CONSTITUTIONAL CONVENTION.

OFFICIAL REPORT.

(CONTINUED FROM PAGE 9.)

obviate such a result.

Mr. AYERS: If I thought so I would vote with the gentleman.

Mr. PORTLOCK: I hope the gentleman will conclude to do so.

Mr. WITHERS: May I interrupt the gentleman from Norfolk county?

Mr. PORTLOCK: Certainly, sir.

Mr. WITHERS: The supplements are now allowed by specific statute in the Code in act and section. Can they not be as well prohibited by like section and statute? Is there any difficulty in that?

Mr. PORTLOCK: If that be true, if those acts are repealed and those provisions destroyed, there will be no performance of the duties at all. We want the duties of these officers performed, and that is of first importance and consideration. I do not believe that by legislative enactment or by a provision of this Constitution the efficiency of these officers should be curtailed or impaired. We want efficient officers, and in order to obtain such a class of officers we must expect to pay those officers. If the duties of treasurer and sheriff are combined in any case, and if the Legislature is satisfied that the officer is not paid sufficiently for the performance of those duties, the Legislature of Virginia, in my opinion, is going to be quick to act in behalf of that officer and make all proper provisions for the discharge of his duties.

Mr. C. J. CAMPBELL: May I interrupt the gentleman from Norfolk county?

Mr. PORTLOCK: Certainly.

Mr. C. J. CAMPBELL: Take my county of Amherst, for instance, to illustrate the point you make. The treasurer at present has four deputies to perform efficiently his duties. The sheriff has two deputies to perform efficiently his duties. Now, if you were to unite those two offices, in order to perform and consolidate the duties efficiently, it would be necessary then for the sheriff to have what? Six deputies?

Mr. PORTLOCK: Absolutely.

Mr. C. J. CAMPBELL: There would be no saving whatever in the way of duties.

Mr. AYERS: If you can work that out you are right.

Mr. C. J. CAMPBELL: It is common sense. There is no working out about it.

Mr. AYERS: It is uncommon sense.

Mr. PORTLOCK: Gentlemen of the committee, there is no evading the fact that if so many officers, whether a treasurer and his deputy or a sheriff and his deputies, are necessary to perform the duties of the two offices as they now exist, the same number will be necessary to perform them under one officer; and I go further. A greater number will be necessary, because if you take a sheriff or any one officer who is exceedingly busy in his office, and is overcrowded with the double duties which might devolve upon him in his dual capacity, he would have less time to give it a personal supervision and direction of the affairs of his office, and therefore a larger number of clerks or deputies would be required to perform the duty.

I do not think, with all due deference to the gentleman from Wise (Mr. Ayers), that his county, to which he has referred, is any criterion in this matter. I have recently had occasion to visit the counties of Wise, Scott, Lee and other counties of Southwest Virginia. In the committee work of this Convention I was fortunate enough to have been one of a large delegation to enjoy the bounteous and most gracious hospitality of the delegate from Wise (Mr. Ayers), and I am frank to say that I did not see any territory in that county from which to collect taxes. I did not see any country over which the sheriff could ride. It all appeared to be above head. The people there live either overhead or underground—on the mountains or in the mines. Neither the sheriffs nor the treasurers can reach the people. It is different in other communities with which I am acquainted, and with which I have been connected. Everybody lives with us on the surface of the earth, and it gives the sheriff and the treasurer that much more duty to perform because they can reach those people. It is possible, at least, to do so.

Mr. RICHMOND: May I interrupt the gentleman for one moment?

Mr. PORTLOCK: Certainly.

Mr. RICHMOND: I simply want to inquire what the personal condition of the gentleman was when he went through that section of the country. Were you on the ground or in an air-ship? (Laughter.)

Mr. PORTLOCK: I will say to the gentleman that I do remember my personal condition; certainly it could not have been questioned. I had a keen eye, however, for the beauties of that country, for the magnificent scenery, the general prosperity, refinement and happiness of its people, and the important agricultural industries which abound in that section, and I also admired very much, indeed, the beautiful residence and palatial home, enveloped in the clouds, away up above my head, of the gentleman from Scott. Certainly I considered an air-ship necessary to reach it. I merely mentioned this incidentally to show that the conditions vary so materially in those counties, and that the population is so sparse, that the duties of these officers can hardly be considered as a criterion for the counties in the State at large.

Now, Mr. Chairman, I think we have taken this matter up at an unfortunate time, to say the least of it. I do not want to mention, and I will not, what I conceive to be the political significance or bearing of this question, discussed at this time. Apart from the inexpediency involved, so far as the business interests of the State are concerned, I should have been more than delighted to have had the whole question passed by for the time being.

I sincerely hope the committee will vote this minority report.

I thank the gentlemen of the committee for their attention, and am sorry to have detained them so long.

Mr. STUART: Mr. Chairman, I wish to offer an amendment to the pending question. In line four I wish to strike out the word "thirty" and to insert the word "sixteen" before "thousand," so as to read: "Who shall, in addition to his duties"—

That is, the high sheriff——

"perform the duties of treasurer, as now prescribed by law, provided that in counties of more than 16,000 inhabitants the office of treasurer may be created by law."

Mr. R. L. GORDON: Will the gentleman from Russell make that 20,000?

Mr. STUART: I am prepared to yield something to the principle announced by the gentleman from Danville. I think it in some respects a good one. I think, though, it is necessary to be examined closely in its application to different conditions in the State. To lay down the hard and fast rule that counties of thirty thousand necessarily require more attention of a sheriff or a treasurer seems to me to be erroneous.

