Proceedings of the Constitutional Convention

OFFCIAL REPORT.

(CONTINUED FROM PAGE 7.)

it down.

Mr. BROWN: To reconsider the adoption of the section?

The PRESIDENT: Yes.

LEGISLATIVE DEPARTMENT.

Mr. McILWAINE: I move we take up the order of the day.

The motion was agreed to.

The PRESIDENT: The special order is the report of the Committee on the Legislative Department. The Secretary will read the first section.

The Secretary read as follows:

Article V.

"Sec. 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates."

The PRESIDENT: The question is on agreeing to the adoption of section 1 of the report.

Section 1 was adopted.

The PRESIDENT: The Secretary will read section 2.

The Secretary read as follows:

"Sec. 2. The House of Delegates shall be elected quadrennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall consist of not more than 100 and not less than 90 members."

Mr. FLOOD: I offer the following amendment to that section.

The Secretary read as follows:

"The House of Delegates shall be elected biennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall consist of not more than 100 nor less than 90 members."

Mr. FLOOD: Mr. President, it has been agreed between the chairman of the committee (Mr. Moore) and those who favor that amendment that a vote will be taken upon the amendment, but that it will not be reconsidered or finally clinched, so that it cannot be gotten at afterwards when subsequent sections of the article are passed upon.

Mr. R. WALTON MOORE: That it shall not be clinched by voting down a motion to reconsider.

Mr. FLOOD: Yes, sir. The effect of the amendment is to have the election for members of the General Assembly every two years, instead of every four years, as provided for in the report.

The PRESIDENT: The question is on the amendment proposed by the gentleman from Apomattox (Mr. Flood).

Mr. ROBERTSON: I call for the yeas and nays.

The yeas and nays were ordered.

Mr. C. J. CAMPBELL: Mr. President, I rise to a personal inquiry. I am told by some one here that those who favor biennial sessions should vote for the amendment, and those who favor quadrennial sessions should vote against the amendment. Is that correct?

Mr. R. WALTON MOORE: No, sir.

Mr. C. J. CAMPBELL: I simply rose for information.

Mr. R. WALTON MOORE: If I may be allowed to reply to the gentleman's question, I will state that those who favor biennial elections will vote for the amendment and those who favor quadrennial elections will vote against the amendment and for the section as it stands in the report. We are voting not on sessions, but on elections.

The PRESIDENT: The gentleman is correct. If you favor biennial elections, you will vote "yea." If you favor quadrennial elections, you will vote "nay."

The yeas and nays were taken.

Mr. WALKER: On this question I am paired with the gentleman from Augusta (Mr. Braxton). If he were present he would vote "nay" and I should vote "yea."

Mr. ALLEN: I am paired with the gentleman from Alleghany (Mr. Anderson). If he were present he would vote "nay" and I should vote "yea."

Mr. HARDY: I am paired with the gentleman from Alexandria (Mr. Smith). If he were present he would vote "yea" and I should vote "nay."

Mr. QUARLES: I am paired with the gentleman from Frederick (Mr. Harrison). If he were present he would vote "yea" and I should vote "nay."

Mr. GILMORE: I am paired with the gentleman from Fluvanna (Mr. Pettit). If he were present he would vote "yea" and I should vote "nay."

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

Mr. POLLARD: I am paired with the gentleman from Buckingham (Mr. Hubard). If he were present he would vote "yea" and I should vote "nay."

Mr. RICHMOND: I am paired with the gentleman from Shenandoah (Mr. Chapman). If he were present he would vote "yea" and I should vote "nay."

The question having been taken by yeas and nays, the result was announced, yeas 34, nays 39, as follows:

Yeas—Messrs. Ayers, Boaz, Bouldin, Bristow, Brooke, Brown, Cameron, Clarence J. Campbell, Dunaway, Earman, Eggleston, Epes, Fletcher, Flood, Garnett, Gillespie, Glass, Hamilton, Hancock, Hatton, Ingram, Keezell, Kendall, Mundy, O'Flaherty, Pedigo, Rives, Summers, Thom, Walter, Watson, Wise, Wysor, and the President—34.

Nays—Messrs. W. A. Anderson, Barbour, Barham, Manly H. Barnes, Thomas H. Barnes, Carter, Cobb, Crismond, Davis, Fairfax, B. T. Gordon, James W. Gordon, Gregory, Gwyn, Hooker, Hunton, Claggett B. Jones, Lawson, Lincoln, Lovell, Marshall, McIlwaine, Meredith, Miller, Moncure, R. Walton Moore, Orr, Parks, Phillips, Robertson, Stuart, Tarry, Thornton, Turnbull, Waddill, Wescott, Willis, Withers, and Yancey—39.

Not Voting—Messrs. Allen, George K. Anderson, Blair, Bolen, Braxton, P. W. Campbell, Chapman, Daniel, Gilmore, R. L. Gordon, Green, Hardy, Harrison, Hubard, G. W. Jones, Lindsay Thomas L. Moore, Pettit, Pollard, Portlock, Quarles, Richmond, Smith, Stebbins, Vincent, Walker, and Woodhouse—27.

So the amendment was rejected.

The PRESIDENT: The Secretary will read Section 3.

The Secretary read as follows:

Section 3. The Senate shall consist of not more than forty and not less than thirty-three members. They shall be elected for the term of four years in their respective districts. Each county, city and town of the respective districts shall, at the time of its first election of its delegate or delegates under this Constitution, vote for one or more Senators."

The PRESIDENT: The question is on agreeing to the adoption of Section 3 as read.

Section 3 was adopted.

The PRESIDENT: The Secretary will read the next section.

The Secretary read as follows:

Section 4 ....

