and the matter for consideration now is section 26.

Mr. R. WALTON MOORE: Yes, sir; and the committee yesterday suggested an amendment to that section which I think was accepted.

The Secretary read as follows:

"26. The General Assembly may, by general laws, confer upon the boards of supervisors of counties and the councils of cities and towns such powers of local and special legislation as it may from time to time deem expedient, and not inconsistent with the limitations contained in this Constitution."

Mr. AYERS: I will ask the Secretary to again read the section.

The Secretary again read the section.

Mr. MEREDITH: Why do you strike out the word "administration" after the word "legislation?" What is the object?

Mr. R. WALTON MOORE: Those words were stricken out. "Powers of local and special legislation" is the way it stands now.

Mr. MEREDITH: Why was the word "administration" stricken out?

Mr. R. WALTON MOORE: Simply because the Legislature has the right to grant powers of administration without any constitutional authority to do so.

Mr. MEREDITH: You think it surplusage?

Mr. R. WALTON MOORE: Yes, sir.

Mr. WADDILL: I offer an amendment to the section.

Mr. CLARENCE J. CAMPBELL: Do I understand that section 26 is now subject to amendment?

The CHAIRMAN: Yes, it is subject to amendment, but there is an amendment pending.

Mr. CLARENCE J. CAMPBELL: I will wait until that is disposed of.

The SECRETARY: The member from Henrico (Mr. Waddill) proposes to add at the end of the section the following words:

"But the General Assembly shall not, by general law or special laws, confer upon boards of supervisors the right to loan the credit of the county to or in aid of any person, association or corporation."

Mr. R. WALTON MOORE: I will ask the gentleman if he thinks that provision ought to be made in connection with the section which we are now considering? It may in itself be a very proper provision, but I conceive that it should not be added to this section. I believe it is being considered by some other committee of the Convention.

Mr. WADDILL: I desire to safeguard this section in some way. I am not particular where the amendment shall come in, but I think it should be inserted somewhere.

Mr. R. WALTON MOORE: I entirely approve of the principle that this amendment embodies, but I hardly think it should be placed in this part of the Constitution. I have just been informed, that the subject covered by his amendment is being very carefully considered by the Committee on Finance, and no disposition has yet been made of it. I suggest to the gentleman that he withdraw his amendment, and so far as I am concerned, I am willing to say that if the subject does not receive final consideration in the committee mentioned, when our report reaches the Convention we will be very glad to accept his amendment.

Mr. WADDILL: That is satisfactory.

Mr. GILLESPIE: If the gentleman from Henrico withdraws his amendment, I should like to suggest the following amendment to be added to the section:

"But that there shall be no general law authorizing the boards of supervisors to place any bonded indebtedness on a county."

Mr. R. WALTON MOORE: I think that subject is also being considered by the Committee on Finance and Taxation.

The CHAIRMAN: Does the gentleman from Henrico withdraw his amendment?

Mr. WADDILL: Yes, sir.

The CHAIRMAN: The amendment proposed by the gentleman from Tazewell will be stated.

The SECRETARY: The gentleman from Tazewell proposes to add at the end of section 26 the following:

"But there shall be no general law authorizing the boards of supervisors to place any bonded indebtedness on a county."

Mr. GILLESPIE: Mr. Chairman, I have just spoken to the chairman of the committee, and he suggests that he is in sympathy with a proposition of this kind which will perhaps come up on the report of the Committee on Counties, and therefore, for the present I withdraw the amendment.

Mr. CLARENCE J. CAMPBELL: Mr. Chairman, I desire to offer an amendment. In the first line of section 26 I move to strike out the expression "by general laws."

I have been very much interested in this discussion as to the power proposed to be vested in boards of supervisors, and so on, by the future Legislature. If that provision stands as written at present it will deprive my county of its present road law. Up to 1891 my county had a great deal of trouble with special legislation on the subject of roads. As has been stated upon the floor of the Convention every member who came here every two years proposed a special road law. Each one became more and more unpopular. When I came to the Legislature in 1891 I came to the conclusion that the only way to have a road law that would give satisfaction to my people was to have a flexible road law. Consequently I offered and got passed through the House and then through the Senate a road law of about a dozen lines, which empowered the Board of Supervisors in my county to adopt such rules and regulations for the maintenance and working of the roads in the county as it might deem expedient and proper, fixing a maximum limit for the road levy.

That road law was passed in 1891, and it has been the road law ever since. It has given absolute satisfaction. While my county has not had and has not now as good roads as my people desire, or as good roads as some other counties may have, yet that system of working the roads in my county is giving absolute satisfaction. Why? Because if the Board of Supervisors at one meeting adopt a certain plan for working the roads and at the next monthly meeting they ascertain that it is not practicable, they repeal it and adopt another one, or amend it.

