THE VIRGINIA CONSTITUTIONAL CONVENTION.

THE OFFICIAL REPORT.

(CONTINUED FROM PAGE 7.)

taxes six or seven men, busily engaged in two offices, to keep the records of the county clerk's office and the circuit court clerk's office. I do not think it would be well in a county like that to say that one man shall have entire supervision; that we shall elect one man and that he shall appoint all the deputies.

Mr. LINDSAY: Will the gentleman allow me to interrupt him?

Mr. KEEZELL: Yes, sir.

Mr. LINDSAY: I want you to explain why you signed this majority report.

Mr. KEEZELL: I will explain it. I reserved the right to oppose any feature in that report.

Mr. HUNTON: May I ask the gentleman from Rockingham if he does not think the proper time to consider that matter is after the judicial system shall have been determined upon?

Mr. KEEZELL: I do think so. I should like to see it passed by, if it is in order to pass it by, until that time, but it seems that we are not in a position to do that at present, and I simply desire to make a few remarks along this line, with the idea that it should not be voted down at this time, because I do not know whether it will probably come up again. It will be said that it has been disposed of, and therefore it ought not to come up again.

I hope it will be the pleasure of the committee at this time to vote down this amendment, and in some way, informally, if in no other, to pass the matter by and let us bring it up at another time. I hope that will be done by unanimous consent.

Mr. EGGLESTON: Mr. Chairman, it seems to me if the amendment I offered is adopted it will leave the matter suggested by the gentleman from Rockingham for future consideration. The clause will then read "one county clerk."

Now, if, when the report of the Judiciary Committee comes in, the gentleman from Rockingham or the delegate from any other large county thinks that the interest of his county requires that there shall be, in addition to the county clerk, also a circuit court clerk, he can accomplish that by an amendment to the report of the Judiciary Committee. But it is absolutely certain that there has to be one clerk in every county.

Now, why not provide for it? We can do it here. Let it read "county clerk." Then either the Committee on Revision can change the name, if they think it necessary, or a provision can be put into the section of the report of the Judiciary Committee saying that the county clerk shall be the clerk of the circuit court. Then you will have the whole matter arranged. I see no necessity whatever for postponing action upon this section until that report comes in, because it is an absolute fact that in every county we must have at least one clerk. That is what we provide for. If in the future in order to do the work of the circuit court it is necessary to have another clerk in some counties, it can be provided for when we provide for the circuit court.

Mr. WITHERS: Will the gentleman from Charlotte permit me?

Mr. Eggleston: Yes, sir.

Mr. WITHERS: The minority report, which is temporarily lost sight of, simply uses the words "one clerk," and I would suggest that if you would accept that, it would be an acceptable amendment, from the fact that it does not limit or restrict the clerk by any definition whatsoever. Then if the difficulties anticipated by the gentleman from Rockingham and the gentleman from Tazewell should arise, we can meet it by providing for a recorder in certain counties. I merely make this suggestion.

Mr. EGLESTON: So far as I am personally concerned, I should like to see this official called the county clerk.

Mr. AYERS: Withdraw the amendment and the section will pass itself by.

Mr. EGGLESTON: If you strike out the words "who shall also be clerk of the circuit court," it will really make provision for the contingency suggested by the gentlemn from Rockingham.

Mr. MEREDITH: Strike out the word "also."

Mr. EGGLESTON: Leave out those words.

Mr. MEREDITH: Leave out the word "also" and you would get it.

Mr. EGGLESTON: No, sir. You have to leave out the words "who shall also be clerk of the circuit court." Then you provide for one county clerk.

Mr. MEREDITH: If you strike out the word "also" you will get it in the shape you want it.

Mr. EGGLESTON: No, sir. I want to strike it all out. Then it will read "one county clerk."

Mr. THORNTON: That would not say whether he was to be clerk of the county or the circuit court. It merely says "county clerk." If the plan suggested by the chairman is carried out, he will still be a county clerk, but he may be clerk of the circuit court, there being no other court. It seems to me that suggestion will cover the difficulty heretofore suggested.

Mr. DUNAWAY: Mr. Chairman, would it be in order for me to offer a substitute for the pending measures?

The CHAIRMAN: There is already one amendment pending.

Mr. EGGLESTON: Two.

The CHAIRMAN: Two amendments.

Mr. DUNAWAY: Cannot a third be offered? If it is in order, I think I can offer one that will probably be acceptable to all. Anyhow, I will state it. If it be out of order, the Chair will so rule.

We must anticipate something. The report of the Judiciary Committee is not in. That committee will recommend, as the chairman has just said, that there shall be only one court between the justices of the peace and the court of appeals. It will be called the circuit court. I do not anticipate that we will agree. If when that report comes in the Convention is not satisfied with that judicial arrangement, it will be easy then to revert to this. But suppose we take it for granted now that that will be the judicial system of the Commonwealth. Then I would have this clause read:

"One clerk of the circuit court."

