THE VIRGINIA CONSTITUTIONAL CONVENTION.

THE OFFICIAL REPORT.

(CONTINUED FROM PAGE 8.)

tunity for deliberation, an opportunity for an examination of the question, and in the Convention that question will again come under consideration, and it ought to come under consideration again. Such a question as that ought not to be decided hastily. There ought to be full and free discussion of such a grave proposition; there ought to be time for deliberation; there ought to be time for examination. If we continue to pursue this course, Mr. President, the result is that probably when we come into Convention again to vote upon the question a different decision may be reached.

The gentleman says that we have been in session here for four or five months and nothing has been done. Why has nothing been done? Has it been the fault of the Committee of the Whole? Where are the reports of the committees? There have been only three made, and two of them have been fully discussed and disposed of. The other committees of the Convention have not reported. I do not mean to be understood as casting reflections upon them because they have not reported. They had to take time to dispose of subjects which had been committed to them. But I reply to the gentleman from Danville that no time has been lost because we have adopted the Committee of the Whole as a method of procedure. The Committee of the Whole has kept pace with the action of this House.

He tells us that if it shall be developed that there is no quorum the committee must rise and go into Convention. Is that the fault of the committee or is it the fault of the members who are not here to do the duty imposed upon them by their people? But if you go into Convention and there is no quorum, what then? The rule is that you must either have a call of the House or you must adjourn.

Mr. QUARLES: I suggest the argument is that the Convention itself be abolished.

Mr. WISE: Of course, it is the result of the argument of the gentleman from Danville that the Convention must be abolished.

I, sir, am in favor of the Committee of the Whole; first, because it affords an opportunity for a free and full discussion of every question, unembarrassed by drastic rules which are necessary for the government of a legislative body; second, because after the full and free discussion of a question in Committee of the Whole, an opportunity is afforded to members to make an examination and to deliberate before they are called upon to give the final vote.

There are other questions which we have decided. The gentleman from Accomac (Mr. Wescott) proposed that that clause of the Constitution which provides that private property shall not be taken for public uses without just compensation shall be so amended as to read that private property shall neither be taken nor damnified for public uses without just compensation. That is another important question which we debated and decided in the Committee of the Whole. We have heard able arguments from those who have studied that question. We heard the able argument of the gentleman from Accomac. We have time now to consider and to study it, and when we come in the Convention to cast our final vote we will be better prepared to cast it than we would have been if we had not used the Committee of the Whole.

In other words, Mr. President, the Committee of the Whole is equivalent to a second House. It converts the Convention into two Houses. The action of the Committee of the Whole will be reviewed and if necessary revised by the action of the Convention.

I thank the Convention for their patient hearing.

Mr. BRAXTON: Mr. President, it seems to me that this is a matter of very great importance to the business of this House. Why it is that this repeated and persistent attempt is made to abolish the Committee of the Whole, I, for one, cannot understand. It is said by those gentleman who advocate that view that there are a great many disadvantages of the Committee of the Whole, that this thing might be done, and that thing might be done, that this trouble might be encountered, and that trouble might be encountered. The fact is that although we have had the Committee of the Whole for several months none of these supposed disadvantages have as yet developed, and in no single case that I am aware of has the Committee of the Whole proven an obstruction to the business of this body.

It seems unfortunate to me, Mr. President, if after having proceeded as far as we have done with most elaborate and full and satisfactory debate on every question that has come before this body, we should now determine that we will cut short debate, just as we are upon the eve of considering what are by far the most important subjects that will come before this body, subjects upon which it is most difficult to form our opinions, subjects which are most far-reaching in their consequences, subjects which should have by far the fullest and most elaborate debate.

Is is possible, sir, that when such questions as the suffrage, matters involved in the report of the Committee on the Judiciary, in the report of the Committees on the Organization and Government of Cities and of Counties and the Committee on Taxation, are about to be debated and discussed in this body, which has spent so much time, has been so liberal——

Mr. WISE: Mr. President——

Mr. BRAXTON: In one second—is it possible that this body, which has been so liberal in affording ample discussion to such question as we have heretofore had before us, should now undertake to cut short and throttle debate on those things for which principally we were called into being? I will now answer the question of the gentleman from Richmond city.

Mr. WISE: I wish to call the attention of the gentleman from Augusta to this extract from the report of the Committee on the Legislative Department:

"No bill shall become a law unless it shall have been (a) referred to a committee of each House,"——

Mr. BRAXTON: I intend to refer to that matter.

Mr. WISE (reading):

"Acted upon by such committee in session and returned therefrom; (b) printed for the use of members prior to its passage by the House in which it originated; (c) read at length on three different calendar days in each House; and (d) on its final passage in each House, the vote shall have been taken by the yeas and nays, the names of the members voting for and against."

Now, you have hedged the Legislature around with these restrictions, and you are advocating the repeal of all restrictions upon this Convention. You will not suffer the Legslature to be guilty of hasty action, but you want to strike down the only place where we can have deliberations of any kind in this Convention.

Mr. BRAXTON: I will say to the gentleman that he has entirely misstated my position. I am on the same side of the House that he is (laughter).

Mr. WISE: Oh, I beg pardon. I will say to the gentleman——

Mr. BRAXTON: The fault is entirely my own.

Mr. WISE: No, sir; I want to make a statement. I was called out of the chamber and have not had an opportunity of listening to the gentleman; and as two had already spoken on our side, I thought the next speaker would be on the other side.