Now, this provision reads:

"The General Assembly may, by general laws, confer upon the boards of supervisors of counties," &c.

If this provision is adopted by the committee and then by the Convention, when the next Legislature, after this Constitution goes into effect, comes to legislate under this section of the new Constitution, my county will have to drop the road law which it has had for the past ten years and adopt some general law which a majority of the Legislature may think proper and expedient.

Mr. TURNBULL: My friend is mistaken about that. If he will read the report he will find that that expressly allows special road laws to continue in existence until they are expressly repealed. It is so stated in the report.

Mr. CLARENCE J. CAMPBELL: Where is that?

Mr. R. WALTON MOORE: I will say further to the gentleman that the trouble he has in mind is obviated now, since the committee has stricken out subsection 16 of section 24. Having thrown out that provision, the General Assembly is left as now with the right to pass general or special road laws. The present status remains undisturbed.

Mr. CLARENCE J. CAMPBELL: Now, to be consistent, I want to ask my friend from Fairfax why not adopt my amendment? You say you are going to do exactly what I want; that you will take the position I want you to take. It reads, "The General Assembly may by general laws." Now, adopt my amendment and strike out the words "by general laws." Then, how do you leave the Legislature? You leave it free to confer such power upon boards of supervisors, either by special statute or by general statute. There is no difference between us if that is your position. Adopt my amendment, strike out "by general laws," and then you leave the Legislature free to delegate legislative authority upon boards of supervisors either by a special statute, such as the statute I want in my county, and as my people want, or by general statute.

Mr. R. WALTON MOORE: That would defeat the whole purpose we have in view.

Mr. CLARENCE J. CAMPBELL: Why?

Mr. R. WALTON MOORE: If you were to make that provision you would have the General Assembly passing special laws in all cases, whereas we wish in many cases to strip it of that power and confine it to the enactment of general laws. I will say to the gentleman that the situation in his county is not changed in the slightest degree by the adoption of the report as it stands now, with subsection 16 of section 24 stricken out. The General Assembly will retain the power which it now possesses to enact just such laws as he says have been enacted for his county, and will have the other and the fullest power to enact general road laws which may be made operative in his county. There will be no change at all in the present condition.

Mr. CLARENCE J. CAMPBELL: Allow me to ask you a question?

Mr. R. WALTON MOORE: Yes, sir.

Mr. CLARENCE J. CAMPBELL: Suppose to the next Legislature my people should send a member who in his own conceited judgment thought that the present road law for my county ought to be repealed. Then, under this proposed provision, he could offer a bill repealing it.

Mr. R. WALTON MOORE: Yes, sir.

Mr. CLARENCE J. CAMPBELL: Then, under your construction, if my people were to become dissatisfied with the action of that particular representative, they could not put this special statute back on the statute books, could they?

Mr. R. WALTON MOORE: Yes, sir; because the General Assembly is to be left free in road matters to do as it pleases, just exactly as is the case now.

Mr. CLARENCE J. CAMPBELL: I do not understand it, I must confess.

Mr. R. WALTON MOORE: The committee of which I happen to be chairman was anxious that the General Assembly should be forbidden in the future to enact any road law for any particular locality, but the Committee of the Whole is of a different opinion. It has to-day dropped out subsection 16 of section 24, and therefore the power of the General Assembly, which it now possesses, is preserved to it.

Mr. CLARENCE J. CAMPBELL: I do not understand it. I must insist upon my amendment.

Now, Mr. Chairman, coming back to the suggestion of my friend from Fairfax, the situation in my county is this: It has a special road law which gives the Board of Supervisors of my county full powers to adopt any mode they may deem proper or expedient. As I said just now in answer to a question of my friend, the member from Fairfax, suppose if by accident my people were to be represented by some one who in his judgment thought that this special law which we have now ought to be repealed, and he came down here to the Legislature. As we all know who have had experience, the local member controls these matters. Suppose he were to offer a bill repealing our law. Under my construction I do not see how my people could send a representative here who could get the old law put upon the statute books.

Mr. R. WALTON MOORE: What do you think is in the report that will prevent that, may I ask?

Mr. CLARENCE J. CAMPBELL: It is simply this:

"The General Assembly may, by general laws, confer upon the boards of supervisors," etc.