Now the word "county" there is evidently surplusage. To say that one is a county clerk does not mean that he shall be clerk of the county court. It says nothing about it. The word "county" is surplusage, because it already appears from the preceding words "there shall be elected by the qualified voters of each county." Why say "one county clerk"? Why not say, as the gentleman from Danville says in his report, "one clerk." If a clerk is elected for a county, he is by the very force of the terms a county clerk.

I see no use of retaining the word "county," but believng that we shall adopt the report of the Judiciary Committee (and if that belief shall be unfounded and we do not adopt it, we can come back to it and undo it) then let us make this clause agree with what we suppose will be the action of the Convention upon the report of the Judiciary Committee. So I would leave out the word "county" and the word "also," just those two words—and let the report of the committee stand as it is. Let us say "one clerk, who shall be clerk of the circuit court," or else, which would probably be preferable, "one clerk of the circuit court."

As for the objection raised by the gentleman from Rockingham, we cannot provide in a Constitution for all these contingencies. The law may provide for deputies, for the clerk, or it will be competent for the Convention at a subsequent hour in the case of large counties to provide for more than one clerk.

The amendment I offer to the section now under consideration would read:

"One clerk of the circuit court."

I respectfully offer that amendment

The CHAIRMAN: The Chair does not think the amendment is in order at the present time. It can be offered subsequently.

Mr. DUNAWAY: It is not now in order?

The CHAIRMAN: The Chair does not think it is in order at the present time. The question is upon the substitute offered by the gentleman from Tazewell (Mr. Gillespie) for the amendment proposed by the gentleman from Charlotte (Mr. Eggleston), which will be stated.

The SECRETARY: The gentleman from Charlottee (Mr. Eggleston) proposes to strike out the words "who shall also be the clerk of the circuit court," for which the member from Tazewell (Mr. Gillespie) proposes as a substitute to insert after the word "court" in line 5 of section 1 the words "except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court."

The CHAIRMAN: The question is on agreeing to the substitute proposed by the gentleman from Tazewell for the amendment offered by the gentleman from Charlotte.

The amendment to the amendment was rejected.

Mr. LINDSAY: I move as an amendment to strike out the word "county" and just say "one clerk."

Mr. EGGLESTON: I have no objection to that amendment if the gentlemen of the committee think it is proper.

Mr. THORNTON: I will say to the gentleman that I think the chairman of the committee heretofore accepted that.

The CHAIRMAN: The Chairman of the committee accepted it.

Mr. PORRTLOCK: I would suggest to gentlemen that they say "one clerk of court." There may be other clerks in the counties. There are clerks of boards of supervisors, clerks of school boards, other clerks elected or appointed for the counties. I suggest as the phraseology "one clerk of court."

Mr. DUNAWAY: If it is in order, I will offer now as a substitute for the pending amendment the language "one clerk of the circuit court." I do not like the expression to be used here "one clerk of a court," because the justice has a court. Let us be explicit and definite in what we say. Let us, I would respectfully ask, take it for granted that we are going to have the judicial ystem as reported by the Judiciary Committee, and if we are, what word would be sutable? It seems to me that these words are suitable. If you are going to have a circuit court, let this section provide that there shall be one clerk of the circuit court I offer that as an amendment.

The CHAIRMAN: Will the gentleman from Lancaster put his amendment in writing?

Mr. PORTLOCK: Mr. Chairman, I see very serious objection, if the gentleman from Lancaster will excuse me, to the suggestion made by him that we insert the words "one clerk of the circuit court." There are numerous counties in the State which have two clerks, a clerk of the county court and a clerk of the circuit court, as those courts are now organized. If we say "one clerk of the circuit court" and if this Constituton shall go into effect and affect the officers of those courts before their present terms are out, the clerk of the circuit court would necessarily obtain the office of the clerk of the county court. I think it very much better to leave out the designation of the court and substitute "clerk of the court."

No one ever heard of a justice of the peace having a clerk in his court. "Clerk of the court" means the clerk of the court of records. I think that would be sufficient without subjecting the county clerks, if this Constitution shall go into effect before their present terms are out, to the loss of their office and the placing of their duties in the hands of the circuit court clerks. I do not know how that is going to be. That contingency may arise, in which event the circuit court clerks of this State, who have very much smaller offices than the county clerks, would necessarily succed to the county clerks' offices.

Mr. DUNAWAY: I will withdraw the amendment I offered, inasmuch as it creates debate.

The CHAIRMAN: The amendment is withdrawn. The question is on agreeing to the amendment of the gentleman from Charlotte (Mr. Eggleston) to strike out the words "who shall also be clerk of the circuit court."