Mr. TURNBULL: Mr. Chairman, I rise to a point of order. I think the gentleman's amendment is out of order at this time, because it is not an amendment to the amendment offered by the gentleman from Norfolk county. As I understand the present status of this matter (and I want to state it because I want to get at the proper situation in reference to it), in the committee we were considering the first section of the report of the majority. Some amendments were offered to that section, and then the gentleman from Danville (Mr. Withers) offered a substitute.

Now, when a substitute is offered, as I understand the parliamentary law, you can perfect the substitute by offering an amendment to the substitute, until no further amendments are offered. Then the substitute is laid aside temporarily for the friends of the original proposition to amend that in case they wish to do so, so that both propositions may be presented. Then you vote on the substitute, which has been prior to that time perfected, and then on the original proposition as perfected, because the friends of the original proposition may say that it is not worded as it ought to be. Thus both propositions are perfected.

Now, as I understand it, the gentleman from Danville has offered a substitute, and the gentleman from Norfolk county has moved an amendment simply to strike out "may" and insert "shall." That is an amendment that is proper, but when the gentleman from Russell offers another amendment to another portion of the section, it is not an amendment to the amendment of the gentleman from Norfolk county, and, therefore, it is not in order at this time, but it will be in order after the amendment of the gentleman from Norfolk county has been acted upon.

The CHAIRMAN: The Chair sustains the point of order.

Mr. TURNBULL: I do not wish to interfere with the gentleman from Russell if he desires to take the floor.

Mr. STUART: I will offer my amendment at the proper time.

The CHAIRMAN: It will be in order later on to offer the amendment.

Mr. WITHERS: Mr. Chairman, I shall be exceedingly brief in what I shall have to say. There are one or two questions, however, that I think the Committee of the Whole ought to have presented to them in strong contrast with each other, before they decide to vote upon this question.

First, as to the amendment offered by the gentleman from Norfolk county (Mr. Portlock), I think one minute's thought will convince the Committee of the Whole of the absolute and unreasoning unreasonableness of that amendment. It says that there shall be created in certain counties a treasurer without giving the right to the people of those counties to say whether or not they want to have this officer; and that is to be done in order to meet the special and fearful condition that seems to exist in Norfolk county.

Now, if the gentleman's contention is sound, his contention will be equally sound, and will be heard with equal respect by any Legislature chosen by the people of Virginia. Under this proposed amendment the office of treasurer will be at once created for Norfolk county before the present treasurer's term of office comes to its end. He can be in no possible danger.

But just as he says that the position of the gentleman from Wise is not a sound position by which to judge all of the State, so I contend that neither is the position of the gentleman from Norfolk county a sound position by which to judge the rest of the State. There may be counties and probably are counties with over thirty thousand people that will not desire nor need nor request, but will protest against the creation of the office of treasurer. Therefore, it should not be made mandatory in the Constitution, but left to the respective counties having more than thirty thousand inhabitants to decide that question for themselves and thus present it to the Legislature, and when so done the Legislature will give the relief desired.

I desire, therefore, that the committee should consider that the one proposition, the amendment offered by the gentleman from Norfolk county, is mandatory and leaves nothing to be done, no desire or wish or will to be expressed by the people of his county, while the other, that offered by myself, gives to the people of Norfolk county the right to say whether they shall have or shall not have a treasurer.

Mr. PORTLOCK: May I interrupt the gentleman from Danville?

Mr. WITHERS: Yes, sir.

Mr. PORTLOCK: The gentleman makes the point that the people of Norfolk county should have the right to speak on this subject through their representatives in the Legislature?

Mr. WITHERS: Yes, sir.

Mr. PORTLOCK: We are dealing with this matter in the Constitutional Convention, and I should like to ask the gentleman whether I do not represent those same people in the Convention at this time, when we are dealing with this same question?

Mr. WITHERS: Certainly you do, but they may differ with you.

Mr. PORTLOCK: Do I not represent the people of Norfolk county just as much as the member of the Legislature would represent them in the Legislature at some future time when this question might come up?

Mr. WITHERS: Certainly, the gentleman represents the citizens of Norfolk county; but they may not agree with the gentleman on every point that he happens to take in the Convention, and I have no idea that this point was considered by the people of Norfolk county prior to the calling of the Convention.

Mr. JAMES W. GORDON: May I suggest to the gentleman that the gentleman from Norfolk county does not represent the people of Pittsylvania county and of other counties?

Mr. WITHERS: Exactly so; Henrico among others, and Halifax. I thought, however, thanks to the gentleman from Richmond, that that was a self-evident proposition.

Mr. PORTLOCK: If the gentleman will excuse me, I should like to ask the gentleman from Richmond and also the gentleman from Danville whether the representative from Norfolk county in the Legislature does not in his official capacity represent Pittsylvania county and all other counties in the State?

Mr. WITHERS: Generally, yes, sir; but specially, no, sir.

Mr. Chairman, the gentleman from Norfolk county will, of course, understand me as not reflecting upon him as a representative of that county. The personal equation never enters with me into a debate. I simply wanted to call the committee's attention to the fact that the one, his amendment, was mandatory, the other was flexible and left to the county itself the right to say to the Legislature whether or not they desired a treasurer. So far as the gentleman himself is concerned, I defer with the utmost respect to his opinion.

Now, Mr. Chairman, we have been told upon this floor of the great woe that will come upon the people of Virginia if we adopt this amendment. I wish to say that during the vacation of this body the treasurer of the county of Henry voluntarily expressed the opinion that the office was useless and ought to be abolished, and I have the personal testimony of sheriffs from all over the State that they can perform efficiently, economically and well the combined duties of both offices without any increased cost and without any diminution of efficiency to the people of Virginia in the performance of the respective duties of both offices.