Section 5. Any person may be elected Senator who, at the time of election, is actually a resident within the district and qualified to vote for members of the General Assembly, and eligible to office according to this Constitution; and any person may be elected a member of the House of Delegates who, at the time of election is actually a resident within the county, city, town or election district, and qualified to vote for members of the General Assembly and eligible to office according to this Constitution. But no person holding a salaried office under the United States government o under the State government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly shall vacate any such office held by him. The removal of any person, elected to either house of the General Assembly from the city, county, town or district for which he is elected, shall vacate his office.

The PRESIDENT: The question is on agreeing to the adoption of Section 5, as read.

Section 5 was adopted.

Mr. WALTON MOORE: I move to reconsider the vote by which Section 5 was adopted.

Mr. FLOOD: I will ask the Chairman whether he had not better defer the motion to reconsider. There may be some consequential amendments to go in there.

Mr. R. WALTON MOORE: I do not anticipate there will be.

Mr. BARBOUR: Mr. President, an amendment put into this section in Committee of the Whole does not seem to be here. It was an amendment requiring the qualification of a person elected to vacate his office, instead of the mere election.

Mr. R. WALTON MOORE: I recall very well that amendment was put in.

Mr. BARBOUR: It was put in in Committee of the Whole, but it does not seem to be in here now.

The PRESIDENT: It may go in by unanimous consent.

Mr. O'FLAHERTY: Mr. President, I wish to say that none of us over here have any of these reports, and we cannot hear what is going on. I do not like to delay the proceedings, but we have never had the reports.

The PRESIDENT: The Chair is informed they have been put in the books of members.

Mr. O'FLAHERTY: They have not been put around here. I have looked in the book and everywhere else.

Mr. R. WALTON MOORE: Mr. President, in order that section 5 may be perfected in accordance with the understanding that was reached in Committee of the Whole, I withdraw for the present the motion to reconsider, and ask that Section 6 be read.

The PRESIDENT: The Secretary will read Section 6.

The Secretary read as follows:

Section 6. The members of the General Assembly shall receive for their services a salary to be ascertained by law, and paid out of the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members of the General Assembly voting thereon were elected, and no member of the General Assembly, during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by election by the people."

The PRESIDENT: If there are no amendments proposed, the question is on agreeing to the adoption of section 6, as read.

Section 6 was adopted.

Mr. R. WALTON MOORE: I move to reconsider the vote by which Section 6 was adopted.

The motion was rejected.

The PRESIDENT: The Secretary will read Section 7.

The Secretary read as follows:

Section 7. The General Assembly shall meet on the second Wednesday in January next, succeeding the election of members thereof. It shall meet in regular session once in four years, and not oftener unless convened in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than ninety days without the concurrence of three-fifths of the members elected to each house, in which case the session may be extended for a further period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed and shall receive a salary for not exceeding ninety days at any regular session, and for not exceeding thirty days at any exta session. Neither house of the General Assembly shall, without the consent of the other, adjourn for more tha nthree days, nor to any other place than that in which the two houses shall be sitting. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have the power to compel the attendance of absent members in such manner and under such penalty as each house may prescribe.

Mr. FLOOD: Mr. President, I offer the following amendment.

Mr. BARBOUR: Will the gentleman yield to me for a moment?

Mr. FLOOD: Certainly.

Mr. BARBOUR: I ask unanimous consent that we may return to Section 5 and perfect that language by inserting the words "and his qualifications thereto" in line 17 after the words "General Assembly."

The PRESIDENT: The gentleman from Culpeper (Mr. Barbour) asks unanimous consent to return to Section 5 for the purpose stated by him. Is there any objection? The Chair hears none. Will the gentleman offer his amendment?

Mr. BARBOUR: I move to amend by inserting the words "and his qualifications thereto" after the words "General Assembly" in line 17. That amendment was adopted in Committee of the Whole, but seems to have been overlooked.

The PRESIDENT: The question is on agreeing to the amendment proposed.

The amendment was agreed to.

Mr. R. WALTON MOORE: I now move toreconsider the vote by which Section 5 was adopted.

The PRESIDENT: The question is on the motion to reconsider the vote by which Section 5 was adopted.

Mr. THOM: Mr. President, as I understand, if the amendment is introduced and voted on favorably, then the section will have to be adopted as amended, which has not been done.

The PRESIDENT: The gentleman is correct. The question is on agreeing to the section as amended.

Section 5 as amended was adopted.

The PRESIDENT: The question is on the motion of the gentleman from Fairfax (Mr. Moore), the Chairman of the Committee, to reconsider the vote by which Section 5, as amended, was adopted.

The motion was agreed to.

The PRESIDENT: The gentleman from Appomattox (Mr. Flood) offers an amendment to Section 7, which the Secretary will read.

The Secretary read as follows:

In section 7, line 3, at the end of the line, insert "two" in place of "four." In Section 7, line 7, substitute "sixty" for "ninety." In line 12, substitute "sixty" for "ninety."

The PRESIDENT: The question is on agreeing to the amendment.

Mr. FLETCHER: Mr. President, and gentlemen of the Convention——

Mr. FLOOD: Mr. President, it seems to me the amendment ought to be read.

The PRESIDENT: It has been read.

Mr. FLOOD: The amendment has been read, but the section ought to be read as it would stand if the amendment were agreed to.

The PRESIDENT: The Secretary will read the section as it will stand if the amendment is adopted.

Mr. FLOOD: It is only necessary to read it down to line 12 of section 7.

The Secretary read as follows:

"The General Assembly shall meet on the second Wednesday in January next, succeeding the election of members thereof. It shall meet in regular session once in two years, and not oftener, unless convened in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days without the concurrence of three-fifths of the members elected to each house in which case the session may be continued for a further period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed and shall receive a salary for not exceeding sixty days," etc.