Mr. THORNTON: It has been accepted, I think.

The CHAIRMAN: Putting the question). The ayes seem to have it. The ayes have it, and the amendment is agreed to.

Mr. HAMILTON: We could not hear the motion. We did not know what it was.

The SECRETARY: The gentleman from Charlotte proposes to strike out the words "who shall also be clerk of the circuit court," in line 4, so that, if amended, it will read "one county clerk."

Mr. GLASS: "One clerk."

Mr. HAMILTON: Allow me to suggest that if you name this officer "county clerk," it will be a very awkward thing in certifying the records of the circuit court to say "the county clerk."

Mr. GLASS: If the gentleman from Petersburg will permit me, the delegate from Albemarle (Mr. Lindsay) moved to insert the words "one clerk of the court."

Mr. HAMILTON: That is right.

Mr. GLASS: And I understand that the delegate from Charlotte accepted the suggestion.

The CHAIRMA: The Chair so understood it.

Mr. EGGLESTON: As I understood it, the suggestion was to strike out the word "county." If the motion went any further than that, I am not willing to consent to it. So far as I am concerned, I want this official to be called the county clerk, as he has been called from time immemoral. Then if you choose to make him clerk of the crcuit court, you can do so by your article with respect to the judicary.

Mr. LINDSAY: I move as an amendment, instead of saying "one county clerk" we say "one clery of the court." I move that as a separate amendment.

Mr. PETTIT: Of the "court" or "courts."

Mr. LINDSAY: Of the court.

Mr. HANCOCK: Mr. Chairman, I hope it will be the pleasure of the committee to retain the words "county clerks," as this is the name by which this officer has been known for a long number of years. All the records of our courts are kept in the clerk's office of the county, commonly called the county clerk's office. Let the words "county clerk" remain there. Let him be the county clerk There will be only one clerk in a county. As I understand the chairman of the Judciary Committee, there will be only one court and one clerk in a county, let him be called the county clerk. Then if he is to exercise the duties of clerk of the circuit court then let it be prescribed that the county clerk shall be the clerk of the circuit court. There is no inconsistency in that and I hope it will be the pleasure of the body to retain the committee's report as it stands.

Mr. HUNTON: I wish to say a word in reply to the suggestion of the gentleman from Chesterfield. If I said that there would be but one clerk, I overstated what the Judiciary Committee has done.

Mr. HANCOCK: That is what I understood.

Mr. HUNTON: It has not said anything about clerks, not believing that that matter was in its jurisdiction, except as to giving to the clerk jursdiction of probate matters in vacation. The only matter which they have considered in a practical way is the number of courts. I fear my statement did go to the extent that the gentleman from Chesterfield has stated, and I am glad my attention was directed to it by his remarks that I might correct that overstatement by me.

Mr. CLAGGETT B. JONES: I move that the committee rise. The time set for the evening session has expired.

The motion was agreed to, and the commttee rose.

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

BILL OF RIGHTS.

Mr. GREEN: Mr. President, I wish to give notice that I expect on Thursday morning next to ask the Convention to take up the report of the Committee on Preamble and Bill of Rights and consider it upon its passage in Conventon.

Mr. R. WALTON MOORE: I should like to suggest to the gentleman from Danville that it might perhaps be well not to have an order made at this time.

Mr. GREEN: I am just giving notice that I will do so, make the motion. I am not now asking for any order on that subject. I am giving notice so that members may be prepared for it. If there is any reason for not doing it, I will delay on that day. I want to give notice that I will call up the report at that time.

Mr. BARBOUR: I move that the Convention adjourn.

The motion was agreed to; and (at ten o'clock P. M.) the Convention adjourned until to-morrow, Wednesday October 16, 1901, at 10 o'clock A. M.

IN SHENANDOAH COUNTY.

Several Weddings—Frost and Ice—After the Evil Resorts.

WOODSTOCK, VA., October 16.—(Special.)—Rev. and Mrs. J. D. Hamaker, of Strasburg, have issued invitations to the marriage of their daughter, Miss Bessie Abell Hamaker, to Mr. Lloyd Oliver Stickley, a prominent dealer in agriculture implements at Strasburg.

The ceremony will be performed in the Christian church at Strasburg on Tuesday, October 29th at 8 o'clock A. M.

Rev. L. L. Smith, pastor of the Lutheran church at Strasburg, has so far recovered from typhoid-fever, which he contracted in July, as to be able to remain up several hours each day.

A COMING WEDDING.

Cards are out announcing the marriage of Mr. Joseph S. Moffett, a prominent travelling salesman of near New Market, and Miss Martha Craig, of Front Royal.

The ceremony will be performed in the Presbyterian church at Front Royal on Wednesday afternoon at 5 o'clock.