I want to call the attention of the committee to one other fact. The gentleman from Prince William (Mr. Thornton) unintentionally——

Mr. PETTIT: Will the gentleman permit me to interrupt him?

Mr. WITHERS: Certainly.

Mr. PETTIT: Have you consulted the treasurers of the counties in the State, and would they not be of just the opposite opinion to that of the sheriffs?

Mr. WITHERS: Very probably they would, sir, and there is very good reason for some of them to be of the opposite opinion; but the only expression of opinion that I have had from the treasurers of the State is that the duties of the two offices could be combined, though they might want to retain the one office, as my friend suggests.

Mr. PETTIT: And he wanted to be sheriff, I presume?

Mr. WITHERS: Probably so, sir. However, the question whether the treasurer or the sheriff of the county of Fluvanna shall be the treasurer or the sheriff under the new provision of the Constitution shall not govern me in my vote upon this question. They and the people of Fluvanna county must settle that for themselves.

There is one other question to be considered. The gentleman from Prince William (Mr. Thornton), unintentionally, I know, put me in a wrong position before this committee. It was corrected, thanks to him, by the gentleman from Rockingham (Mr. Keezell). In the course, however, of that same argument he contended that the duties of the sheriff before the war in performing the duties of the office now devolved upon the treasurer were comparatively as nothing. Now, let us see. In Prince William county, the county of the gentleman who is leading the majority report's fight on this floor, in 1860 the values of the real and personal property of that county were $3,239,000. In 1900 the values of that same county, one of the best, as I am informed, in the Commonwealth of Virginia, had decreased to $2,843,000, and the values of the great county of Rockingham, from which the gentleman from Rockingham so ably comes, had decreased——

Mr. THORNTON: Will the gentleman pardon me for one minute?

Mr. WITHERS: Certainly.

Mr. THORNTON: What was the amount of the total taxes collected?

Mr. WITHERS: I have not the tax returns before me, but simply the bulletin of the Auditor.

Mr. THORNTON: Is it not a fact that the taxes collected——

Mr. WITHERS: I know the debt of the State of Virginia at that time was $35,000,000 to $36,000,000, and we had to pay 6 per cent. interest on that debt, and that the duties connected with the collecting of that debt were greater than they are now, and more burdensome.

Mr. THORNTON: I ask the gentleman if the burden of collecting the taxes was then so great. The tax was paid mainly by large landed persons who owned a great number of slaves, and therefore the trouble and expense of collecting the taxes was insignificant as compared with the trouble and expense now. In addition to that, the gentleman will remember that there were no school taxes, and there are various other taxes now collected which were not then imposed. If the gentleman will follow out the subject with his usual diligence, as I am sure he will, he will find that the aggregate amount of taxes for State, county and district purposes before the war was nothing like what it is now.

I will say that I could not get the figures yesterday, because I did not expect to say anything on the subject, and I spoke only because I was urged to do so; but if the gentleman will investigate the subject he will find that I am correct about it. I am satisfied that the aggregate amount of taxes was far less then than it is now, and the trouble in collecting them was very much less for the reason that one large real estate owner would pay the taxes and now perhaps the farms will be cut up and, as to those who were slaves before the war, they are now taxpayers, and each one has to pay his own taxes. I merely mention this to show the position I took, and it did not apply to the total values of the county. I can account for that, of course, in a great measure, but it, of course, does not enter into this discussion. The assessed value of the property is not what it was before the war, and I could explain that if it were necessary.

Mr. WITHERS: I think it is true that the difficulty of collecting taxes on realty was largely diminished by the fact that one man owned a large estate where now that does not so often happen. But the fact remains that the values of the counties and the State debt were enormously larger than they are now under the adjusted settlement. In addition, I believe it is a fact, and that it will not be contradicted, that the actual litigation in court requiring the attention of a sheriff would compare favorably with what occurs in these respects in the counties to-day.

Mr. Chairman, let me hurry on to the final point that I desire to put before the Convention, so as to contrast the respective reports, or rather the substitute as offered for the majority report.

In passing, I wish to say to my friend from Chesterfield (Mr. Hancock) that I shall do no more than assure him that, though the mention or reduction in expenses and the reducing of the number of officials start him to shivering in the wind like an aspen leaf in a summer storm, he need have no fear; I do not know of any one who happens to be after him. I am glad, however, that the despised word economy acts upon the back of certain gentlemen like a red-hot coal upon the back of a terrapin, for it has set them moving. Otherwise we would be in a state of immovable inertia.

Now, Mr. Chairman, the report of the majority of the committee forces upon every county in the State, by making it a constitutional provision, the office of treasurer. We have testimony from all sections of the State that that office is unnecessary, is useless, is costly, and that the people do not desire it; and yet the majority report of the committee, following the very bad example set by the Underwood Constitution, says that there shall be in each county of the Commonwealth created the office of treasurer. In the little county of Craig, with less than five thousand people; in the county of James City, of Mathews, and the many small counties of the Commonwealth, even though the people were unanimous to a man, except the treasurer and his deputies themselves, under the majority report of this committee they would have no alternative, no recourse, but upon them is fastened an official and an allowance that the members of this committee have themselves testified are useless, unnecessary, and extravagant.

This particular section of the minority report offered as a substitute does not create that unnecessary official; it does not create that unnecessary expense; but it leaves to counties, by the business as shown by the court, by the sums of money as collected by the treasurer, the right to the people desiring it to keep that official in existence, and leaves them the right to say that it shall not be done unless they desire it.