Now, suppose what I suggested just now were to happen. My people sent their representative here purposely to ask the Legislature to give them the law which they have at present. Here is a constitutional provision which stares him right in the face and which would be pitched into his face by the members of the Legislature. They would say "You cannot get this. It would be special legislation. It would be a special act. We can only do it by general law." Then my county would be forced, not to get the law it wants, but to come under some general law which would apply to Albemarle, Culpeper and other counties.

Mr. R. WALTON MOORE: Section 26 does not restrict the Legislature to the enactment of laws of any kind, so far as roads are concerned, either general or special laws. The Legislature remains precisely as it is to-day, so far as roads are concerned. It would be so if the Committee of the Whole had retained the provision of subsection 16, but that provision disappearing, the General Assembly is unrestricted.

Mr. CLARENCE J. CAMPBELL: With that statement made by my friend, in whom I have absolute confidence, I withdraw my amendment for the present; but I desire to look into the matter further. (Laughter). I do not doubt my friend's statement, but I do not want my county to get into a hole.

Mr. EGGLESTON: Does the gentleman want to look into the law or into the statement of the member from Fairfax. (Laughter).

Mr. CLARENCE J. CAMPBELL: I want to consider the matter. I do not doubt my friend's statement, but I want to be certain about it.

Mr. R. WALTON MOORE: Mr. Chairman, I wish to say that I think the strongest argument that has been presented in favor of the provisions of subsection 16 was advanced a moment ago by the gentleman from Amherst (Mr. Campbell). He says that all these long special laws passed for his county by members of the House of Delegates, who got here by accident or otherwise, proved to be unsatisfactory, and that when he came here he secured the passage of a flexible law containing a few lines confiding nearly everything to the Board of Supervisors, and that this law has worked admirably. If we had retained subsection 16 the General Assembly could have done that which it did for Amherst county for the whole State of Virginia, and the local boards of supervisors could have done for their various counties all that the Amherst Board of Supervisors has done so successfully and satisfactorily for that county. I thank the gentleman for such a striking illustration.

Mr. EGGLESTON: I should like to ask the gentleman from Fairfax if the Legislature cannot do so now?

Mr. R. WALTON MOORE: It can; but it does not do it, and it will not do it so long as it is able to do far otherwise. The habit now is to enact special road laws, and that habit will control until we say to the General Assembly, "You shall not enact such laws, but you shall place this whole subject under general statutes, whether those statutes be in themselves a complete exercise of legislative authority or whether they contain a delegation of legislative power to minor bodies."

Mr. CLARENCE J. CAMPBELL: I withdraw my amendment.

The CHAIRMAN: The Secretary will read section 27.

Mr. R. WALTON MOORE: Have we finished the report?

Mr. KEEZELL: Was section 27 passed on yesterday?

Mr. R. WALTON MOORE: I think section 27 was read and there was no amendment offered. Subsection 21 was passed by until the return of the gentleman from Accomac (Mr. Wescott).

Mr. Chairman, if members will look at subsections 22, 23, 24 and 25 of section 24 they will see that the design is to prevent the General Assembly from enacting special statutes granting charters to certain corporations or amending their charters or changing the names of such corporations or remitting the forfeiture of their charters.

Yesterday I suggested that, in order to except from these provisions public corporations, we use the word "private" to describe all the corporations in question; so that subsection 22 shall read:

"Creating private corporations, or amending or renewing or extending the charters thereof."

(The other language in that section being omitted); so that subsection 23 shall read:

"Granting to any private corporation," etc.

So that subsection 24 shall read:

"Naming or changing the name of any private corporation," etc.

So that subsection 25 shall read:

"Remitting the forfeiture of the charter of any private corporation."

And so that where the word "corporation" appears in section 25 it shall be preceded by the word "private."

I will say in explanation of that that there are just two classes of corporations, private corporations and public corporations. We do not wish to restrict the General Assembly as to public corporations which are State agencies; but we wish to prevent the General Assembly from creating by special laws corporations of the other class, and if the word "private" is used our purpose will be carried out.

I do not ask that this be done without having made an examination of the law and without consultation with lawyers who are members of our committee and also with lawyers who are outside of our committee. There seems to be no sort of doubt that the term "private corporation" will be held to include all joint stock companies, such as railroads, and will furthermore be held to include private corporations which are not in the joint stock company list. I ask that the amendments be made so as to effect the purpose in view.

The CHAIRMAN: The Secretary will read the sub-sections as it is proposed to amend them.

The Secretary read as follows:

"22. Creating private corporations, or amending, renewing, or extending the charters thereof, except such municipal corporations, and such charitable, educational, penal or reformatory corporations as may be under the control of the State.

"23. Granting to any private corporation, association or individual any special or exclusive right, privilege or immunity.