Farmers throughout Shenandoah county are busy seeding, which is later than usual, on acocunt of rains. It is thought that more than the average acreage of wheat will be sown this season.

Hon. James Hay, congressman from the Seventh District of Virginia, will address the Democrats of the northern portion of Shenandoah county, at Strasburg, on Friday evening.

The work on the abutments to the new iron bridge to be erected across the Shenandoah river, near Mount Jackson, has commenced, and will be pushed as rapidly as the weather permits. The contract requires the bridge to be completed during December, 1901.

Mr. John T. Hottel, of near Mount Olive, who was stricken with paralysis recently, is probably the oldest man in Shenandoah county. He was born in September, 1809, and is now in his 93d year. After serving as Sheriff of this county for some years, he gave his attention to farming with much success.

SEVERAL FROSTS.

Several frosts have visited this section within the past ten days, and have cut vegetables short. In low places thin ice was formed yesterday morning.

Mr. James Jett, of Powell's Fort, went to Hagerstown, Md., last week with Miss Susie Burner, where they were married.

Mrs. Mollie Crabill, of near Maurertown, Va., died on Sunday of typhoid-fever. She was 44 years old, and is survived by three sons and three daughters.

A protracted meeting is being conducted in the Christian church of this place by Rev. J. D. Hamaker, the pastor.

Mr. Robert Snapp, of near New Market, and Miss Rosamond Wierman, daughter of Mr. B. B. Wierman, of Moore's Store, were married on Wednesday morning by Rev. J. A. Snyder, of New Market.

The bride wore a gown of brown broadcloth, and was waited upon by Miss Frances Wierman, her sister, and Miss Edith Miller, of Edinburg. After the ceremony the couple left for a two-weeks' visit to Gettysburg, Pa.

Miss Annie Coe, daughter of Rev. H. S. Coe, of Warrenton, Va., is visiting friends in Edinburg.

A determined effort upon the part of some of our people to rid Woodstock of its low resorts was commenced here on Saturday night, when the full pressure of 170 pounds from the fire hydrants was turned upon several persons, and followed up on Sunday night by giving Ira J. Snyder a coat of tar and feathers, packing his clothes in a hundle, and running him out of town.

Mrs. Catherine B. Brown, of Loudoun county, is the guest of her brother, Mr. John E. Hopkins, of near New Market.

Mrs. J. T. Lincoln, of Lima, O., has returned to her home, after spending the summer with her parents, Mr. and Mrs. Samuel Hupp, of near New Market.

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THE VIRGINIA CONSTITUTIONAL CONVENTION

YESTERDAY'S PROCEEDINGS.

The Withers resolution, to amend the rules so as to abolish the Committee of the Whole, came up yesterday as soon as the routine of the morning hour was disposed of. Mr. Withers spoke for his resolution, and Messrs. Brown, Wise, and Braxton opposed. The resolution was overwhelmingly defeated. But it was debated nearly an hour.

There were sixty-three members present when the roll was called, and several came in later. There were the usual number of spectators in the gallery. Rev. Dr. Beauchamp, of the Methodist church, made the opening prayer.

Mr. Harrison, the member from Frederick and the city of Winchester, presented a memorial from the citizens of his district praying the convention to take action to regulate the traffic in intoxicating liquors. Immediately thereafter Mr. Harrison presented a memorial from liquor-dealers of Winchester protesting against the Barbour resolution, which provides that the consent of a majority of the voters of the precinct shall be obtained before license to sell liquor in the precinct shall be granted. The Bill of Rights Committee has decided to recommend that the resolution be incorporated in the Constitution.

At 11:15 o'clock the Convention went into Committee of the Whole to consider further the report of the Committee on County Government. There was considerable debate over section 1 of the report. It was agreed that the Clerk of the County should be called the Court Clerk.

The subject of county treasurers created much debate. The report of the committee recommended that the treasurer be ineligible to the office after the second term. The whole subject was gone over, but there was nothing said as to the abolition of the office of County Treasurer, which was much discussed before the convention assembled.

Promptly at 1 o'clock the committee arose, and the chair was vacated until 3 o'clock.

The Afternoon Session.

President Goode was somewhat indisposed yesterday afternoon, and at his request Mr. Ayers called the convention to order at the end of the recess at 3 o'clock.

There were very few members present. Mr. Quarles offered a resolution providing that when the convention was sitting in the Committee of the Whole and it was found that a quorum was not present the committee should arise on an aye and no vote. If it be developed that a quorum is present the convention shall return to Committee of the Whole without further order. The resolution went over under the rules.

On motion of Mr. Withers the convention went into Committee of the Whole, and consideration of the report of the Committee on Government of Counties was resumed.