One follows the example of the Constitution now despised and practically downtrodden by the Convention itself, copies the very ill provision of that Constitution, that you shall not have a say in your affairs, but puts upon the Commonwealth, the people of this Commonwealth, and of each county the necessity, the absolute unescapable necessity, of having a useless official, an unnecessary expense, and allows them no alternative; and yet upon this floor we are here talking about the dear people, and trusting and loving and caring for them!

I say it is an injustice, it is on unrighteous injustice, for this Convention to say to my county, to say to Henry county, to say to Scott, Lee and Wse counties, to say to Craig county, whether you will it or not you shall have an official that you may say you do not desire but is unnecessary, that is a useless expenditure of your funds; and even though it saves the paltry sum of forty thousand dollars.

I am, indeed, glad that this old State is of such tremendous ability in wealth and finance as to look upon forty thousand dollars in one line as being paltry and insignificant. But, nevertheless, when the people of these counties upon whom you seek to put this office without their consent shall have their say, it is my respectful opinion that they will put the stamp of condemnation strong and determined upon any such attempt to foist upon them officers they do not desire or want or need.

So, Mr. Chairman, the proposition is up to this committee. It is this committee's move, and the dear people are watching with some interest for the play.

The CHAIRMAN: The question is on agreeing to the motion of the gentleman from Norfolk as an amendment to the amendment proposed by the gentleman from Danville. The Secretary will state it.

The SECRETARY: It is proposed to strike out the word "may" in line 9, section 1, and insert "shall."

Mr. PORTLOCK: I would be glad if the Secretary would read the amendment as it would read if amended.

The Secretary read as follows:

"There shall be elected by the qualified voters of each county one sheriff, who shall, in addition to his duties as sheriff, perform the duties of the treasurer as prescribed by law: Provided, that in counties of more than thirty thousand inhabitants the office of treasurer shall be created by law."

The amendment to the amendment was rejected.

The CHAIRMAN: The amendment offered by the gentleman from Russell (Mr. Stuart) is now in order.

Mr. LINDSAY: Let it be stated.

The SECRETARY: The gentleman from Russell proposes to strike out "thirty" in line 4 and insert "sixteen;" so as to read:

"There shall be elected by the qualified voters of each county one sheriff, who shall, in addition to his duties as sheriff, perform the duties of the treasurer as prescribed by law: Provided, that in counties of more than sixteen thousand inhabitants the office of treasurer may be created by law."

Mr. BARHAM: I wish to offer a substitute, to make it twenty thousand.

Mr. STUART: Mr. Chairman, my object in introducing the amendment is to reconcile, if possible, the differences of opinion existing among what may be termed, perhaps, the friends of the measure introduced by the gentleman from Danville. I can readily see that in a number of counties of this Commonwealth the conditions are such as almost to demand some reduction of expenses, and that the consolidation of these two offices would be most desirable. I was impressed with the views expressed by the gentleman from Louisa (Mr. Gordon) on yesterday, and I have had expressions in private conversations with a number of gentlemen throughout the State from which I am forced to the conclusion that in many of the counties this consolidation of offices is highly desirable. I do not wish to prevent such a change where the conditions seem to call for it, and yet I do not want to force other counties in other sections to the adoption of that scheme where their interests do not demand it, but, on the contrary, would suffer by reason of such consolidation.

As it appears to me, the population of a county does not necessarily determine the needs of that county as to sheriffs and treasurers. I can name counties of less than twenty thousand inhabitants which have double the court business, perhaps five times the court business, that other counties of thirty thousand have. In the growing and developing section of this State, which I am proud to say I represent here in part, the business is constantly accumulating upon the sheriff and the treasurer, and it does seem to me that counties so situated should not be bound hand and foot to the combination of these offices, when even now the requirements may be such that they want them separated or may soon grow into that condition.

Hence, I propose that in counties of sixteen thousand it shall be optional, so to speak; that is, if such a county demands the exercise of the authorities of these two offices, they shall have the right to secure it by legislative enactment, which can be done through their representatives. If upon the contrary there is no public demand for two officers instead of one they will remain under the general provisions of the law.

It does occur to me that these are matters as to which I can best judge for my own section, whereas gentlemen from other sections can best judge for theirs. It seems to me a common-sense view of the situation that in counties of a certain population and in certain sections, under certain conditions of growth and development and business, they should be allowed the largest degree of discretion in their county government, and likewise in counties less favorably situated.

I admit that it is very difficult to lay down in any provision a certain population which is to come within the scope of the amendment. I admit that it is very difficult to name the population which would be agreeable to all the members upon this floor or which would indeed reach the best results. However, it is manifest to me that the number named by the gentleman from Danville is wholly unsuitable for the purpose. I, therefore, suggest sixteen thousand as being much better suited. It is possible that some other number may still better suit, but in no case would I be willing to accept an amendment making the number greater than sixteen thousand.

Mr. JAMES W. GORDON: Will the gentleman permit me to ask him how he arrived at the odd figure of sixteen thousand in making his calculation?

Mr. STUART: I have not arrived at it. I have only named it as the minimum. The population in my county is nearly nineteen thousand.

Mr. BARHAM: What becomes of my substitute?

Mr. KENDALL: I moved to strike out "thirty thousand" and insert "twelve thousand."

Mr. Chairman, as I understand, it is within the discretion of the Legislature——

Mr. TURNBULL: One at a time.

The CHAIRMAN: The Chair would suggest to the gentleman from Northampton that only one amendment to the amendment can be considered at one time.

Mr. KENDALL: Mr. Chairman, then on the amendment which is now pending before this committee I submit these remarks. It think it is known by those delegates to this Convention who represent counties having a large colored population——

Mr. TURNBULL: I did not mean to cut off your amendment at all, but I wanted to call attention to the fact that you can only have a certain number of amendments pending at a time.