Mr. INGRAM: Mr. President, and gentlemen of the Convention, in the "declaration against the company, to be entered as the twenty-first act" of the Grand Assembly of Virginia, 1642, we read: "The present happiness in exemplified to us by the freedom of yearly assemblies warranted unto us by his Majestie's gracious instructions, and the legal trial per juries in all criminal and civil causes where it shall be demanded." And every student familiar with the political history of our Commonwealth knows that these yearly assemblies were continued after the foundation of the Republic until some few years ago, when, on account of our State debt and the impoverished condition of our treasury, biennial sessions of the Legislature were made necessary. And now, Mr. President, in the judgment of the Legislative Committee it is thought wise to provide for quadrennial sessions of the Legislature as being most conducive to the general welfare. This startling proposition is championed with great ability by members of this body on two grounds, as I recall their speeches—first, on the ground that too frequent legislation is dangerous, and, second, on the score of economy. The gentleman from Roanoke, who is ever frank and fair, in a very attractive speech gave his support to the proposition on the first ground, and instanced some examples of vicious legislation by our "General Assembly" in recent years. This argument, I most respectfully submit, carried to its legitimate conclusion, would make it obligatory on us to abolish the Legislature altogether. This, of course, he did not mean, nor does he so intend. Per contra, much of the legislation has been wise and necessary, but to sustain the necessity of retaining the Legislative Department of a free government, precedents need not be cited or named.

When Grenville, in 1776, cited the authority of divers cases to show that America might be taxed without representation, Pitt answered: "I come not here armed at all points with the statute book double-downed in dogs' ears to defend the cause of liberty. I can acknowledge no veneration for any procedure, law or ordinance that is repugnant to reason or the first principles of our Constitution." Where burns among our sister States the lamp of experience to guide us in this most important matter? What has been their action in this regard? The chairman of the committee, the accomplished gentleman from Fairfax, who represents on this floor the county of George Mason, and that, too, with conspicuous ability and never failing courtesy, points us to the action of Alabama, and possibly, I do not now recollect, to one or two other States; but the great, I may say the unanimous, action of all the States has been against the proposition. Massachusetts, with its splendid record of safe, conservative and beneficial legislation, has annual sessions of its Legislature. This is the rule in the progressive States of the Union. Quadrennial, and even biennial, sessions are the exceptions. By following the experimental example of Alabama, I am reminded of the discourse of the great Fuller as to how far examples are to be followed. He mentions the abuse of them by those who, though they have room enough besides, yet delight to walk on a narrow bank near the sea, and have an itch to imitate these doubtful examples, wherein there is great danger of miscarrying. The argument I submit is not so much that the State would suffer from the lack of new laws, that new conditions would demand, which would often occur, but rather, if the Legislature should enact unwise laws, the remedy would be in abeyance for four years. The answer to this, however, by the committee is that there would be extra sessions of the Legislature. This, in some instances, would be so; in many others it would not be so. Whenever political mistakes were made, and there was a great outcry on the part of the people, I concede that oftentimes this would be the result. But, Mr. President interests of a business and commercial character, wherein the element of politics did not enter, would drag and suffer, in my judgment, to an incalculable extent. Edmond Burke, in his great speech "On Conciliation with America," says there are "none of us who would not risk his life rather than fall under a government purely arbitrary. But, although there are some among us who think our Constitution wants many improvements to make a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking everything that is dear to him. In every arduous enterprise we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are the cords of man." And yet, Mr. President, the action of this committee will sever or seriously injure one of the most vital cords in the autonomy of our State. Again, Mr. President, can it be wise and judicious for our appropriation bills to be made for as long a time as four years? Would there not be great danger to the Commonwealth in so doing? Can it be satisfactorily done? Until I listened to the speech of the gentleman from Fairfax, I confess I thought at least there was some doubt on the question. He seems to have none, however; but I can but feel that, along with the rest of mankind, he sometimes is mistaken. In this regard I think we had better "bear the ills we have than fly to others we know not of."

In the Convention of 1829-'30, Judge John Scott, a jurist and patriot of great ability, said that: "The guarantee of interest constitutes the chief difference between republican and aristocratic or monarchical governments. The responsibility of public agents resolves itself into this principle. By causing the law-maker to mingle with the people and be subject to the laws which he has enacted, you make it to his interest to enact just laws. By subjecting him to re-election at short intervals, you make it his interest to consult the welfare of his constituents in order that he may be re-elected. The annals of mankind occasionally set before us examples of self-sacrifice on the altars of patriotism and virtue, but they are few when compared with the sacrifices of patriotism and virtue on the altars of ambition and avarice; and serve by their splendor to render more visible the dark shades of human character."

This is as true now as when uttered by Judge Scott. I have an idea, Mr. President, that the gentlemen who advocate this new thing under the sun in this Commonwealth will find themseives politically, at least, at no distant day in the position of Orgeterix. He, if you recall, was desirous of new things, and after his capture was thrown into prison, and Caesar tells us that on the next morning after his imprisonment, when his cell was opened, he was found to be dead, and, Caesar adds, "that suspicion was not wanting but that Orgeterix came to his death by his own hand." Or, perhaps, their fate will be like that of Memnon, "who went to the Trojan war in beautiful armor and flushed with popular praises where, thirsting after further glory, and rashly hurrying on to the greatest enterprises, he engages the bravest warrior of all the Greeks, Achilles, and falls by his hand in single combat. Jupiter, in commiseration of his death, sent birds to grace his funeral, that perpetually chanted certain mournful and bewailing dirges. It is also reported that the rays of the rising sun, striking his statue, used to give a lamenting sound."

Why, Mr. President, the very suggestion of such political obsequies for our friends makes us shudder and grow sick at heart. For myself, unless forced to do so, I shall not partake of such funeral baked meats.

There is another, to my mind, very cogent reason why quadrennial sessions of the Legislature should be avoided; and that is, that at stated and recurring periods both of our United States Senators will be elected at the same time. The figures I have not at hand, but the gentleman from Portsmouth, who is very able and accurate, has made the calculation, and will doubtless furnish them, if you care to see them. Is this desirable? Is this desired? The second ground urged for quadrennial sessions is that it would result in economy.