After some discussion as to the parliamentary status, Mr. Withers, one of the signers of the minority report of the committee, spoke for the consolidation of office of Treasurer and Sheriff. His speech was admirable. It seemed impossible that his presentation of the arguments for his view could have been more effectively presented.

Mr. Harrison offered to amend the provision of the minority report allowing the office of Treasurer to be created in the counties of more than 30,000 inhabitants.

Mr. Thornton opposed the consolidation of the two offices. In the old days, he said, it was easy for the Sheriff to discharge the duties of Treasurer also, but that conditions now were very different.

Mr. Gordon, of Louisa, who very seldom speaks, argued very strongly for the consolidation of the two offices, declaring that the people had been told when the question of having a new Constitution was being agitated in Virginia that many offices would be abolished. Yet, he said, he had noticed it was almost impossible to cut off anybody's head. He made a very forcible spech.

Mr. Keezel opposed Mr. Harrison's amendment.

The committee arose under the rule, he hour of 5 o'clock having arrived, and the convention adjourned.

OFFICIAL REPORT.

Wednesday, October 16, 1901.

The Convention met at 10 o'clock A. M.

Prayer by Rev. W. B. Beauchamp, of Richmond.

The PRESIDENT: The Secretary will call the roll of members.

The Secretary called the roll, and the following delegates answered to their names:

PRESENT—Messrs. George K. Anderson, Ayers, Barbour, Barham, Manderson, Bly H. Barnes, Thomas H. Barnes, Bolen, Braxton, Bristow, Brooke, Brown, P. W. Campbell, Cobb, Crismond, Dunaway, Earman, Eggleston, Epes, Fairfax, Fletcher, Garnett, Gilmore, Gillespie, Glass, James W. Gordon, R. L. Gordon, Green, Gregory, Hamilton, Hancock, Hardy, Harrison, Hatton, Hunton, Ingram, Claggett B. Jones, Keezell, Lincoln, Lindsay, Lovell, McIlwaine, Meredith, Moncure, R. Walton Moore, Mundy, Newton, O'Flaherty, Orr, Pedigo, Pettit, Phillips, Pollard, Portlock, Quarles, Richmond, Rives, Robertson, Smith, Stebbins, Stuart, Tarry, Thom, Thornton, Turnbull, Vincent, Waddill, Walker, Watson, Wescott, Wise, Withers, Woodhouse, Wysor, Yancey, The President.—75.

The PRESIDENT: Seventy-five members have answered to their names, more than a quorum. The Secretary will read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Petitions praying for the incorporation in the Constitution of a provision that no license to manufacture or sell intoxicating liquors shall be granted to any person except upon the written request of a majority of the registered voters in the precinct of the city, town or county in which such manufacture or sale is proposed to be conducted, were presented and referred to the Committee on Preamble and Bill of Rights, as follows:

By Mr. Quarles, from 23 citizens of Augusta county.

By Mr. McIlwaine, from 13 citizens of Buckingham county.

By Mr. Mundy, from 23 citizens of Botetourt county.

By Mr. Crismond, by request, from 49 citizens of Spotsylvania county.

By Mr. Tarry, from 16 citizens of Mecklenburg county.

By Mr. Harrison, from ministers of Winchester, and

By Mr. Epes, from 25 citizens of Dinwiddie and Brunswick counties.

Mr. HARRISON: I present a memorial of certain liquor dealers of Winchester, Va., which I ask to be read:

The PRESIDENT: The Secretary will read as requested.

The Secretary read as follows:

To the Hon. T. W. Harrison, Member of the Constitutional Convention:

The undersigned licensed liquor dealers of Winchester, Virginia, respectfully urge you to oppose the resolution, known as the Quarles-Barbour resolution, regarding the granting of liquor licenses. The resolution, if it has any merit, is legislative matter, which ought not to be placed beyond control, either as to repeal or modification, by adoptio nof the Constitution. The undersigned are engaged in a legitimate business, which pays a large portion of the revenue of the city. It also pays a large portion of the State revenue. Such business ought not to be discriminated against in the manifestly unfair manner in which it is now proposed to do. A majorty of the voters in any community in any fair election can now regulate the granting of license, but the test proposed in the aforesaid resolution is wholly unfair as any expression of public sentiment in any locality, for any voter, whose signature by any sort of accident or reason cannot be obtained, or who does not desire to express his wishes either way, is counted against license. We respectfully request our protest may be presented to the Convention and considered by the proper committee.

J. P. Haddox,
J. Robert Doran,
E. C. Johnston,
Gearing and Shiner,
R. M. Henry,
W. G. Funk,
Thos. Keating, Agt.,
James Spillman,
Ralph Savage.

The PRESIDENT: The memorial will be referred to the Committee on Preamble and Bill of Rights.

LEAVES OF ABSENCE.