Mr. BRAXTON: I do not know what it is that I have said or done so far in this Convention which would lead the gentleman to suppose for a moment, even if he had not heard me, that I could be on the other side of this question.

Mr. WISE: I plead guilty; and say that I ought to have known beter.

Mr. BRAXTON: Mr. President, it is impossible——

Mr. WITHERS: May I ask the gentleman from Augusta a question?

Mr. BRAXTON: If you do not ask me one that I canont answer.

Mr. WITHERS: I merely wish to ask is that the result of the Committee of the Whole?

Mr. BRAXTON: I cannot hear the gentleman. Will he speak a little louder?

Mr. WITHERS: I ask you if the confusion between yourself and the gentleman from Richmond is the result of the Committee of the Whole?

Mr. BRAXTON: No, sir; it is the result of the remarks of the gentleman from Danville (laughter).

Mr. President, as I was about to say, it is impossible for the various members of this Convention to personally attend the sessions of all the sub-committees, either to hear the discussions there or to lay their views before the committees before the reports are made. The consequence is that too many of us, the first opportunity we have of knowing about these matters that are being considered by sub-committees, and particularly the first opportunity we have of presenting our views on the subject, is in Committee of the Whole, and we should like to be able to express our views in the first place with that same freedom of discussion that is granted to any discussion before a committee.

Many of us in the course of the discussion may change or modify our views. We do not wish to be recorded on one side or the other of these question when they first come up, because we are not prepared at the time to commit ourselves on them. We wish to keep our minds in a receptive condition until at least we have become satisfied as to the correctness of our own views. I think, therefore, that that is one of the advantages of the Committee of the Whole.

But the most important consideration and the one I wish most earnestly to impress upon this body is that the Committee of the Whole is the only safeguard or protection that we have against hasty and ill-considered legislation. When we consider, sir, the vast and incalculable importance of the work we are doing, when we consider its irrevocable character, we need more safeguards and protection against hasty consideration than any deliberative body in this country; and without the existence of the Committee of the Whole we are absolutely without any. We are a runaway engine, with incalculable power, and with the brakes thrown off, and no means on earth to check our onward course, possibly of destruction to ourselves and those who are dependent upon us.

It has been the idea of some gentlemen in this Convention that when we have formed a Constitution we shall proclaim it. Is it possible, sir, if the people have entrusted us to that extent, that we should come here exercising that awful power with so little idea of the responsibilities upon us that we rush on to form a Constitution without that consideration and without those safeguards that are thrown around even the proceedings of an ordinary town council? I say, sir, with due respect to the gentlemen who may differ with me on this question, that it seems to me that this evinces a lack of appreciation of the vast responsibilities that rest upon us and what we owe to the people who have confided this great power in our hands.

As it was stated here, there are many members, and I may say a considerable majority of the members of this Convention, who are absolutely without any experience in parliamentary matters. It is bad enough that we should be at that disadvantage when the time comes for final action, but to take us at the very start, to meet us at the threshold with a body of rules which will place us at such disadvantage to those gentlemen who happen to be skillful parliamentarians, I say is widening the breach between us so far as our capacity may be to cope on even ground with each other. It places those unskilled in parliamentary matters at the utmost disadvantage to others, and it enables one or two men, by the skillful handling of those rules others to get through this body provisions which will not meet the indorsement of the majority of them, to cut short debate, to apply the rules of cloture, to pass upon a proposition when the men who favor it have never yet even had an opportunity of giving their reasons for it.

I say, sir, that of all bodies in the world, the one in which any approach to cloture should be most repudiated, is that of a Constitutional Convention, such as we have here to-day.

This whole thing amounts to this, as I understood was practically avowed by the gentleman from Danville. It is nothing more or less than a deliberate, undisguised attempt to put us in a position where cloture can be applied to us and where debate may be throttled.

It has long been recognized by all men who have given thought to this subject that it is absolutely essential, for the due consideration of bodies of this sort of matters that come before them, that there should be two chambers. Legislative bodies have them. The councils of every city of any importance havet wo chambers, so that matters can be considered and considered again, so that a second and more mature thought can be given to them in the light of what was developed in the first debate on the subject.

Not only that, sir, but as was well pointed out by the distinguished gentleman from Richmond, we ourselves, recognizing the importance of putting some safeguard and check upon such hasty legislation, have adopted so far as concerns our action in Committee of the Whole, a provision that in the Legislature, whose acts are more or less evanescent, which can be recalled at the very next meeting of the Legislature, which do not involve anything like the importance to the people that our action does, which deals only with concrete subjects, the exact extent and scope of which may be seen with the glance of an eye, not only shall there be two chambers, but that in addition to that no bill shall pass until it shall have been formally introduced, printed, read three times, laid upon the table, and only after three days can it for the first time be gotten through, and I believe then on a recorded vote in each House.

What have we here if the Committee of the Whole is abolished? A resolution can be introduced and railroaded through the House in five minutes from the time we first hear of it, and unless the next day a motion is made to reconsider, it cannot be reconsidered, save, I suppose, by unanimous consent; and if the very vote that passes it will thereupon vote down the motion to reconsider it is practically irrevocable. That, sir, is applied as a method of dealing with constitutional questions and enacting constitutional law, which is so far-reaching that no man can see the end of it, dealing frequently with abstract principles, and which is to form a law of government for us until this generation shall be no more. I say, sir, it is a most dangerous experiment.