Economy, Mr. President and gentlemen of the Convention, in the administration of the government, is proper and right, but there is such a thing as a "saving to the hundred and a loss to the shire;" and the people will be slow to understand an economy that seeks to seriously impair the efficiency of that branch of the government in which they are most interested—the law-making department. This meeting together at not infrequent periods of their representatives to curb and put down tyranny and oppression, if necessary, and to perpetuate for them free institutions, means a great deal to them. And they did not intend that, either directly or indirectly, we should take it away from them. I cannot bring my mind to the conclusion that this fatal step will be taken. It has been truly said "That the legislative function is by far the most important one in any free government. It is the supreme power of the State. All others are insignificant in comparison to it, inasmuch as all the others are bound to obey its will. The Executive is absolutely controlled by it in all the details of his administration. It marks out the path in which he shall walk. The Legislature can appoint the judges; it can do more, it can command within, of course, constitutional limits, what they shall do after they are appointed. All the legal justice we get is manufactured at the seat of legislation and sent down in bulk to the courts, where it is distributed among the people according to the wants and merits of each individual. The Legislature regulates the practice of the courts, makes and unmakes the rules of evidence, and furnishes the standard of decision for every cause. It defines all public offenses and supplies the remedy for every private wrong. The taxing power enables them to descend as deep as they please into the pockets of the people of every class, and it has absolute control and appropriates all the revenue after it is collected. What is a still higher consideration, they are the guardians of public morality. It depends upon them whether virtue shall be promoted or vice or crime be encouraged." And yet, Mr. President, this body by our decree is to be told that it must not meet except under certain contingencies save at intervals of four years.

In conclusion, Mr. President, I would say that never before have I regretted more than I do on this occasion my lack of power as a speaker, for I should like to present this question to you as it appears to me. It is fraught with great danger to the Commonwealth, and upon its proper determination depends in a large degree the peace, the prosperity and the advancement of our dear old State. Bear in mind, gentlemen of the Convention, "It is good, also, not to try experiments in States, except the necessity be urgent, or the utility evident; and well to beware that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation; and, lastly, that the novelty, though it be not rejected, yet be held for a suspect; and, as the Scripture saith, "that we make a stand upon the ancient way, and then look about us, and discover what is the straight and right way, and so to walk in it." (Applause.)

The PRESIDENT: The question is on agreeing to the amendment of the gentleman from Appomattox (Mr. Flood), which the Secretary will read.

The Secretary read as follows:

In line 3, section 7, strike out the word "four," and insert the word "two." In line 7 strike out the word "ninety" and insert the word "sixty." In line 12, strike out th word "ninety," and insert the word "sixty."

Mr. FLOOD: I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. HARDY: On this question I am paired with the gentleman from Alexandria (Mr. Smith). If he were present he would vote "nay" and I should vote "yea."

Mr. WALKER: I am paired with the gentleman from Augusta (Mr. Braxton). If he were present he would vote "nay" and I should vote "yea."

Mr. GILMORE: I am paired with the gentleman from Fluvanna (Mr. Pettit). If he were present he would vote "yea" and I should vote "nay."

Mr. POLLARD: I am paired with the gentleman from Buckingham (Mr. Hubard). If he were present he would vote "yet" and I should vote "nay."

Mr. QUARLES: I am paired with the gentleman from Frederick (Mr. Harrison). If he were present he would vote "yea" and I should vote "nay."

Mr. YANCEY: I am paired with the gentleman from Aleghany (Mr. Anderson). If he were present he would vote "nay" and I should vote "yea."

Mr. RICHMOND: I am paired with the gentleman from Shenandoah (Mr. Chapman). If he were present he wuold vote "yea" and I should vote "nay."

Mr. R. L. GORDON: I am paired with the gentleman from Greenesville (Mr. Vincent). If he were present he would vote "yea" and I should vote "nay."

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

The question having been taken by yeas and nays, the result was announced, yeas 38, nays 37, as follows:

Yeas—Messrs. Allen, W. A. Anderson, Boaz, Bouldin, Bristow, Brooke, Brown, Cameron, P. W. Campbell, Davis, Dunaway, Earman, Eggleston, Epes, Fletcher, Flood, Garnett, B. T. Gordon, Hamilton, Hancock, Hatton, Ingram, Claggett B. Jones, Keezell, Kendall, Mundy, O'Flaherty, Pedigo, Portlock, Rives, Thom, Waddill, Watson, Wise, Wysor, and the President—38.

Nays—Messrs. Ayers, Barbour, Barham, Manly H. Barnes, Thomas H. Barnes, Clarence J. Campbell Carter, Cobb, Crismond, Fairfax, Gillespie, James W. Gordon, Gregory, Gwyn, Hooker, Hunton, Lawson, Lovell, Marshall, McIlwaine, Meredith, Miller, Moncure, R. Walton Moore, Orr, Parks, Phillips, Robertson, Stuart, Summers, Tarry, Thornton, Turnbull, Walter, Wescott, Willis, and Withers—37.

Not Voting—Messrs. George K. Anderson, Blair, Bolen, Braxton, Chapman, Daniel, Gilmore, R. L. Gordon, Green, Hardy, Harrison, Hubard, G. W. Jones, Lindsay, Thomas L. Moore, Pettit, Pollard, Quarles, Richmond, Smith, Stebbins, Vincent, Walker, Woodhouse, Yancey—25.

So the amendment was agreed to.

The PRESIDENT: If there are no further amendments to the section the Secretary will read the next section.

Mr. WITHERS: Mr. President, I do not rise to make any captious fight at all. I am perfectly willing to abide by the decision of the Convention. I simply want to offer a consequential amendment to section 2, which was left open for this purpose. I do not mean it was left open for the purpose of my individually offering the amendment, but for the purpose of allowing opportunity for amendment.