Mr. P. W. Campbell asked and obtained two days' leave of absence, beginning to-day, for Mr. Hooker.

Mr. Hatton asked and obtained indefinite leave of absence for Mr. Wysor, stating that Mr. Wysor desired to attend his Circuit Court beginning on the 21st, and was not certain when he could return, but hoped to do so in a few days, it being his purpose to secure continuance of most of his cases.

CALL OF COMMITTEES.

The PRESIDENT: The Secretary will call the list of standing committees for reports.

The Secretary called the list.

LIMITATION OF DEBATE.

The PRESIDENT: The Secretary will read the proposed amendment to the rules offered by the gentleman from Danville (Mr. Green).

The Secretary read as follows:

When a report from the Committee of the Whole is under consideration in Convention all speeches on said report or on any motion to change or amend such report shall be limited to twenty minutes, and no member shall speak more than once without unanimous consent.

The PRESIDENT: The proposed amendment will lie on the table.

THE COMMITTEE OF THE WHOLE.

The PRESIDENT: The special order for this hour is the proposed amendment to the rules offered by the gentleman from Danville (Mr. Withers), which the Secretary will read.

The Secretary read as follows:

"Resolved, That after this day the Committee of the Whole shall be abolished, and all matters shall be considered by the Convention."

Mr. WITHERS: Mr. President, in advocating a proposition by which I hope time may be saved, I certainly shall consume but little of the time of the Convention.

In offering this resolution my desire was not in anywise to limit or restrict debate so long as that debate was necessary or informing or relevant. The sole idea I had was to get this Convention into a position where something could be definitely settled upon and decided. However hard we may have worked, and I believe it is generally conceded that this is a working body, the fact remains that nothing definite has been done, so far as the framing of a new Constitution is concerned. The only three definite things that have been done, have been done without the aid of the Committee of the Whole.

The Convention resolved not to take an oath; it resolved to print the speeches of its members; and it decided the contested election case of Treat vs. Gregory; and it decided each and every one of those questions or propositions without the aid of the Committee of the Whole. It did it intelligently. It did it after full and free and intelligent debate in every respect. Every detail, all of the minutiae, all of the grounds, the reasons, the arguments pro and con were advanced to the satisfaction of the Convention, and a final decision reached without the necessity of having all of those arguments repeated before us at least twice.

Now, the Committee of the Whole necessitates practically three discussions of every question about which there is a strenuous fight. We have all of those discussions first in the Committee of the Whole. We will have them again when the matters are reported to the Convention for final action prior to the submission of them to the Committee on Final Revision. The Committee on Final Revision will present to the Convention, as I understand, the discrepancies and the differences and the lack of harmony between different parts of the Convention, when a third discussion will aimost necessarily be invited and be brought upon the Convention on every question which has already been settled twice. It does seem to me that this Convention could decide many of the questions without the necessity of recurrence to the Committee of the Whole.

The gentleman from Fairfax (Mr. Moore) early in the stages of this controversy as to whether or not we should retain the Committee of the Whole, explained its origin. It really has no necessity for existence in these latter days in a deliberative body, except where such questions as appropriations of large sums of money and for various and many purposes are under consideration.

The Committee of the Whole is practically an uncontrollable body. We cannot make a motion to adjourn, except by permission of the Convention. We cannot make a motion to pass by or to table, except by permission of the Convention. We cannot even preserve order in the Committee of the Whole, except by rising and reporting to the Convention that the disorder is such that the Committee of the Whole has had to appeal to the Convention to maintain order in its own body, or unless the President of the Convention sees fit to walk up and disposess the chairman of the Committee of the Whole from his seat and compel the body to preserve order. There is practically nothing we can do in Committee of the Whole toward the final adjustment of any question except that the mere amending and adopting, subject to the approval of the Convention, of anything that comes before us. We cannot, in strict parliamentary law, alter the language of a single provision that is referred to us for our consideration and decision. The only two parliamentary motions that are in order in Committee of the Whole, unrestricted as we have it, are to amend and to adopt and to rise and report to the Convention.

Now, it seems to me, Mr. President, we should at least so restrict our deliberations in Committee of the Whole as to enable us to cut off the debate when it becomes irrelevant or to prevent the introduction into debate of irrelevant matters and matters not properly under consideration at that time, and their discussion, which their introduction necessarily involves.

Now, we may console ourselves with the idea that the questions that are discussed in Committee of the Whole are more fully brought out, the language is made more accurate and clear, and the details more fully considered. Whenever and wherever such details and minutiae exist as to justify going into Committee of the Whole, I should be ready and willing to go into it at once; but I submit that in the great majority of questions involved in the reports of these committees no such details and no such minutiae exist as to justify double and triple discussion of every matter before the Convention.