In legislative action, not only does every bill have to pass this sort of an ordeal, but it is reveiwed again by the Governor, a third tribunal. We have nothing of that sort to check us here. Again, sir, it is restrained by the provisions of the very Constitution that we are making so that it cannot be very radical in any event. We have absolutely nothing to restrain us here. "No pent-up Utica" confines our power, unless it be the fifteenth amendment to the Federal Constitution.

In addition to that, sir, the courts sit in review upon the action of the Legislature; but no court can review our action. When we consider these things, gentlemen, can it be that men, after giving thought to this question, can say we should cut short anything that may tend to throw light upon the subjects we have to dispose of here?

As I say, even the paltry little town councils are almost invariably restrained by provisions in their charters that every little ordinance must lie upon the table one or two weeks before it can be acted upon.

The experience of this body shows the great value of second thought and of further consideration. In the matter of juries in criminal cases, on second consideration this body reversed itself. In the matter of the administration of laws in regard to the working of public roads, upon reconsideration this body reviewed and reversed itself. I say, sir, that our own experience has shown us the advantages of this thing.

Gentlemen say we cannot find out whether there is a quorum present. We can find out, sir, just as readily, although by a different method, whether a quorum is present in Committee of the Whole as we can in the House. In the House, all you have to do is to call the roll and you find no quorum. In the Committee of the Whole, you move to rise, if you want, and you will find the lack of a quorum just as quickly. Every one of these supposed objections to the Committee of the Whole is purely and absolutely theoreticai. I submit, sir, that if they were real, there is not one of them, or all of them put together, that compares in importance to the consideration that we will be cut off from giving to matters that will come before this body that proper consideration and deliberate action which are necessary to reach a proper conclusion.

We consider them in Committee of the Whole, and then, later on, we give them a second consideration, the Committee of the Whole being, as the gentleman from Richmond suggested, practically a second House. It is the only thing we have to take the place of the rule in the Legislature requiring every bill to lie over for several days; the only thing to take the place of the second chamber; to take the place of the final review by the Governor; to take the place of the check which our Constitution puts upon the Legislature, and to take the place of the review by the courts. Take that off, and we are like a runaway horse, without anything on earth to check us.

Mr. O'FLAHERTY: Will the gentleman permit me to read from Reed's Rules to show that it is competent to fix a smaller number to constitute a quorum in the Committee of the Whole than in the Convention? If that be true, and if we were to fix a less number for a quorum in the Committee of the Whole, we could go ahead and transact business. Reed's Rules, page 68, says:

"The same number constitutes a quorum n the Committee of the Whole which is necessary in the assembly itself, but the assembly may fix the number to suit itself, the committee being but the creature of the assembly like any other committee."

So the objection as to a quorum may be obviated by having a smaller quorum for the Committee of the Whole, which in Convention could not do business.

Mr. BRAXTON: Certainly it could be obviated, but I submit that it is just as easy to have a quorum attending in Committee of the Whole as attending in the Convention; and the very men who will leave the Convention will on the same occasion leave the Committee of the Whole, and we no more advance our interests in that respect than if we had not done anything at all.

Mr. O'FLAHERTY: I simply wish to call the attention of my friend to the fact that we cannot do that in Convention and we can do it in Committee of the Whole.

Mr. BRAXTON: If necessary that could be done, but my point is that it is not even necessary to do it; that the same interest that will keep members here in Convention will keep them here in Committee of the Whole.

Mr. President, one word more, and I am done. It is proposed by way of amendment that we shall introduce a provision for taking a recorded vote in Committee of the Whole. I am free to say that I certainly prefer that to the abolition of the Committee of the Whole, but it does seem to me that it has many of the evils which the original resolution of the gentleman from Danville presents. If we have the call of the roll in Committee of the Whole, it seems to me it is obnoxious to these objections. In the first place, if we can have the call, we will be constantly having the call, and if the idea be to save time, we are making an excuse for losing time by having repeated roll calls in Committee of the Whole.

But the next objection, it seems to me, is more important. When these matters come before us in Committee of the Whole, many of us have not yet formed any opinion on the subject. Opinions which we may form and express in Committee of the Whole. We may want to change afterwards. It is true we have a substitute for the second House, but both Houses are composed of ourselves, and if we are to go on record in the first instance it will largely impair the benefit of our second consideration of it, because the first thing that will be done, when a man wishes to change his vote, to confront him with the recorded vote, showing that he voted otherwise before. That has a great influence on some gentlemen, not that they are afraid to change their minds, not that they wish to conceal their real views, because every word they say is written down here, but pride of opinion is one of the weaknesses of human nature, which is stronger with some men than with others. Some men will even verbally express themselves like the man who said the horse was eighteen feet high. He admitted that he did not go to say it, but having said it he would die by it.

I say if you are going not only to do that, but to make the man record himself on it you have put a great handicap on a man's ability to give upon second consideration an unbiased view and vote on the subject. Many of us are not prepared to go on record on these questions in Committee of the Whole; and one of the objects of the Committee o fthe Whole is not only to have two considerations, but that the first preliminary consideration shall be as free and untrammeled as possible.

There is no more reason for recording his vote there than there is in subcommittee, and it is undesirable to do it, because it impairs the efficiency of the final consideration which he gives to the measure when it comes to be enacted. That is the only time when there is any use in recording it. If any gentleman wishes to have the House go on record, he can call for the yeas and nays when the matter comes up for final decision. The end crowns the work. That is the time, and the only time when it is important to him or to anybody else that it shall be known what his view is on it when he comes to act, and not what his opinion was to-day or yesterday, and to trace up the various steps by which he reached the conclusion he did. It wastes time. It is a consumption unnecessarily of time and as I said, it impairs the efficiency of the final conseideratino.