Mr. FLOOD: I suggest that we can go back to that latter.

Mr. WITHERS: I desire to offer it while it is fresh, and let the question be decided. I do not want to raise any time-killing fight.

Mr. R. WALTON MOORE: Will the gentleman permit me to interrupt him for a moment?

Mr. WITHERS: Yes, sir.

Mr. R. WALTON MOORE: Section 2 was adopted.

Mr. WITHERS: I understand; but I want to offer an amendment.

Mr. R. WALTON MOORE: I thought the gentleman stated moment ago it had been left open.

Mr. WITHERS: I meant the motion was not made to reconsider and that motion voted down. I simply want to offer as an amendment the word "biennial" in place of the word "quadrennial," in lines 1 and 2 of section 2. I do so for the reason that, so far as quadrennial or biennial sessions are concerned, I am not in the least disturbed, but I do want the elections to correspond to the sessions so that the oft-repeated arguments of gentlemen who have insisted that the Legislature should come fresh from the people may be actually realized. If we have quadrennial sessions I believe in quadrennial elections. If we have biennial sessions I believe in biennial elections, that there may be no hold-overs in either House or Senate.

Mr. R. WALTON MOORE: As I understand, the gentleman would then propose that section 3 be amended so that the Senators shall also be elected biennially?

Mr. WITHERS: Exactly, sir. That is just what I want to follow it up with.

Mr. R. WALTON MOORE: The gentleman's purpose now is that biennial elections shall be provided for?

Mr. WITHERS: Biennial elections of Senators and members of the House of Delegates.

Mr. R. WALTON MOORE: The entire General Assembly?

Mr. WTIHERS: The entire General Assembly?

Mr. WITHERS: Yes, sir.

Mr. O'FLAHERTY: I move a reconsideration of the vote just taken on the amendment of the gentleman from Appomattox (Mr. Flood).

Mr. WTIHERS: Mr. President, I rise to a point of order.

Mr. R. WALTON MOORE: I desire to say I think it is in accordance with the understanding of the gentleman from Appomattox and myself that we shall not attempt to finally dispose of these matters until the Convention expresses its wish in regard to the whole subject.

Mr. FLOOD: That was the agreement, Mr. President. I think we ought——

Mr. WITHERS: I raise the point of order that I have already submitted a motion for the consideration of the Convention, and the Chair recognized me to do so.

The PRESIDENT: The point of order is sustained.

Mr. WITHERS: I desire to say, Mr. President, that I have to first offer a motion to reconsider that section in order that the amendment may be offered.

The PRESIDENT: The Chair was about to put that motion.

Mr. FLOOD: I move to pass that motion by, for the reason that the gentleman from Fairfax (Mr. Moore), chairman of the committee, agreed with us who had been interesting ourselves in behalf of biennial sessions and biennial elections, that this section should not be finally closed until the matter was disposed of. We who were in favor of biennial elections and biennial sessions thought we were at a disadvantage as to the position in which the section comes, and that we were stronger on biennial sessions than we were on biennial elections. We thought that if, after the question of biennial sessions had been passed upon, we could go back to the question of biennial elections, we would strengthen ourselves. When we were in that position, the gentlemen who opposed our position agreed that we should have that advantage. I think we ought to have that. I do not think this matter ought to be taken up and reconsidered until the whole question is disposed of in accordance with the agreement those gentlemen made.

Mr. R. WALTON MOORE: Mr. President, it does not seem to me there is any agreement which stands in the way of the motion made by the gentleman from Danville (Mr. Withers). It was understood that we should vote upon the sections of the report in their proper order, but that there should be no motion to reconsider voted down which would finally fix the action of the Convention on sections 2 and 3, but that after those sections were acted on, we should proceed to section 7.

Now, we have dealt with section 7 and by a majority of one the Convention has adopted an amendment in favor of biennial sessions. That section has then been voted upon and disposed of. I can see no earthly reason why we should not return to sections 2 and 3, in the way suggested by the gentleman from Danville, in order that we may complete our voting upon this entire subject and get rid of it to-day in one way or another.

Mr. FLOOD: I will say to the gentleman that section 7 is not completed and the question of biennial elections is not completed. According to the agreement, there ought to be a motion to reconsider the resolution by which quadrennial elections were decided upon.

Mr. R. WALTON MOORE: That is what the gentleman proposed.

Mr. FLOOD: I did not understand that.

Mr. R. WALTON MOORE: I object to any motion for reconsideration being voted down, because then the Convention has tied its hands. I think we all desire to express fully and fairly our view upon this entire subject. We have had votes upon the matter of quadrennial elections and upon the matter of quadrennial sessions. We have gotten that far. It strikes me that the orderly way is to proceed in the manner indicated by the gentleman from Danville, and to return to the subject of the number of elections and determine whether we will make a change there and have quadrennial elections or biennial elections.

Mr. WITHERS: Mr. President, in justice to myself let me say that I knew nothing of an agreement, so far as I was individually concerned, and I am not a party to it. I do not want to interfere with the arrangement between the respective leaders of the two sides, but I cannot understand how, if the gentleman from Appomattox and myself are both in favor of biennial elections, we can split upon being willing to settle that question. I simply want to settle all questions at once.

Mr. FLOOD: I will say to the gentleman that since the statement made by the gentleman from Fairfax (Mr. Moore) that he has no objection to it, I do not differ with him except I think the motion to reconsider the vote on biennial sessions ought to be taken first. That is the only difference. I was just trying to carry out the arrangement I made in good faith, and I made the statement for that purpose.

Mr. WITHERS: I will state to the gentleman from Appomattox that whatever the result of my motion, I will be perfectly willing to vote to reject the motion to reconsider and clinch the vote on each section, but I desire an opportunity to offer the amendments before the motion is made.