I believe it has been said by the highest authority that "by their fruits ye shall know them." So far as framing a Constitution is concerned, so far as concerns a definite settlement, decision and conclusion of any matter is concerned, this Convention is practically a barren fig tree, and so far as free and full discussion is concerned, the question of the oath, and the Treat-Gregory contest show conclusively that, so long as the debate gives information, so long as the debate is reasonable and relevant, this Convention has no desire whatsoever in anywise to limit or restrict it.

I offer the resolution not for the purpose of taking away the rights and liberties of the people, not for the purpose of cutting off anybody in debate, not for the purpose of unreasonably limiting or restricting discussion of any question, not for the purpose of doing anything, except so far as is necessary to prevent the double and triple discussions of every question that may come up before us for our consideration.

Just one other objection. I took the trouble to compile just what we cannot do in Committee of the Whole, and the difficulties of not being able to do these things to which I am about to call the attention of the Convention is shown in the fact that we frequently lose about a quarter of an hour in developing the presence of a quorum when a quorum sits here present in Committee of the Whole.

I will name them in the order in which they are compiled by the authorities. In Committee of the Whole we cannot ascertain the lack of a quorum, except by reporting that fact to the Convention itself. We cannot call the yeas and nays on any question, unless ordered to do so by the Convention itself. We cannot limit debate on any question unless so ordered. We cannot prevent the introduction of irrelevant matters, improper matters, matters that absolutely have no connection with the question under discussion, and their discussion, unless we appeal to the Convention to relieve us, by a rule for that purpose, from such discussion. We cannot, as I have already said, preserve order in Committee of the Whole, except by appeal to the Convention as a body or to the President of the Convention. We cannot adjourn without rising and reporting and asking the permission of the Convention so to do. We cannot settle anything definitely. We cannot, under strict parliamentary law, change the words or punctuation of a sentence, a phrase, a clause, an article or a section that may have been referred to us by the Convention as a whole.

The result of that, and the most serious defect of the Committee of the Whole, is that the very fact that none of these things can be done puts the Convention in the position and has put it for the past week in the position of transacting business with a bare quorum present, has put it in the condition and in the position of having to lose much of its time in developing the presence of a quorum, although a quorum was present. While we sit here seriously and solemnly seeking to restrict the Legislature, by requiring them to have 51 votes in the House of Delegates and 21 votes in the Senate to pass a bill or to create a new office, the very body that seeks to put that restriction upon the Legislature is sitting here with 54 or 55 members present, and putting restrictions upon another body which they themselves do not regard while so seeking to bind that other body.

The greatest evil of the unlimited Committee of the Whole is the fact that as soon as we resolve ourselves into Committee of the Whole we are barely able to keep a quorum within this body for the consideration of questions before it. And that necessarily involves this further ill, that those who absent themselves—and I am not free from that suspicion myself: unconsciously we do it, because we know we will have the opportunity to hear all of those discussions in Convention again—the very fact that we absent ourselves from Committee of the Whole while discussions of questions are going on simply means that those of us who are absent either temporarily or for a few moments come back into the Committee of the Whole or the Convention uninformed and desire further information or the reading of the pending proposition in order to know how to vote or where we are or what we are doing.

& Now, I apologize for having taken up this time. I have simply done it in order that I might present, as best I could, the reasons I have had for the introduction of this resolution.

Mr. BROWN: Mr. President, I propose to take up the time of the Convention very briefly in opposing the resolution offered by the gentleman from Danville. I am very much interested in this subject, and consider that it is vital to the proper dispatch of the business of this body. All will agree, I think, that if we can secure the best results by taking a little more time in our deliberations, we should take such necessary time. I shall endeavor, however, very briefly to show that little or no time will be saved by adopting the proposed resolution. I shall further endeavor to show that the best results, the most mature and deliberate conclusions by the Convention, can only be reached by retaining the Committee of the Whole.

As to the matter of time saved. In the Convention there would be the fullest debate. This point is conceded by the gentleman from Danville. It has been conceded by him in citing the instances that we have in which the Convention has acted. No man can say that the debate there was not of the fullest character. Each of those questions was a question of grave importance. Does any man in the Convention wish to invite such full and free discussion in the Convention on every question of small importance, in which there may be a quibble. Gentlemen will be very tenacious of their views and willing to take up the time of the Convention in debating matters that are unimportant.

As I said, in the Convention there would be the fullest debate on every proposition if not referred to the Committee of the Whole. There would be numberelss roll calls on unimportant, as well as important questions, and in all probability there would be dilatory motions on many questions. However, questions disposed of in Committee of the Whole by decisive majorities will only require a roll call on the final passage or rejection in the Convention, so that members may then record their votes.

Practically time will be saved by the double use of the Committee of the Whole and the final action in the Convention as against unlimited debate and unlimited roll calls and unlimited dilatory motions in Convention itself, acting finally on each proposition as it is brought before us.