In conclusion, Mr. President, I will say that I for one, and I believe that I am not peculiar in this, but that every member of this House can say so as truly as I can, have not shirked any work since I have been in this body. I believe it has been as consciencious, as patriotic, and as hardworking a body of men as I ever saw. I, sir, am unmoved by the clamors made through the press of the country about our wasting time here—clamors raised by men who doubtless have not done so much work in the last twelve months as we have done in the last thirty days.

We alone are responsible for the work we are doing here, and I say we must take our time to do it right, and if it is necessary that a question shall be debated three weeks, I would debate it and stay here as long as there is any new light to be thrown upon it, so that when we do come to our conclusion it will be satisfactory at least to our own consciences. If we want to get through quickly, if we want to expedite our work, let us do it by doing the work and not by shirking it, let us do it by considering these questions and giving our views to our brethren and patently listening to their views, and not by cutting off debate and thereby saving ourselves from the work we ought to do.

I trust, Mr. President, that the motion of the gentleman from Danville, as well as the substitute offered by the gentleman from Fauquier, to permit the calling of the yeas and nays in Committee of the Whole, will be both voted down, and that we shall proceed hereafter, as we have heretofore, with a due consideration of our business, under rules which will enable us to give it the fullest and most mature consideration before we come to act upon it.

Mr. JAMES W. GORDON: I rise to a point of order.

The PRESIDENT: The gentleman from Richmond city will state his point of order.

Mr. JAMES W. GORDON: I make the point because I desire, if possible, to secure a clear-cut vote on the proposition of the gentleman from Danville. He offered a resolution to change Rule 6. Rule 40 says:

"A proposition to change a rule of the Convention shall be submitted in writing and forthwith printed. In its printed form it shall lie on the table for two days, and be read to the Convention during the morning hour of each day during that time."

The gentleman from Winchester has offered as an amendment to the resolution of the gentleman from Danville a proposition which would change Rule 37, and the gentleman from Fauquier has offered an amendment which would change Rule 20.

My point of order is that the amendments offered by the gentleman from Fauquier and the gentleman from Winchester are not in order, because if such a thing could be done, it would be possible to change the whole body of the rules by amendments in this way and without complying with the provisions of Rule 40.

The PRESIDENT: The Chair sustains the point of order.

Mr. HARRISON: I should like to make a suggestion.

The PRESIDENT: The gentleman will be heard.

Mr. HARRISON: The object of the amendment I have offered to the resolution of the gentleman from Danville is to answer the objections which have been made to the resolution of the gentleman from Danville, and, therefore, is germane in this, that I understand the objection to abolishing the Committee of the Whole is that it restricts debate.

Now, I do not desire, for my part, to restrict debate in any way at all. I desire, so far as I have any will in this matter, that everybody shall have the fullest and fairest opportunity to present his views to the Convention. But the object at last to be attained is that after full and free and fair discussion, when we come to vote, we shall vote finally and dispose of the matter.

Now, the object of offering the amendment I have proposed to the resolution of the gentleman from Danville is to prevent the pending question from being called until two-thirds of the members of this Convention are fully satisfied upon the merits of any proposition. It answers the objection which is urged to the proposition of the gentleman from Danville, in that it allows the fullest debate that can be granted to any object. Here is a question that is debated. The pending question cannot be called and the previous question cannot be called until two-thirds of the members of the body have fully satisfied their minds on the subject.

Mr. BRAXTON: I rise to a point of order.

The PRESIDENT: The gentleman from Augusta will state his point of order.

Mr. BRAXTON: I understood the Chair to rule that the amendments were out of order.

Mr. HARRISON: Mr. President——

The PRESIDENT: The Chair is willing to hear the gentleman from Frederick on the point of order.

Mr. BRAXTON: I understood the Chair to rule that the amendment of the gentleman from Frederick was out of order, and the gentleman is now discussing the amendment on its merits.

Mr. HARRISON: I wish to give my views on the subject.

The PRESIDENT: The Chair prefers to hear the gentleman from Frederick.

Mr. BRAXTON: The point I make is that the gentleman is not discussing the point of order, but is discussing the merits of the amendment.

Mr. HARRISON: I was discussing the point of order to show the necessity for the amendment I have offered to the resolution of the gentleman from Danville.

Mr. TURNBULL: I want to say to the gentleman from Frederick that under Rule 37 it now takes two-thirds to call the previous question.

Mr. HARRISON: This relates to the pending question.

Mr. President, I desire to put the rule as to the pending question upon exactly the same footing that the rule as to the previous question is put. No debate shall be cut off in any way at all until two-thirds of the members of this body have reached the conclusion that no further debate is necessary. It does seem to me that when two-thirds of this body has reached that conclusion, it is certainly time when the debate shall end and when the work of the Convention shall be accomplished, which is to have a vote.

Mr. BRAXTON: May I ask the gentleman from Frederick a question?

Mr. HARRISON: Certainly.

Mr. BRAXTON: I understood him to say that his amendment was intended to meet objections urged to the resolution offered by the gentleman from Danville.

Mr. HARRISON: Yes, sir.

Mr. BRAXTON: I see the pertinency of it, whether I agree with it or not, so far as cuting off debate is concerned, but I fail to see how it touches the objection made by myself and the gentleman from Richmond, that the Committee of the Whole takes the place of a second chamber, and gives us an opportunity to consider these matters twice, as all matters of any importance ought to be considered.