Mr. KENDALL: I understand that. I will offer my amendment later. It is impossible for a sheriff or other collecting officer to properly perform the duties of treasurer in such county, with the immense floating negro population, out of whom to a large extent the capitation taxes are made. It may be a floating population, but an industrious, active officer does collect and can collect the capitation tax to some considerable extent. Not only is it true of that class, but there are others, of the white class, out of whom taxes are collected, where they are intimately known by the officer and where the officer is near at hand to watch what property they have or to attach at the proper time the debts that may be due them.

Sir, I do not believe there will be any saving whatever to the State if you place the officer so far away from the tax-payer that he will not have the tax-payer constantly in his eye. On the contrary, I believe it is the experience of counties—it is certainly of my county—that at the time when there were collecting officers in what I believe were then called townships, the taxes were better collected than they are to-day. It was before my day and recollection, but I have heard the older citizens of the county say so.

Now, then, as I understand the proposition, it is to empower the Legislature to permit certain counties to have either a sheriff or a sheriff and a treasurer, as the county may desire. Certainly it is a fact that no harm can be done if the size of the population to which such a proposition shall apply is reduced, because it will still then be within the power of the Legislature to apply it to large counties or to small, and it will be within the power of the population of the smaller counties to ask for it and to have it if they find it to their benefit to have two officers instead of one.

Mr. BARHAM: I offer a substitute for the amendment of the gentleman from Russell.

Mr. MARSHALL: What is that substitute?

The CHAIRMAN: The question is on the amendment offered by the gentleman from Russell (Mr. Stuart) to the proposition offered by the gentleman from Danville (Mr. Withers), which the Secretary will state.

The SECRETARY: In line 4, section 1, of the substitute, strike out the word "thirty" and insert "sixteen," so as to read:

"Provided, That in counties of more than 16,000 inhabitants the office of treasurer may be created by law."

Mr. MARSHALL: That is the pending amendment?

The CHAIRMAN: It is. The question is on agreeing to it.

The amendment to the amendment was rejected.

Mr. KENDALL: I will now move to insert "twelve thousand," instead of "thirty thousand."

Mr. BARHAM: I move to insert "twenty thousand."

Mr. WITHERS: That lets in Southampton.

Mr. BARHAM: I do not know whether it does or not.

Mr. WITHERS: An accurate mathematical calculation shows that it lets in Southampton by a margin of 2,814.

Mr. THORNTON: It seems that all gentlemen are trying to get under the amendment of the gentleman from Danville. I have thought of moving to make it 11,000, which would let in my county by one hundred. It seems to me, though, that the committee must be right or the other gentlemen are all mistaken.

Mr. O'FLAHERTY: I have made a calculation. It lets in fifteen counties; that is between twenty and thirty thousand.

Mr. PETTIT: Mr. Chairman, I desire to give notice of an amendment which I will offer at the proper time, to include counties of eight thousand.

I am very sure that from these little counties there has come to me no sort of intimation that they desire a combination of these two offices. I believe that the public interest is to be promoted by keeping them separate and distinct, where they are now.

Sir, a man may make an admirable sheriff and be altogether unfit for the duties of treasurer, and to force the people to select one man who may indifferently perform the duties of each office would be like forcing the mechanic who wants to bore a round hole to take a chisel instead of an augur for the purpose of doing it.

The gentleman from Danville assumes that the people are here demanding the combination of these two offices, by the abolition of the office of treasurer. Have we on this floor had any intimation through petitions of any such desire? It is his assumption, and I take it from the evidence manifested by members on this floor that his assumption is not supported by the facts of the case.

Sir, before I thought of being a candidate for a member of this Convention, before it was determined that this Convention should be called, at a meeting of my people when delegates were elected to the Norfolk Convention I referred to the demands that were being asserted, in order to bring about the holding of a Convention. In that speech which I made to the people of my county, I said that there was a cry of too many offices. I said to them that if two men could discharge the duties of two offices equally as well as one man could discharge them, why give all of the perquisites of the two offices to one man instead of letting the two enjoy them? But I said there, as I repeat here, that we require men of very different capacity for the performance of the duties of these two offices. A man may make an admirable sheriff and be altogether unfit for the discharge of the duties of treasurer.

The office of treasurer is one of the most important of the county offices. No man who has not taken the pains to go into the office or to examine their bags of bills has any idea of the amount of work and the care that is required in order to perform properly the duties of that office.

In the course of my experience, which goes back to the formation of the Constitution of 1851, I believe I may say I have known in my county but one man, acting as deputy sheriff or farming sheriff, who was capable of performing properly the duties of treasurer. Yet there were all good sheriffs, and they were all, in the conditions that prevailed in that day, able to collect the taxes of the county, for the reasons that have again and again been stated on this floor. The deputy sheriff went to a neighborhood and one man, a leading farmer in the neighborhood, would pay hundreds and thousands of dollars into his hands by one draft upon a commission merchant. Now, to get the taxes from the same people and the same property, except slaves, represented by that man at that time, the treasurer or his deputy has to wend his way through the pig-paths of the woods, in order to find the tax-payer.

I submit, sir, that so far as the counties I represent here are concerned, they do not desire the abolition of this office; and if there be a purpose, as I cannot believe there is, on the part of the Convention as to any county to abolish this office, I hope it will adopt the amendment I have proposed, so as to enable my counties to be relieved from the injury which I believe would result from the combination.

The CHAIRMAN: Did the gentleman from Southampton offer his amendment?

Mr. BARHAM: Yes, sir.

The CHAIRMAN: The question is on agreeing to the amendment offered by the gentleman from Southampton, which will be stated.