Then, under the resolution of the gentleman from Danville, as I understand his intention, he would, as far as he was individually concerned, agree that matters of import should be carried into Committee of the Whole. We would have there no limitation upon debate, but an extra debate in Convention as to whether a question should be submitted to the Committee of the Whole and that debate might be on each individual question as the members on this floor might choose to inject such a debate into the deliberations of this body.

The gentleman from Danville might agree that some question should go into Committee of the Whole. Many other gentlemen on the floor might not be willing to agree that the question should go into Committee of the Whole. We would in that manner provide not for cutting off debate, but for extra debate as to whether each individual question should be submitted to the Committee of the Whole.

I wish to draw attention again to the undue power that would be placed in the hands of a committee making a report to influence the action of the Convention on the question of the submission of any of these questions individually to the Committe of the Whole. There would be a majority vote required as to whether such questions should be submitted or not. It seems to me that no gentleman can contend that that would be in the interest of economy of time. There would be on a question of this kind extended debate, the same parliamentary tactics and roll calls, and great consumption of time. Then there would be a further debate in Committee of the Whole. There would be nothing gained in time in any event, and possibly there would be a much greater consumption of time than by the present plan.

I believe it will be fairly conceded that the action of the Committee of the Whole, whether by a bare majority or not, fairly represents the sentiment of the Convention. A great many of the gentlemen who are absent from the deliberations of this body in Committee of the Whole are absent under pair on the question that is being discussed, and that fact does not devoir itself because under the rules of the Committee of the Whole pairs are not necessarily announced. What gentleman has a right to say here that because a man is absent during the consideration of a matter in Committee of the Whole he is not under pair? It seems to me that that is a matter which is overlooked by the gentleman from Danville.

Now, on matters settled by decisive majorities in Committee of the Whole the vote in Convention can and will be cut off on final consideration. Matters on which the mind of the Convention is in doubt will be debated and redebated under any plan that may be proposed. If the committee reports are acted upon partially in Convention and partially in Committee of the Whole, the anomalous condition may be presented of recorded votes in Convention on a question that may be germane to a matter in some other report to be later considered in Committee of the Whole or in the Convention itself.

Consider, gentlemen, the insidious effect, the possible result in Convention on questions of this character. The purport of a resolution may not be understood at the time even by the mover. I do not mean in this to attribute to any gentleman the purpose to offer a resolution having that effect upon the future consideration of a matter knowingly, but the deliberations of this body take up here many propositions of different character. That resolutions introduced may have the insidious effect without even the knowledge or intent of the mover of the resolution, and it may escape the attention of the body itself. Affirmative or negative action in the Convention upon the reports of one committee will unavoidably have undue effect upon the future consideration of the reports of other committees.

I think the proper procedure is the following: This body, as has been stated on this floor, is a single body. It has no check upon its deliberations. It is a body unlike any other body that assembles. The gentleman has referred to the rules of the Committee of the Whole. I concede all he says on that point as to the fact that such are the rules; but is there anything in his remarks or in fact to show that the Convention itself, sitting with a bare quorum, cannot pass matters of the deepest importance to this Commonwealth? Is there any assurance that if we dispense with the Committee of the Whole there will on every proposition that comes before this body necessarily be a full house? On the other hand, if we consider all these matters in Committee of the Whole, act upon them deliberately, and let them lie on the table for future consideration in the Convention, the attention of the members of this body and the attention of the public will be called to the matters of importance, and the Convention itself will have the opportunity to take them up and consider them in a full Convention, and every member here will have had warning that such is the proposed procedure, and he cannot plead that action was taken in his absence, action which is irrevocable, unavoidable though his absence may have been or negligent of duty as he may have been.

I think the proper procedure for this Convention is to act upon the reports of all the committees in detail in Committee of the Whole before carrying anything into the Convention for final action. The provisions of many of these reports interlock and are interdependent. We can act on each proposition independently and reach conclusions on different points, or pass by interdependent provisions for later consideration. The good sense of this body will permit that to be done by unanimous consent without unnecessary points of order.

The gentleman states that a motion to pass by is not in order in Committee of the Whole.Ept, if I recollect aright, when we were considering the report of the Legislative Committee, upon the motion of the chairman and by unanimous consent, matters were passed by that were interdependent and interlocked with matters that were to come up from other committees. The final consideration, then, of every question will be had with the advantage of a composite view by this body of its action taken in Committee of the Whole on every report. In other words, each member will then have before him for final consideration in the Convention a rough draft of the whole Constitution as proposed. In no other way can this result be obtained.

Gentlemen, I believe that it is the proper thing for this Convention to retain the Committee of the Whole in the interest of the saving of time