Mr. HARRISON: The answer to that is found in the power of the Convention to reconsider any action that it may hastily take. Now, the gentleman from Staunton made the point that having once adopted a resolution, it then became final. That is true, until it is repealed. But the body has the same power to repeal an ordinance that it has to adopt one.

Mr. BRAXTON: Is not that true of the Legislature, too?

Mr. HARRISON: Yes, sir.

Mr BRAXTON: Why then have two chambers and why wait three days before any measure can be acted upon?

Mr. HARRISON: It is most astonishing to me that this body should seek to impose restrictions upon the Legislature which it is not willing to put upon itself.

Mr. BRAXTON: I say we want to impose them upon ourselves.

Mr. HARRISON: No, sir; you are here contending for the greatest freedom of debate, and at the same time are putting obstructions in the way of the Legislature in passing such legislation as the people demand.

Mr. BRAXTON: May I interrupt you for a moment?

Mr. HARRISON: Certainly.

Mr. BRAXTON: On the contrary, I insist that we shall throw around our proceedings approximately the same safeguards that we insist upon throwing around the proceedings of the Legislature.

Mr. HARRISON: If you throw around this body, all the safeguards you have thrown around the Legislature, you will virtually abolish it.

Mr. BRAXTON: I did not say all of them.

Mr. HARRISON: Talking about abolishing the Convention, the suggestion which was made a little while ago, I am not so ill-informed as not to believe that the people probably would gratefully receive the news.

Mr. WALKER: I did not hear the statement of the amendment of the gentleman from Frederick. I do not understand whether it is intended to apply to the Committee of the Whole or to the Convention.

Mr. HARRISON: To the Convention. It is to take away the objection that the pending question can be called and debate cut short.

Mr. WALKER: I merely ask if that is germane to the resolution offered by the gentleman from Danville, which has reference solely to the Committee of the Whole?

Mr. HARRISON: It is germane in this respect, that the object of the Committee of the Whole is to give a free and untrammelled debate, in which the pending question cannot be called. I desire to put the Convention on the same footing that the Committee of the Whole stands, and that the pending question cannot be called until two-thirds of the body have fully made up their minds as to it. Now, when two-thirds of the body have made up their minds, it does seem to me to be perfectly idle to have a prolonged debate over matters with respect to which a large majority of members have finally made up their minds. And the whole object of abolishing the Committee of the Whole is to have that full debate and fair debate, and then some inteligent action taken towards disposing of the matter which the Convention has in hand.

Mr. HATTON: I move the pending question.

The pending question was ordered.

The PRESIDENT: The Chair is clearly of opinion that both the amendment proposed by the gentleman from Frederick (Mr. Harrison) to the resolution offered by the gentleman from Danville (Mr. Withers) and the amendment in the nature of a substitute proposed by the gentleman from Fauquier (Mr. Hunton) are out of order. The amendment of the gentleman from Frederick, in the first place, in the opinion of the Chair, is not germane, because it applies to the proceedings of the Convention, whereas, the resolution offered by the gentleman from Danville refers only to the Committee of the Whole.

The Chair is of opinion that the amendment in the nature of a substitute offered by the gentleman from Fauquier——

"When in Committee of the Whole any member (fifteen others concurring) shall have the right to demand the yeas and nays upon any question at any time before it is put"——

Is substantially a change of the rules, and under Rule 40 it must be printed and be read upon two successive days and lie upon the table. The Chair therefore sustains the point of order raised by the gentleman from Richmond city (Mr. James W. Gordon).

Mr. WITHERS: Then that reduces the question before the Convention for consideration to the original motion submitted by myself.

The PRESIDENT: The original proposition.

Mr. WITHERS: I desire to say nothing further. I am ready and willing and anxious to submit it.

The PRESIDENT: The question is on agreeing to the resolution offered by the gentleman from Danville.

Mr. BROWN: On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MEREDITH: Read the resolution.

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."

The Secretary called the roll.

Mr. HATTON (after having voted in the negative): I desire to withdraw my vote. I voted inadvertently. I am paired with the gentleman from Patrick (Mr. HOOKER).

Mr. LINDSAY: (after having voted in the affirmative): I made the same mistake. I am paired with the gentleman from Halifax (Mr. BOULDIN). If he were present, he would vote "nay" and I should vote "yea."

Mr. GREENE: I am paired with the gentleman from Montgomery (Mr. MOORE). If he were present, he would vote "nay" and I should vote "yea."

Mr. KEEZELL: I am paired with the gentleman from Orange (Mr. WALTER). If he were present, he would vote "nay" and I should vote "yea."

Mr. P. W. CAMPBELL: I was under the impression that I was paired with the gentleman from Patrick (Mr. HOOKER). If the gentleman from Portsmouth (Mr. HATTON) is paired with him, I desire to be recorded. I vote "nay."

Mr. WESCOTT (after having voted in the affirmative): I voted inadvertently. I am paired with the gentleman from Petersburg (Mr. HAMILTON), who, if present, would vote "nay." I should vote 'yea."

Mr. GLASS: I did likewise. I am paired with the delegate from Appomattox (Mr. FLOOD). Were he present, he would vote "nay" and I should vote "yea."

Mr. HUNTON: I am paired with the gentleman from Page (Mr. PARKS). If he were present, I should vote "yea" and he would vote "nay."

Mr. McILWAINE: I am paired with the gentleman from Campbell (Mr. DANIEL). If he were present, he would vote "nay" and I should vote "yea."

Mr. YANCEY: I am paired with the gentleman from Albemarle (Mr. BOAZ). If he were present, he would vote "yea."