The SECRETARY: In line 4, section 1, it is proposed to strike out the word "thirty" and insert "twenty" so as to read:

"Provided, That in counties of more than twenty thousand inhabitants the office of treasurer may be created by law."

The amendment to the amendment was rejected.

Mr. MANLY H. BARNES: Mr. Chairman, is an amendment in order?

The CHAIRMAN: An amendment to the proposition submitted by the gentleman from Danville?

Mr. MANLY H. BARNES: Yes, sir.

The CHAIRMAN: It is.

Mr. MANLY H. BARNES: I desire to strike out the word "thirty" and insert "three," dividing it by ten, so as to read "three thousand."

Mr. Chairman, I represent quite a number of small counties upon the floor of the Convention, and I believe I am as fully in a position to represent the views and wishes of those people as the gentleman from the City of Danville or the county of Pittsylvania.

I am absolutely satisfied, sir, that the people in the small counties are not in favor of the proposition which the gentleman from Danville has presented to this Convention. I am absolutely satisfied that if that proposition should prevail it would bring a great deal of inconvenience to our people.

Let me give an illustration. I live in the county of New Kent, and according to the estimate of the saving which the gentleman from Danville says we will make under the substitute which he has offered, we would save in that county $300, because that is the amount, I believe, appropriated by the board of supervisors to the sheriff. I am absolutely satisfied that my people would not have these offices combined for the saving of that sum. I believe the inconveniences under which it would place our people would be much greater in the sight of those people than would be compensated for by the saving of three hundred dollars.

I know that on the day when our courts meet, when our sheriff is absolutely under the control of the court, when his time is not his own, the treasurer is there waiting upon the people. That is the very time when the people gather there for the purpose of paying their taxes. The treasurer on that day, when the sheriff is absolutely under the control of the court, is doing the very business that the sheriff, if he were treasurer, could not possibly do because there are a great many matters which are transacted by the treasurer on that day which could not be attended to by any substitute or deputy whom he might have in his place.

Furthermore, Mr. Chairman, I am not in favor of the principle which the gentleman from Danville has advocated on this floor when he replied to the gentleman from Norfolk county. He said that the gentleman from Norfolk county does not want to give the people the right to say whether or not they will have these offices combined; and I say to the gentleman from Danville that he does not want to give my people the right to say whether they will have these offices combined.

Why should he give liberties and privileges to the large counties of this State which he wants to deny and does deny absolutely to the small counties? Why are not the small counties entitled to as much consideration at the hands of this Convention as the large counties? If the large counties are to have the privilege of saying whether these offices shall be combined, why should not my people have that right and that privilege also? If this proposition of the gentleman from Danville is Democracy, good Lord make me a Republican this day.

Now, sir, I do not believe that there will be one cent saved by a combination of these offices, but I do believe that there is danger of losing as much as the gentleman from Danville and the gentleman from Wise say we shall save. We know the salaries that are paid to the sheriffs now. The demand came up undoubtedly to the Legislature of Virginia that the sheriffs should receive this compensation at the hands of the various boards of supervisors. If the Legislature of Virginia listened to the voice of those sheriffs with the limited power and influence they now have, I ask in all common sense would not the Legislature listen to those officers who would be Mark Hanna in every county of the State if you combine these two offices?

Combining these two offices will give the man who holds them a much greater power and much greater influence than he would have if he occupied only one, and when you give that great power and that great influence into the hands of one man, you will find him cracking the whip of authority over the members of the Legislature of Virginia. Possibly, yea. I might say probably. instead of the Legislature of Virginia allowing some forty thousand dollars, as the gentleman from Danville says, to be appropriated as additional compensation, you will find them allowing the boards of supervisors to appropriate possibly eighty thousand dollars, and instead of saving forty thousand dollars, we shall be losing forty thousand dollars.

I do hope, Mr. Chairman, that this Convention will extend the same courtesy and the same consideration to the small counties that it extends to the large counties. I do hope that you will not run down the throats of my people a principle that you will not accept for your own. This is the time for us to stand together, and I hope we will do so.

The CHAIRMAN: The question is on agreeing to the amendment proposed by the gentleman from New Kent (Mr. Barnes) to strike out "thirty thousand" and insert "three thousand;" so that the clause will exempt counties having only three thousand population.

The amendment to the amendment was rejected.

Mr. KENDALL: I move to insert "twelve thousand."

The CHAIRMAN: The question is on agreeing to the amendement of the gentleman from Northampton to the substitute of the gentleman from Danville, to strike out "thirty thousand" and insert "twelve thousand."

The amendment to the amendment was rejected.

Mr. PARKS: I offer the amendment which I send to the desk.

The CHAIRMAN: The amendment proposed by the gentleman from Page will be read.

The SECRETARY: The member from Page proposes to amend by striking out the words beginning with "provided" in line 4 and ending with the word "law" in line 6, and inserting in lieu thereof the folowing:

"Provided, That the General Assembly shall have authority to create the office of treasurer in any county in the State where it may be shown that the business interests demand it."

Mr. KEEZELL: How dos that read?

The Secretary again read the amendment.

The CHAIRMAN: The question is on agreeing to the amendment proposed by the gentleman from Page (Mr. Parks) to the amendment of the gentleman from Danville.

Mr. C. J. CAMPBELL: On that I ask for a division.

The committee proceeded to divide.

Mr. MANLY H. BARNES: Before the announcement of the result of the vote, I wish to state that I did not catch the proposition on which the vote is being taken. I wish the Chair would inform me what is the proposition and then give me an opportunity to vote. The vote has not been announced.