Mr. R. WALTON MOORE: In order that there may be no misapprehension, I unite with the gentleman from Danville in the desire that we shall dispose of this entire subject. At the same time I wish to state that I can see no reason why biennial sessions having been adopted should debar us from quadrennial elections, and I shall not vote for the motion of the gentleman from Danville to undo what we have done in respect to the number of elections. I am for quadrennial elections and I think quite a large majority of the committee is in favor of quadrennial elections, although the sessions may be biennial.

The PRESIDENT: The gentleman from Danville (Mr. Withers) moves to reconsider the vote——

Mr. FLOOD: Mr. President, I rise to a point of order. We are considering section 7. I do not think it is in order to drop section 7 in the middle of it and go back and take up another section which has been passed over.

Mr. R. WALTON MOORE: Your amendment was adopted.

Mr. FLOOD: But all the section has not been adopted.

Mr. R. WALTON MOORE: I move that section , be adopted as amended.

Mr. WITHERS: What I want to do is to move to reconsider.

Mr. FLOOD: I suggest to the gentleman he had better not make any motion of that sort now. I do not think the section ought to be adopted in the shape it is in. I desire to offer another amendment to it.

The PRESIDENT: The Chair thinks the point is well taken. He supposed the consideration of section 7 had been completed.

Mr. O'FLAHERTY: Then I renew my motion to reconsider the vote by which the amendment of the gentleman from Appomattox was adopted.

Mr. R. WALTON MOORE: I would remind the gentleman that the gentleman from Appomattox says he desires to offer a further amendment.

The PRESIDENT: The gentleman from Appomattox has the floor for that purpose. The Chair has recognied him.

Mr. FLOOD: I yield to the gentleman from Warren to make the motion to desires to make.

Mr. O'FLAHERTY: Mr. President, I understand the gentleman from Appomattox wants to make other amendments, which do not affect this at all. I ask that the motion to reconsider be voted down. My motion is to reconsider the vote by which the amendment of the gentleman from Appomattox was adopted.

Mr. PARKS: Mr. President, I hope the motion to reconsider will not be voted down but that it will prevail, and that we may reconsider this matter. It is a most important question. I never raise my voice if there is a decided majority against me, but here an important question has been decided by only one vote, a vote of 38 to 37, the question being whether the Legislature shall meet once every two years or once every four years.

Mr. President, in my section of the State, one argument made before the people in behalf of the assembling of a Constitutional Convention was that the affairs of the State were being administered at too great an expense, and that the Constitution could be so changed as to save the people's taxes. It has been said in advocacy of biennial sessions that at one time we had annual sessions, and they were changed to biennial sessions on account of the impoverished condition of the treasury. Whether there were other reasons for changing it or not does not matter; but accepting as true the statement that the change was made because of the impoverished condition of the treasury, I ask if any harm has resulted to the Commonwealth of Virginia by that change, and by the failure of the Legislature to meet every year. The Legislature has assembled every two years. The wants and wishes of the people have been met and consummated. There has been a sufficiency of laws enacted. The rights of the people have been protected and subserved. Now, then, when we want to change to four years, the very same argument is made that was used against the change to two years, and yet by the change to four years we could save the people a large amount of money. What the people want——

Mr. FLOOD: Will the gentleman permit me to ask him a question?

Mr. PARKS: Yes, sir.

Mr. FLOOD: How much money will you save?

Mr. PARKS: We will save certainly the amount of money that is expended by the Legislature in one session, if it meets every four years.

Mr. FLOOD: Does the gentleman understand that the proposition is to have sixty-day sessions instead of ninety-day sessions, and that the difference in the amendment and the report is thirty days in four years, and that the whole saving will not be over $30,000 for the four years, or $7,500 a year?

Mr. PARKS: Well, sir, it is $30,000 a year. That is a considerable item to the people of Virginia.

Mr. FLOOD: I did not say $30,000 a year.

Mr. PARKS: Well, $30,000 in four years is an item to the people of Virginia.

[illegible]

INQUEST INTO TUNNEL DISASTER.

On Foggy Days Lights Can Be Seen Only Short Distance.

NEW YORK, January 16.—The Coroner's inquest to determine the responsibility for the death of seventeen persons in the New York Central railroad tunnel last week was begun to-day.

John Franklin, manager of the Grand Central Depot, admitted that he had received many complaints from trainmen regarding the signal lights in the tunnel. These men hal called his attention to the fact that on foggy days the lights could be seen only a very short distance. "So, especially during the winter months in New York," District-Attorney Jerome asked, "there are many days on which the signals in the tunnel can be seen only a very short distance?" Witness admitted that this was the case. On the day of the wreck, however, he said, he considered that the conditions were very favorable. Nothing in particular, he said, had been done about the complaints of the engineers concerning the lights.

AGAINST ANTI-SCHLEY BOOKS.

Baltimore County Convention Wants Them Barred from Schools.

BALTIMORE, MD., January 16.—The Baltimore county tax-paying convention has placed a ban upon any text-book which does not give Rear-Admiral W. S. Schley credit for the naval victory at Santiago.

A resolution was unanimously passed calling upon the Baltimore county delegation in the Legislature to have a law enacted which will prohibit the use of such text-books in the public schools of the county.

Wold Spare Him.

(Boston Post.)

"Johnny," said his mother to the incorrigible, "I am going to have your father whip you when he comes home to-night!"

"Please don't, mamma," replied Johnnie, penitently, "paw is allus so tired when he comes home."

A RACE OF GIANTS

WONDERFUL FOSSIL REMAINS IN THE FAR WEST.

FINDS OF PRICELESS VALUE

To the Scientific World—Explorations of Great Graveyards—Some Experiences of Bone Hunters—Museums Being Enriched—An Immense Toad—Prehistoric Monsters—No Child's Play the Task.

(Pittsburg Dispatch.)