Mr. HARRISON: I am paired with the gentleman from Northampton (Mr. KENDALL). If he were present, he would vote "nay" and I should vote "yea."

Mr. R. WALTON MOORE: I am paired with the gentleman from Wythe (Mr. BLAIR). If he were present, I should vote "yea."

The result was announced—yeas, 7; nays, 55, as follows:

YEAS—Messrs. George K. Anderson, Ayers, Thomas H. Barnes, Claggett B. Jones, Orr, Smith, Withers.—7.

NAYS—Messrs. Barbour, Barham, Manly H. Barnes, Bolen, Braxton, Bristow, Brooke, Brown, P. W. Campbell, Cobb, Crismond, Dunaway, Earman, Eggleston, Epes, Fairfax, Fletcher, Garnett, Gilmore, Gillespie, James W. Gordon, R. L. Gordon, Gregory, Hancock, Hardy, Ingram, Lincoln, Lovell, Meredith, Moncure, Mundy, Newton, O'Flaherty, Pedigo, Pettit, Phillips, Pollard, Portlock, Quarles, Richmond, Rives, Stebbins, Stuart, Tarry, Thom, Thornton, Turnbull, Vincent. Waddill, Walker, Watson, Wise, Woodhouse, Wysor, The President.—55.

NOT VOTING—Messrs. W. A. Anderson, Blair, Boaz, Bouldin, Cameron, Clarence J. Campbell, Carter, Chapman, Daniel, Davis, Flood, Glass, B. T. Gordon, Green, Gwyn, Hamilton, Harrison, Hatton, Hooker, Hubard, Hunton, G. W. Jones, Keezell, Kendall, Lawson, Lindsay, Marshall, McIlwaine, Miller, R. Walton Moore, Thomas L. Moore, Parks. Robertson, Summers, Walter, Wescott, Willis, and Yancey—38.

So Mr. Withers' resolution was not agreed to.

Mr. BROWN: I now move that the vote by which this resolution was rejected be reconsidered. I should like to state that I do so for the purpose, and with the hope that this body will vote down the motion to reconsider, so that we shall not have a continual recurrence of the debate on this question.

Mr. McILWAINE: Is that debatable? I hope the Convention will not vote it down.

Ifthere is one nuisance in the eyes of the people of Virginia this day that is thoroughly well recognized by many members on this floor, it is the lagging way in which the business of this Convention is being conducted. It is earnestly hoped, sir, that before very long the majority in the Convention will be convinced of this fact. It does seem almost an absolute impossibility to keep members in the chamber during the sessions of the Committee of the Whole. There has hardly been a day, sir, within the past week or ten days when just as soon as the Convention goes into Committee of the Whole one-half, certainly one-third of all present, have not left, and there was left a bare quorum and at times not a quorum. Why gentlemen want to continue this sort of thing I cannot imagine. The idea of shutting out all hope of deliverance therefrom is appalling. That is all I have to say.

Mr. BROWN: I call for the pending question.

The PRESIDENT: The gentleman from Bedford moves to reconsider the vote by which the resolution offered by the gentleman from Danville was defeated, and upon that he calls for the pending question.

Mr. KEEZELL: I hope the gentleman will withdraw the motion for a moment. I do not know whether debate is in order.

I have voted in the affirmative upon the proposition just voted down, I believe every time it was up. On my motion it was first reconsidered when a similar resolution was carried. The next time it was defeated by a considerable majority, and this morning it has been snowed under beyond any point we have had yet. It does seem to me that we ought to determine it now and not have it come up any more to take up the time of the Convention. I shall vote against the motion of the gentleman from Bedford. I want to get rid of the subject, and not have it come up to consume the time of the Convention.

Mr. BROWN: The object of my motion is that we may not have it up again.

Mr. KEEZELL: Therefore, I will support the gentleman by voting against his motion.

Mr. CLAGGETT B. JONES: I will say to the gentleman that five-sixths of the time consumed in debating this matter has been consumed by gentlemen who occupy the position of the gentleman from Bedford, and not by gentlemen who voted in the affirmative.

Mr. BROWN: I will say to the gentleman from King and Queen that it is the privilege of gentlemen on this floor to answer gentlemen. No gentleman on this side of the question brought it before the Convention. It was brought before the Convention by gentlemen on the other side, and I hope the Convention will vote against any opportunity for the other side to bring it up again.

Mr. CLAGGETT B. JONES: I want to say to the gentleman from Bedford that we will certainly do it. He will not have that opportunity again.

The PRESIDENT: The gentleman from Bedford moves the pending question on his amendment to reconsider.

The pending question was ordered.

The PRESIDENT: The question is on the motion of the gentleman from Bedford to reconsider the vote by which the resolution offered by the gentleman from Danville was defeated.

The motion was not agreed to.

GOVERNMENT OF COUNTIES.

Mr. THOMAS H. BARNES: I move that the Convention resolve itself into Committee of the Whole for the purpose of further considering the report of the Committee on the Organization and Government of Counties.

The motion was agreed to, and the Convention resolved itself into Committee of the Whole, Mr. Wise in the chair.

Mr. WITHERS: Mr. Chairman, I should like to say that when the first section of the report of the committee shall have been perfected, I desire an opportunity to offer as an amendment or as a substitute therefor the first section of the minority report.