"24. Naming or changing the name of any private corporation or association.

"25. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof."

Mr. R. WALTON MOORE: Section 25, as perfected yesterday, speaks of these corporations as private corporations, and that is all right.

Mr. BARBOUR: I should like to ask the gentleman from Fairfax how he classes educational corporations that are not controlled by the State?

Mr. R. WALTON MOORE: They are private corporations.

Mr. BARBOUR: You deprive them of the right?

Mr. R. WALTON MOORE: I think a general law will take care of them.

Mr. HATTON: I should like to have the sub-sections read as amended.

The Secretary read as follows:

"22. Creating private corporations, or amending, renewing, or extending the charters thereof, except such municipal corporations, and such charitable, educational, penal or reformatory corporations as may be under the control of the State.

"23. Granting to any private corporation, association or individual any special or exclusive right, privilege or immunity.

"24. Naming or changing the name of any private corporation or association.

"25. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

"Sec. 25. In all cases enumerated in the last section and in every other case which in its judgment may beprovided for by general laws the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact and shall not have the effect of the enactment of a special, private or local law. No general law or special law shall surrender or suspend the right and power of the State or any political subdivision thereof to tax corporations and corporate property. No private corporation, association or individual shall be exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association or individual. Any local, special or private law may be repealed, but any such law existing when this Constitution becomes operative shall remain in force until expressly repealed."

The CHAIRMAN: The question is on agreeing to the amendments proposed by the gentleman from Fairfax.

The amendments were agreed to.

Mr. R. WALTON MOORE: Mr. Chairman, I think we are about through with the consideration of the report. I want to call attention to the fact that not all of its provisions have yet been passed upon. I do this simply that it may be borne in mind that some of its provisions are yet to be considered. All of them have been considered except section 18, on page 14, and section 23, on page 15, which have been referred by the Convention to other standing committees of the Convention; section 4, on page 4, which relates to apportionment, consideration of which subject has been postponed until some direction is given to the Committee on the Legislative Department by the Convention; section 20, on page 15, which touches the controverted question of the allowance of compensation to the owners of lands which are damaged as well as the owners of lands which are taken in the exercise of the power of eminent domain; section 21, on page 16, which relates to the incorporation of churches; and sub-section 21 in section 24, which relates to the regulation of the taking and killing of game.

My understanding is that the Committee of the Whole has postponed until next Monday the consideration of the undetermined questions.

Mr. TURNBULL: I will state to the committee that there is a minority report signed by five members of the committee which might be taken up, but the reason why I do not insist upon taking it up now is because the gentleman from Isle of Wight (Mr. Lawson), who is interested in the matter, is not present, nor is the gentleman from Accomac (Mr. Wescott).

Mr. R. WALTON MOORE: Yes; and there is a motion pending to reconsider the action of the Committee of the Whole in fixing the number of legislative elections and the number of sessions of the General Assembly. I find that I have made the statement too broad, because the motion to reconsider is applicable only to section 7 on page 6.

The CHAIRMAN: The Committee of the Whole having disposed of the matter as far as it can at present, a motion that the committee rise would be in order.

Mr. R. WALTON MOORE: I move that the comimittee rise.

The motion was agreed to, and the committee rose.

The President having resumed the chair, Mr. Boaz reported that the Committee of the Whole had made some progress, but had come to no conclusion on the matter referred to them.

Mr. BARBOUR: I move that the Convention adjourn.

The motion was agreed to, and (at 12 o'clock and 45 minutes P. M.) the Convention adjourned until to-morrow, Thursday, October 3, 1901, at 10:30 o'clock A. M.

Dr. Lyon's PERFECT Tooth Powder

AN ELEGANT TOILET LUXURY.

Used by people of refinement for over a quarter of a century.

(ja 4-Th 1 y-f p, t c)

BOXES OF GOLD.

Sent for Letters About Grape-Nuts.

Three hundred and thirty boxes of gold and greenbacks will be sent to persons writing interesting and truthful letters about the good that has been done them by the use of Grape-Nuts food.

Ten little boxes, each containing a $10 gold piece, will be sent the ten writers of the most interesting letters.

Twenty boxes each containing a $5 gold piece to the twenty next most interesting writers, and a $1 greenback will go to each of the 300 next best. A committee of three, not members of the Postum Company, will make decision between December 1st and 10th, 1901.

Write plain, sensible letters, giving detailed facts of ill-health caused from improper food and explain the improvement, the gain in strength, in weight, or in brain power after using Grape-Nuts food.

It is a profound fact that most ails of humanity come from improper and nonnourishing food, such as white bread, hot biscuit, starchy and uncooked cereals, etc.