Recent important discoveries of fossils in Colorado, Wyoming, and Texas have set scientists to work with renewed vigor in digging up the vast prehistoric burying ground that extends from the Gulf of Mexico to the Canadian line. Field Columbian Museum, of Chicago, has been enriched by a complete skeleton of a dinosaur, found by Professor Riggs in Colorado, almost equal to the great skeleton found by Professor Reed, of the University of Wyoming, in the fossil fields near Laramie. An expedition from the United States National Museum has found evidences of the pliohippus, or three-toed horse, in Texas, and a similar expedition is now searching for traces of this tiny animal in Eastern Colorado. New fields are constantly being discovered, and the Rocky Mountain States in particular are yielding fossil treasures that are attracting the attention of scientists in every part of the world.

Wyoming contains some of the oldest and most famous fossil fields in the West. Since 1877 the State has been known to contain the petrified remains of some of the largest land animals that ever lived. In that year Professor Marsh, of Yale, and Professor Cope, of the University of Pennsylvania, began a systematic exploration of the fossil fields of the State. Professor Cope continued his study until his death, a few years ago, and Professor Marsh was at work upon an elaborate monograph for the United States Geological Survey when he died in 1899. For many years Professor Marsh had field parties continually at work in the State, and the crowning result of his labor was the discovery of the world-famous dinosaur in the Laramie fields by Professor Reed. This Wyoming dinosaur, in comparison with Professor Marsh's famous brontosaur restoration at New Haven, was as three to one. Professor Reed gives it as his opinion that the animal when alive must have weighed about 60 tons, that its neck was 30 feet in length, and that its tail was 60 feet. Its ribs are about 9 feet in length and the cavity of its body would have made a hall 34 feet long, 16 feet wide, and 12 feet high. A round steak taken from the ham of the animal would have been at least 12 feet in diameter or more than 35 feet in circumference, and would have had a solid bone in the middle 12 by 41 inches.

A set of fours in cavalry could easily have ridden abreast between its front and hind legs. One foot of the animal must have covered at least a square yard of earth. The smallness of the head of this animal is a peculiar feature. The head of the mightiest of dinosaurs was probably not larger than a 10-gallon keg, and its brain cavity warrants the belief that that organ weighed not to exceed four or five pounds. When the entire skeleton was brought in from the fossil fields, after many months of careful work in excavating, there was no building in Laramie large enough to contain it, and the bones were placed temporarily on the campus of the University of Wyoming.

PREHISTORIC MONSTERS FOUND.

One of the best fossil fields in the country is near Denver, Col. In the foothills of the Rockies, a few miles west of the Colorado capital, some almost complete skeletons of prehistoric monsters have been found. Another good field in Colorado is near Grand Junction, on the western slope. In this field a nearly perfect skeleton of a dinosaur was found within the last few months. In the eastern part of the State, on the broad level plain that stretches to the Mississippi, scientists are confident that the three-toed horse used to roam in great numbers. Some bones of this horse have been found in Texas and in Colorado, and some learned gentlemen from the National Museum are even now prospecting with the enthusiasm of miners, in both States, hoping to be rewarded with a skeleton that will admit of a complete restoration. Enough has been found to show that the horse was very abundant in North America in the Pleistocene time. Indeed, so fresh are some of the fossil remains that some scientists believe that the horse lingered in Texas until only a short time before the coming of the white man. The three-toed horse lacks the lower part of his side toes, just as science says that some day man will lack the last bones of his little toe. From these animals science has traced the development of the horse to the animal of to-day. Professor Frederick A. Lucas, of the National Museum, says that the many-toed horse was simply adapted to its environment. The day of the little animal was at the beginning of the great series of changes by which the lake country of the West, with its marshy flats and rank vegetation, became transformed into dry uplands, sparsely clad with fine grasses. As the uplands became dryer, the toes of the horse, which were useful only in preventing the animal from sinking in boggy ground, began to disappear, and the horse of to-day is the result of this evolution.

A GIGANTIC TOAD.

The horned toad of to-day is the nearest suggestion we have of the triceratops, a restored skeleton of which is nearly twenty-five feet in length. The remains of this animal are found in Wyoming and Colorado. The triceratops must have been the champion fighting animal of past ages, and its skull is fitted with two and sometimes three horns. In the National Museum there is a horn which is broken midway between the tip and the base. It is evident that the horn was broken during life, owing to the fact that the stump is healed and rounded over, while the other horns show that the owner lived to a ripe old age.

The fossil collection of the University of Wyoming is the finest known to science, outside of that at Yale. This collection, which was nearly all gathered from the Rocky Mountain country, can be summed up as follows: Ten ichthyosaurs, three plesiosaurs, one megaleneusaur, and the remainder of the collection dinosaurs. In the tertiary formation, some of which groups occupy the Big Horn basin, Wind-River Valley and the forks of the Cheyenne river, hundreds of species of vertebrates have been reported, and most of them are mammals. Some are of elephantine size and others are not larger than a rabbit. The mammals were not the only life in this prehistoric wonderland of the West. Many of the fresh-water lakes of early periods were swarming with turtles, fishes, and crocodiles, the remains of which are to be found in great abundance. The fossil fish in the Green river (Wyoming) shales are the finest known, and choice specimens are held at $100 and higher. Associated with the fishes are numerous fossil insects that are rare specimens and highly valued by collecters.

The difficulties of fossil collecting are enormous. To a certain extent collecting is a profession, and the man who invades a western field for the purpose of securing evidences of life in past ages must not only have special scientific training, but he must have courage, persistence, and hardihood to a marked degree. The best fossil fields are sometimes in those wild, unwatered districts where even cactus finds hard work to grow. The collector must carry his supplies, and the chances are that he will find himself many miles away from water and with only a drop left in his canteen. He must then face the greatest danger that besets a man in the western country—that of death from thirst. Often when water has been found it is impregnated with alkali, and, as one veteran collector expressed it, has little to recommend it save wetness. The born and trained collector is not only a naturalist, but a geologist. He knows the color of the rocks in which fossils are most likely to be found and his eye is quick to see a piece of bone protruding from a rock or lying among the shale. Sometimes he works weeks and months without so much as a glimmer of success. One of the most eminent of scientists, Dr. Wortman, recently spent almost an entire season in the field without finding anything, and then he literally stumbled on the famous skeleton of the phenacodus.