The CHAIRMAN: The first section of the report of the Committee on the Organization and Government of Counties was before the committee when the committee rose, and the motion submitted by the gentleman from Charlotte (Mr. Eggleston) was pending, and that is now up for consideration. He proposes in the fourth line to strike out the word "county" and also the words "who shall also be the clerk of the Circuit Court," so that the clause if amended would read:

"There shall be elected by the qualified voters of each county one sheriff, one attorney for the Commonwealth, one clerk."

Mr. LINDSAY: I believe the words "one clerk of the court" constitute the suggested amendment.

The CHAIRMAN: The Chair does not think that the gentleman from Charlotte accepted that amendment.

Mr. LINDSAY: He did not. I offered it as a substitute.

Mr. TURNBULL: I rise for the purpose of getting information as to what is the question before the body. I understand that we are considering the first section of the report of the Committee on the Organization and Government of Counties.

The CHAIRMAN: That is correct.

Mr. TURNBULL: I notice that the minority report contains an amendment to the section. Is the minority report under consideration?

The CHAIRMAN: The first section of the report of the majority of the committee is being amended, and the gentleman from Danville has given notice that after it shall have been completed he will offer the first section of the minority report as a substitute. The pending question will be stated.

The SECRETARY: The gentleman from Charlotte (Mr. Eggleston) proposes to strike out the words:

"One county clerk, who shall also be the clerk of the Circuit Court."

And to insert in lieu thereof:

"One clerk of the court."

Mr THOMAS H. BARNES: The committee accepts the amendment.

The CHAIRMAN: The committee accepts it. The first section is still under consideration.

Mr. EGGLESTON: I should like to ask the chairman of the committee if it was the intention of the committee to change the method of electing the superintendent of the poor?

Mr. KEEZELL: I was just about to ask that question.

Mr. EGGLESTON: At present he is nominated by the Board of Supervisors and appointed by the County Court.

Mr. THOMAS H. BARNES: The committee recommend that he shall be elected by the people.

Mr. KEEZELL: And the surveyor?

Mr. THOMAS H. BARNES: Yes, sir; you endorsed that.

Mr. KEEZELL: I rose for the same purpose that the gentleman from Charlotte did. I was not present at the time when the draft of this section was submitted by the sub-committee to the full committee. So far as I am concerned, though I authorized the signing of my name to what I understood to be the report of the committee, I never at any meeting of the Committee on the Organization and Government of Counties at which I was present was the appointment or election of the county surveyor or superintendent of the poor brought up. When I obtained a printed copy of this report, which has only been within the last two or three days, I first noticed that it was the intention of the committee to report that the county surveyor and the superintendent of the poor should be made elective officers.

I do not endorse that position, and, though my name is signed to a report which apparently endorses it, I want it distinctly understood that I did not so understand the report at the time I authorized my name to be signed, because I do not think the county surveyor ought to be elected by the people. There are probably only one or two persons in a county competent for that office, and I think the county surveyor ought to be chosen by some other system than by popular election.

Mr. THOMAS H. BARNES: I desire to ask the delegate from Prince William, who was the chairman of the subcommittee which drew this report, if it is not a correct copy of the minutes of the committee?

Mr. THORNTON: I think, sir, we took that clause as it appears in the present Constitution with respect to county organization. Article 7, page 59, of the Manual, reads as follows:

"There shall be elected by the qualified voters of the county one sheriff, one attorney for the Commonwealth, who shall also be the Commonwealth's attorney for the Circuit Court"——

Then we strike out the following:

"Except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the Circuit Court."

That portion the committee changed, leaving but one clerk, it matters not what may be the population of the county.

"One county treasurer."

There we have changed it by making him ineligible to a second term.

"So many commissioners of the revenue as may be provided by law; and there shall be appointed, in a manner to be provided by law, one superintendent of the poor and one county surveyor."

I do not recollect that that was discussed before the committee at all. Was it?

Mr. THOMAS H. BARNES: Certainly.

Mr. THORNTON: I did not think it was.

Mr. THOMAS H. BARNES: Why did you put it in your own report?

Mr. THORNTON: It is an omission, I presume. It was intended to follow it. It is a mistake made by me.

Mr. THOMAS H. BARNES: We thought you had a correct report of the proceedings.

Mr. THORNTON: I made the mistake myself in making the report.

Mr. THOMAS H. BARNES: I think we certainly discussed it.

Mr. LINDSAY: I make the point of order that we have not yet reached the discussion of that question at all. We have not disposed of the county treasurer or the clerk or the officers. This is the last one mentioned in the paragraph.

The CHAIRMAN: The Chair will remind the gentleman from Albemarle that under the resolution adopted in the beginning the whole of the first section is under consideration.

Mr. THORNTON: I will state that I think the committee would be very willing to accept the suggestion made by the gentleman from Rockingham. I believe it was. The only difficulty with the matter as it stands now is that the Board of Supervisors can appoint them, but it is provided at present that they shall be confirmed by the county judge, and there may not be any county judge to confirm them.

Mr. KEEZELL: I suggest this amendment, if I am in order, that they shall be appointed in the manner provided by law.

Mr. THORNTON: That will be acceptable. There is no objection to that.

Mr. STEBBINS: Mr. Chairman, I had no idea that in the consideration of this section we would jump from the clerk of the court to the superintendent of the poor and the county surveyor. I have an amendment which I wish to offer in regard to the manner of electing or appointing the commissioners of the revenue. I signed this report. I agree in the main in the report, but reserved the right to object to any particular part that I desired to when it came up in Committee of the Whole. I desire to offer the amendment which I send to the desk.

Mr. QUARLES: I wish to offer an amendment.

The CHAIRMAN: The gentleman from Halifax has offered one. The Secretary will read the amendment proposed by the gentleman from Halifax.