The CHAIRMAN: The Secretary will again read the amendment of the gentleman from Page to the amendment of the gentleman from Danville.

The Secretary read as follows:

"Provided, That the General Assembly shall have authority to create the office of treasurer in any county in the State where it may be shown that the business interests demand it."

The amendment to the amendment was rejected, there being on a division ayes 13; noes 40.

The CHAIRMAN: The question now is on agreeing to the amendment proposed by the gentleman from Danville (Mr. Withers.) which the Secretary will read.

The Secretary read as follows:

"There shall be elected by the qualified voters of each county one sheriff; who shall, in addition to his duties as sheriff, perform the duties of the treasurer as prescribed by law: Provided, that in counties of more than thirty thousand inhabitants the office of treasurer may be created by law."

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

Mr. JAMES W. GORDON: I ask for a division.

Mr. BRAXTON: Let it be read once more.

The SECRETARY again read Mr. Withers' amendment.

The amendment was rejected, there being on a division ayes, 20; noes, 36.

Mr. THOM: I move that the committee rise.

The CHAIRMAN: The question is on agreeing to the motion of the gentleman from Norfolk city that the committee rise. (Putting the question). The ayes seem to have it.

Mr. C. J. CAMPBELL: I call for a division.

There were on a division ayes, 33; noes, 18.

So the motion was agreed to, and the committee rose.

Mr Ayers having taken the chair as Presiding Officer, Mr. Wise reported that the Committee of the Whole had made some progress, but had come to no conclusion upon the matter referred to them.

Mr. BRAXTON: I move that the Convention do now adjourn until half past ten o'clock to-morrow morning.

The PRESIDING OFFICER: That motion is not in order, it being a motion to adjourn coupled with a condition.

Mr. BRAXTON: I move that the Convention adjourn.

The motion was agreed to, and (at 12 o'clock and 40 minutes P. M. the Convention adjourned until to-morrow, Friday, October 18, 1901, at 10 o'clock A. M.

HAPPENINGS IN RALEIGH.

The Gold Brick Swindlers—Military Notes—State Pensioners.

RALEIGH, N. C., October 17.—(Special.)—Attorney-General Gilmer says the notable case against the three "gold brick" swindlers now in Greensboro jail will be argued in the Supreme Court next Tuesday.

The case is of special interest, as this is the first of its kind in this State. The evidence is conclusive.

A Chicago lawyer will appear for the swindlers. These are the men who tried to victimize Paul Garrett, of Weldon, who so admiringly trapped them.

The contract for the $25,000 main building of the Methodist Orphanage here is to be soon awarded, but the work will hardly begin before next spring. It had been the hope to have work begun in September.

A letter to-day from Lieutenant Bradley J. Wootten, of the Seventh Cavalry, stationed at Havana, says Captain Gresham, his troop commander, leaves in a few days for Washington, and then goes to the Sixth Cavalry, at Manila as Major.

Lieutenant Wootten is now commanding the troop. Major Gresham was for two years military instructor at the Agricultural and Mechanical College here, and in 1898 mustered in the volunteers of the First and Second North Carolina regiments at Camp Russell here.

The Adjutant-General to-day sent out the last of the warrants in full of the claim for expenses incurred in the mobilization of the volunteers here in 1898.

The mourning for President McKinley will remain on the government building here until October 19th, a month after the burial at Canton. The flag will remain at half-mast until the same date. All other mourning has been removed.

The State charters the Martin County Telephone Company, of Williamston, capital $25,000.

OSTRICHES FOR THE STATE FAIR.

Half a dozen ostriches arrived to-day for the State fair. One is "Oliver W," a noted "trotter."

All the officials are surprised at the smallness of the number of pensioners on the new roll.

The auditor was sure a month ago there would be 10,000. Estimates ran from 9,500 to 10,000. There are only 8,627. These will get about $200,000, which is the limit under the new act.

WILLIAMSBURG.

A. T. Clowes Found Not Guilty—Other Notes.

WILLIAMSBURG, VA., October 17.—(Special.)—After being out since 6 o'clock yesterday afternoon, the jury in the case of the Commonwealth vs. A. T. Clowes, charged with assaulting Dr. L. S. Foster, brought in, at 8 o'clock this morning, a verdict of not guilty. Mr. Clowes was discharged.

This case has attracted much attention throughout the State. Dr. Foster was met in the Chesapeake and Ohio depot by Mr. Clowes, and severely handled.

Professor H. E. D. Wilson, principal of the Williamsburg Public Schools, has tendered his resignation, and asked to be allowed to cancel his contract with the school board to accept a better position in the city schools of Norfolk.

City Sergeant E. M. Lee has been very ill, but is slightly better.

Dr. W. F. Creasy, of Newport News, has been the guest of Mr. C. J. Pierson for several days.

Colonel C. H. Bovee, travelling passenger agent of the Chesapeake and Ohio railway, is in town.

Mrs. J. W. Rogers and Mrs. R. A. Chandler, of Yorktown, were here yesterday.

Mrs. W. H. Macon left yesterday evening for Richmond to spend several days.

The Eastern State Hospital Board is in session this evening.

Mrs. H. H. Ford left yesterday for Crystal Lake, Ill., her former home, to spend several weeks.

Miss Pattie Morecock left this morning for Newport News, where she will attend the launching.

The Hon. Boyd Sears, Commonwealth's attorney, of Matthews county, delivered an address to a large and enthusiastic audience Tuesday night in the Court-house here.

LYNCHBURG FAIR.

An Immense Crowd—The Great Trades Parade.