EXASPERATING FAILURES.

A party from Princeton recently camped within one hundred yards of a rich deposit of fossils, yet failed to discover the treasure. An American museum expedition only three years ago found several valuable skeletons within a quarter of a mile of a railroad in Wyoming, and in sight of several quarries that had been opened by Professor Marsh over twenty years before. The collector never knows where he is going to unearth some treasure, and it is this element of chance that makes the pursuit so fascinating in the eyes of the professional bone hunter. Two years ago the Union Pacific railroad paid the expenses of a large party of scientists during a bone-hunting trip in Wyoming. Many valuable finds were made, and several universities, East and West, were made considerably richer by excellent fossil collections. Thus far the work of bone collecting has been carried on only by institutions having ample funds or by wealthy persons who have become interested. The cost of conducting an expedition is considerable, as the party must have a large outfit, including pack horses, etc., but the returns are generally adequate, from a scientific standpoint, and some of the bones that have been found are worth more than their weight in gold.

After a fossil hunter has found evidences of the bones of some prehistoric monster his work has only begun. Probably Nature has started the work of excavation by washing away a part of the upper surface, thus exposing enough of the bone to catch the eye of the fossil hunter. The collector now determines if the skeleton is in comparatively loose shale or is in solid rock and whether the strata are level or dip into the hillside. Most of the large reptiles that have been collected have rested in shale, and have been dug out with pick and shovel. In many cases, however, the remains lie in firm rock, and it is necessary to work with hammers, wedges, and even blasting powder.

Sometimes it is even necessary to tunnel into the solid rock, and to brace overhanging portions with props of wood. It is in this work that the genius of a first-class bone collector becomes apparent. With infinite patience and skill he works until the entire skeleton has been removed, piece by piece, with a surprisingly small amount of bone-shattering, considering the difficulties under which the work is performed.

NOT CHILD'S PLAY

When a bone is six feet long and weighs anywhere from 100 to 1,000 pounds the problem of its removal is no small one, and the work cannot be trusted to unskilled hands. After the bone has been safely removed from the shale or rock it is carefully braced with splints of wood or iron to preserve it in safety during its long journey to its final resting place in some museum, perhaps thousands of miles away. Where the journey is to be neither long nor rough the bone is covered with thin paper, and then strips of sacking or heavy paper are applied with flour and water. This prevents any loss until the work of total reconstruction begins at the university or museum.

During recent years a number of expert fossil collectors have been developed in the West outside the ranks of scientists. They are generally old-time prospectors, with a little knowledge of geology and a love for outdoor life and an enduring respect for men of science. They form invaluable additions to scientific expeditions and they find their home-made knowledge a means of pecuniary profit. These native collectors are always at work, winter and summer, mingling the two occupations of prospecting for gold and for bones. The results of their investigations in the fossil fields are not generally known to science. In fact, they do not desire to have their names handed down to fame through museum or university reports, but nevertheless they are valuable assistants in a constantly widening field of scientific investigation. Without these amateur "bone-diggers" of the Rocky Mountains some of the finest fossil specimens that are now in national or State institutions would still be reposing in the strangest and mightiest of the world's graveyards.

TROTTING RULE CHANGES.

Important Recommendations Will Be Made at the February Turf Congress.

(New York Times.)

Some important recommendations in rules were discussed yesterday during an all-day session in the Murray Hill Hotel of the American Trotting Association, the National Trotting Association, and the American Trotting Register Association. The recommendations that were considered advisable will be submitted to the Committee on Rules for presentation to the Turf Congress, which will be held in February. One of the chief rules as regards amateurs and the establishing of speed records by amateur drivers will be presented for adoption as follows:

"Records cannot be made or bars incurred in trials of speed where there is no pool-selling, bookmaking, or other public betting; no money competed for, no entrance charged or collected for competing horses, no admission fee charged to the gate or grandstand, and no privileges of any kind sold. Such performances shall not be considered public races. All rules of this association, in so far as they conflict with this rule, are hereby repealed."

The changes in rules were considered in executive session, but it was learned that another very important matter was discussed, and it will be presented to the congress for final action. It relates to the shortening of the distance on mile tracks. Under the present rule, if less than eight horses start in mile tracks, the rules allow 100 yards, and if more than eight horses start, 150 yards is allowed. The demand has been made from some quarters to shorten these distances by ten yards. The plan does not seem to meet with general approval by the committee, and general opinion seemed to be that it would not be adopted at the coming congress.

Another important matter was the request that came from a number of prominent horse men to rule out horses that have not won a heat after three heats have been trotted. The present rule allows five heats. The committee suggesting this charge was composed of C. C. Lloyd, Edgar Brook, James Butler, Sam McMillan, Fred Gerken, and Daniel O'Dell, of New York, and Dr. E. E. Fros, of Wooster, Mass., and Dr. J. C. McCoy, of Kirkwood, Del.

The plan of the committee was put into effect last season at Brighton Beach, and it met with favor from many horsemen. Considerable argument resulted over the system, but Secretary W. C. Goscher refused to state whether the change would be recommended. Another rule will stipulate that sundown shall be the time for closing what is known as a day's racing.

Reflections of a Bachelor.

Some men don't mind being insulted if it doesn't cost them anything.

A man can't gain years after 30 as fast as a woman can lose them.

The way to get the reputation of being a thinker is to keep your mouth shut.

No woman is ever a complete failure; it takes a man to be complete in anything he does.

The size of a woman's shoe depends on whether she is wearing it out for an afternoon walk or to sit in a chair and show off her feet.