A change to perfectly cooked, predigested food like Grape-Nuts, scientifically made and containing exactly the elements nature requires for building the delicate and wonderful cells of brain and body, will quickly change a half sick person to a well person. Food, good food, is Nature's strongest weapon of defense.

Include in the letter the true names and adddesses, carefully written, of twenty persons not very well, to whom we can write regarding the food cure by Grape-Nuts.

Almost every one interested in pure food is willing to have his or her name appear in the papers for such help as they may offer the human race. A request, however, to omit name will be respected. Try for one of the 330 prizes. Every one has an equal show. Don't write poetry, but just honest and interesting facts about the good you have obtained from the pure food Grape-Nuts. If a man or woman has found a true way to get well and keep well, it should be a pleasure to stretch a helping hand to humanity, by telling the facts.

Write your name and address plainly on letter and mail promptly to the Postum Cereal Company, Limited, Battle Creek, Michigan.

ALL THROUGH THE SYSTEM

Catarrh Spreads Like a Malignant Poison.

PE-RU-NA CURES THESE CASES.

John J. Lane, Grand Keeper of Records of the Grand Commandery of New York, United Order of the Golden Cross, writes from 303 W. Thirtieth street, New York City, as follows:

"It is but rendering unto Cæsar the things that belong unto Cæsar to place Peruna at the head of the medicines known to the profession in cases of catarrh of the system. I have been cured myself through the use of only two bottles, so that for four years I have enjoyed perfect health, and during that time I have known of over a hundred who have been cured through the use of this grand medicine. I have known of it being used in cases of Bright's disease and other urinary troubles, for indigestion, and especially for summer colds, and always with best results."—JOHN J. LANE.

William C. Rouse, Limaburgh, Boone county, Ky., writes:

"Peruna is without doubt the best medicine that was ever sold in our country. There is nothing like it. I recommend it far and near to both well and sick. I have six people using it, and all say it is helping them right along. When anyone speaks of being sick I recommend Peruna to them."—William C. Rouse.

Mr. Robert Metters, Murdock, Neb., writes:

"I will say that my catarrh is cured. I feel as well as I have any time in the last twenty years. I recommend Peruna to all my friends that are troubled with catarrh. I tell them to take Peruna, and that I am sure it will cure them as it has me. One of my friends met me the other day, and said: 'You told me Peruna would cure my catarrh and it has.'"—Robert Metters.

John Kerr, 503 Tenth avenue, New York city, writes:

"I first took Peruna for a catarrh remedy, but while I was using it for catarrh I learned that it proved a great remedy for nervous debility, too. With the catarrh I had a weak stomach and an aching back; that was from a shattered nervous system. After using Peruna for a month my stomach was as well as ever, my food tasted natural, and the heavy feeling that I used to have after eating disappeared. There is no tonic like Peruna."—John Kerr.

John Kerr is secretary of Prospect Council of the Catholic Benevolent Legion of New York. This is one of the biggest Catholic organizations in New York and its membership runs into the thousands. His place of business is at 721 Tenth avenue, New York city.

An Ex-Prime Minister Endorses Pe-ru-na.

Hon. Celso Caesar Moreno, ex-Prime Minister to Hawaii, writes from Washington, D. C.:

"I can commend your great national catarrh cure, Peruna, to my friends throughout the country as a safe, reliable medicine. I know of no other tonic that will build a person up as well as Peruna. It is a positive cure for the universal disease, catarrh, and those who will try this remarkable medicine will find a sure cure."—Celso Caesar Moreno.

If you do not derive prompt and satisfactory results from the use of Peruna write at once to Dr. Hartman, giving a full statement of your case and he will be pleased to give you his valuable advice gratis.

Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, O.

TELEPHONE EXPANSION.

The Loudoun Line Will Be Extended to Clarke and Fauquier.

LEESBURG, VA., October 2.—(Special.) The "central" of the Loudoun telephone lines was, on Monday, removed from the Leesburg Inn to the rooms above the former post-office directly opposite, on King street. Connections with all parts of the county will soon be made by new lines, as also with long-distance offices. Eventually, lines will be extended to Clarke county, and Fauquier, more fully. These, with the present connection with the Western Union Telegraph at Point of Rocks, Md., give our people good newsgiving, and getting facilities.

FATAL RAILWAY COLLISION.

Passenger and Freight on L. & N. Collide—Engineer Sykes Killed.

BIG STONE GAP, VA., October 2.—(Special.)—Last night at 10 o'clock a head-end collision between the eastbound passenger train and a west-bound fast freight on the Louisville and