The SECRETARY: It is proposed in line 9, section 1, after the word "law," to insert:

"Who shall be appointed by the judge of the Circuit Court for the county,"

And to strike out in lines 13 and 14 the following:

"And who shall be ineligible to the same office for the next succeeding term."

Mr. STEBBINS: The object of the amendment is to have the commissioners of revenue appointed by the judge of the court, instead of being elected by the people, as at present and as is provided in ths section.

Mr. THORNTON: What is that?

Mr. THOMAS H. BARNES: Please restate the proposition?

Mr. STEBBINS: That the commissioners of revenue shall be appointed by the judge of the court. It would make the article read:

'And so many commissioners of the revenue as may be provided by law who shall be appointed by the judge of the Circuit Court for the county, and who shall be paid per capita as well as a percentage on the amount of property listed by them, and who shall list and return for taxation all classes of personal property, and discharge such duties as may be prescribed by law."

It will strike out the words:

"And who shall be ineligible to the same office for the next succeeding term."

This would provide that the commissioners of the revenue shall be appointed by the judge of the Circuit Court, and would do away with the prohibition that they shall not be eligible for a second term.

I shall have very little to say on this subject. I have understood from those who are familiar with the taxation of property in the State that the weak point in our system of taxation is in the commissioners of the revenue and in listing property for taxation.

Mr. WATSON: May I interrupt the gentleman for a moment?

Mr. STEBBINS: Certainly.

Mr. WATSON: I will say, in the first place, it is absolutely impossible for us on this side of the chamber to hear the remarks of the gentleman or in the present disorder to keep up with what is going on. I wish to suggest to the gentleman that inasmuch as the county treasurer came first in the report of the committee, and inasmuch as some of us have amendments to offer to that clause, perhaps it would be well, if we are to follow the regular order that he should withdraw his amendment at this time and allow the clauses to be taken up as they appear in the report.

The CHAIRMAN: The Chair suggests that that would be a more orderly course.

Mr. STEBBINS: I will say to the gentleman from Nottoway that I am perfectly willing to pursue that course. I offered the amendment at this time only because it seemed that there was no opposition to the provision in regard to the county treasurer and we had jumped from the consideration of the clerk, the superintendent of the poor and the county surveyor. That is the only reason why I offered it at this time. I very cheerfully give way for this amendment.

Mr. QUARLES: I desire to offer an amendment to the clause relating to the ineligibility of treasurers for a third term.

The CHAIRMAN: The Secretary will read the amendment proposed by the gentleman from Augusta.

The SECRETARY: After the word "treasurer" in line 5, page 2, strike out the following words: "who shall, after the second term, be ineligible to the same office for the next succeeding term, for either treasurer or deputy treasurer."

Mr. WATSON: On the same subject I offer the following amendment as a substitute for the whole of the clause relating to the treasurer.

Mr. GILLESPIE: I should like to have the amendment proposed by the gentleman from Augusta read again.

The CHAIRMAN: It will be read again.

The SECRETARY: After the word "treasurer," in line 5, page 2, strike out the following words:

"Who shall, after the second term, be ineligible to the same office for the next succeeding term, for either treasurer or deputy treasurer."

So as to read:

"One clerk of the court; one county treasurer, and so many commissioners of the revenue."

The CHAIRMAN: The substitute proposed by the gentleman from Nottoway (Mr. Watson) will be read.

The SECRETARY: Page 2, line 5, after the words "who shall," insert the following:

"Be elected for a term of eight years and be ineligible for re-election for the next succeeding term to the office of treasurer of deputy treasurer."

Mr. PORTLOCK: I desire to offer an amendment to section 1 to the following effect: After the words "county treasurer" in line 5, I move to strike out the words "who shall, after the second term, be ineligible to the same office for the next succeeding term, for either treasurer or deputy treasurer," and in line 13, after the word "law," strike out the words "and who shall be ineligible to the same office for the next succeeding term."

Mr. TURNBULL: I suggest that that amendment is not now in order.

The CHAIRMAN: The Chair will state that the amendment of the gentleman from Norfolk county is not now in order.

Mr. PORTLOCK: I was not aware that an amendment had been offered as to treasurers. No amendment has been offered as to commissioners of the revenue, and I therefore offer my amendment as to commisisoners of the revenue.

The CHAIRMAN: The committee is considering the question of the treasurer at present. The gentleman from Norfolk county will have an opportunity to offer his amendment later.

Mr. WATSON: Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN: The gentleman from Nottoway will state it.

Mr. WATSON: I simply wish to know whether the vote is to be taken first on the substitute offered by myself or on the amendment offered by the gentleman from Augusta (Mr. Quarles). Which is the question before the House?

The CHAIRMAN: The Chair is of opinion that the vote will properly be taken first on the substitute.

Mr. WATSON: Then I will state brefly——

Mr. QUARLES: I rise to a point of order. Have we gotten through with the question of clerks?

Mr. WATSON: I so understand.

I will say, Mr. Chairman, that it is with some reluctance I offer an amendment to the report of this committee. Upon an examination of the report I see that it is signed by thirteen members out of the fifteen members of that committee. It is such an unusual occurrence in this body to have an agreement of so many members of a committee that I feel some trepidation in undertaking to antagonize their recommendation.

The amendment proposed by myself relates not only to the first section of the report of the committee, but to the fourth section, where the question of terms of office is dealt with. I understand that the substitute offered by myself changes the recommendation of the commitee in but one respect. The committee provides for

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