LYNCHBURG, VA., October 17.—(Special.)—This, the third day of the Lynchburg Fair and Carnival, attracted the greatest throng of visitors of the week, and the crowds were enormous on the street and at the fair grounds. The feature of the day was the trades parade, which had been in preparation by the business men for weeks. The pageant surpassed even the most sanguine expectations. It has never been equally in Virginia and probably never surpassed by a similar enterprise in any southern State. It was more than an hour passing a given point and was a brilliant spectacle from end to end, representing an outlay of thousands of dollars.

Captain Langhorne's troop of United States cavalry, Phinney's Band, and Danville and Roanoke bands, the Fire Department, and the Clifton Forge, and Lynchburg military companies took part. There were scores of elaborate and costly floats representing the wholesale, retail, and industrial branches of Lynchburg's people of the extent and diversity of the commercial and manufacturing interests of this city. The prizes were awarded as follows:

Adams Bros. & Payne first, C. H. Almond Dry Goods Company and J. R. Milliner Dry Goods Company tied for second. Charles McLeod's float representing a blacksmith shop in which a pony was shod while the procession moved, won third prize.

RESULT OF THE RACES.

Results of to-day races were as follows:

2:20 class, trotting—Annie Lawson won, Gallant C second, Stonewall third. Best time, 2:30.

2:30 class, trotting—Kosuth won, Willie H. second. Best time, 2:30.

Half-mile heats, running—Klondike won, Queen Esther second, Black Vigil third. Best time, 1:21.

Hurdle race, one and one half miles—Hurry Up won, Yellow Jacket second, Chrakune third. Time, 2:58.

CITY OF NEWPORT NEWS.

Long Distance Telephone Line Completed—About the Ships.

NEWPORT NEWS, VA., October 17.—(Special.)—The long distance telephone line which has been building down the Peninsular from Richmond, to-day reached the city limits and the work of making connections will begin at once.

The line will be in operation in a few days.

The coroner's jury investigating the murder of Charles Abrams at Oriana, has adjourned over until next Tuesday, before which time important evidence is looked for.

Washington and Jones, the negroes under suspicion, are still in jail and Sheriff Curtis, who was here to-day, seems to think it is only a question as to which one of the two did the killing.

Advices received here are to the effect that the new steamer Pokohonet, purchased at Philadelphia by President W. J. Payne, of the Newport News and Old Point Railway and Electric Company, for the Norfolk and Atlantic Terminal Company's Hampton Roads route, left to-day for Norfolk-on-the-Roads and will arrive to-morrow.

Albert Humphreys, of Chicago, who was appointed to succeed the late W. J. Bodell, as chief clerk in the Quartermaster's Department, at Fort Monroe, has arrived and entered upon his duties.

The steam collier Orion and ocean tug Taurus, towing the steel floating dock, from Baltimore to Algiers, La., are reported passing out of the capes, bound south.

Naval Constructor H. L. Ferguson, appointed to succeed Naval Constructor G. H. Rock, as assistant to Superintending Constructor A. W. Stahl, at the shipyard, has reported for duty. Mr. Rock goes to the Bath Iron-Works as superintending constructor.

Plans are being perfected for the organization of a West Virginia Coal Company, to fight the Pocahontas trust and to establish a direct coal line between this port and Marseilles.

O'BRIEN SHOOTING CASE.

The Locomotive Works Have Put a Detective to Work on It.

Superintendent Gillis, of the Locomotive Works, stated yesterday that there were no new developments in connection with the shooting affair of Saturday last at the works when John O'Brien was killed and C. M. Parker was seriously wounded.

It was learned from another source that a detective has been put at work on the case by the officials of the Locomotive Works.

When seen yesterday Chief-of-Police Howard stated that the affair occurred in the county and that the assistance of his department had not been requested. His men have not been at work on the case. Commonwealth's Attorney Richardson also stated that he knew of no developments or action by the city authorities in the matter.

The friends of O'Brien believe, as they have all along, that the shooting was accidental. They are glad, however, that the case is being thoroughly sifted.

Mr. C. M. Parker was reported by his physician to be getting along as well as could be expected and to be out of danger. He will be out in a few days. He lives at No. 2017 Venable street.

Company A of the Blues'.

Campany A, of the Blues' had its regular weekly drill last night under command of Lieutenant Hazen. Captain L. L. Cheatwood was present but was busily engaged during the drill at headquarters. A good drill was had.

After the men were dismissed a company meeting was held. After the transaction of routine business an invitation to assist the ladies in presenting the opera "Princess Bonnie" at the Academy of Music was read.

The invitation was accepted and a squad of volunteers will attend. One application for membership was read and referred to the Board of Sergeants. The following schedule of battalion drills was held.

Wednesday, October 23d, full dress.
Thursday, November 7th, service uniform.
Wednesday, November 20th, full dress.
Thursday, December 5th, service uniform.
Thursday December 12th, full dress.

Book and Job Printing neatly executed at the Dispatch Printing House.

Black Silk Etons.

These dressy and most effective Coats cover a cover a broad field of usefulness. They are supremely stylish, becoming to any figure, correct for any occasion. The quality and workmanship is of the highest order. The prices are enticingly small. For instance:

For $8.48 Etons of Black Peau de Soie, lace collars and fancy stitchings.
For $10.48 Etons of Black taffeta, bias tucked all over, trimmings of folded satin bands.
For $11.95 Etons of Black taffeta, tucked all over, trimmings of velvet.
For $11.95 Etons of fine taffeta, high Medici collar, with Black and White embroidery and White reveres.
For $14.84 Etons of Black Peau de Soie, Black applique embroidery. No collar.
For $15 Etons of Black taffeta, bias tucked and corded, elaborately trimmed with Venice lace and liberty velvet.

Fourqurean, Temple & Co.