

Proceedings of the Constitutional Convention

OFFICIAL REPORT.

CONTINUED FROM PAGE 7.

that is not to be taxed. We all know that the penitentiary is supported by its output of manufactures, and it comes in competition with a great many people.

Mr. HAMILTON: But that is not taxed. Mr. HAMILTON: I know, but if that is allowed to come in competition with free labor, with the business interests of the State, and with the educational institutions, these boys are being taught along with the rest of the State, and it is to the future, that will be of as much use to most of them as their academic education. We ought to encourage them, and we should not encourage them to be a burden on the State.

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with regard to railroad corporations. Mr. BROWN: If it did have the effect of throwing down the bars, it could only throw them down to the extent that the Legislature of this State could, and does anybody expect that the Legislature would go to the extent of building a public railroad?

Mr. HAMILTON: Mr. Chairman, I agree with the gentleman from Albemarle. I think it is very dangerous to make such an exception. The State of Virginia has been put to an enormous amount of trouble because of the use of her funds and credit in connection with such improvements. It is unquestionably true that it began with the turnpike companies; but it means no difference to the State, and it means no difference to the people, to have the State build turnpikes through a company or build them directly by the State. I do not doubt that certain works that have been built by the city of Richmond would have been much less expensive if they had been built for them by a corporation. The State may undertake to build roads, public county roads, in different parts of the State. But then the question would arise where the State money is going to be put to build these roads. The people ought to build these roads in their own localities. I would have no objection to an amendment reading that the State may not to prevent any convict in the penitentiary upon the public roads to better them, the same to be paid for by the localities where they are used, that it should not forbid the establishment of the office of State Engineer, whose advice with respect to building county roads might be taken; but I do not think the funds of the State should be put to that purpose.

It is no answer to say that you cannot create a debt under another section that we have adopted, for this purpose. You might create a debt under a section prior to this to meet a deficit in the revenue and you might have an annual deficit in the revenue caused by the State undertaking to build a county road somewhere.

I think the amendment is wrong in principle, and I hope it will not be adopted by the committee.

Mr. HAMILTON: The Secretary will read the amendment.

The Secretary read as follows: In line 12, page 15, after the word "frame" at the end of Section 18 insert the words "but the word 'any work of internal improvement' shall not be construed to include the public roads of the Commonwealth."

The amendment was rejected.

Mr. BARBOUR: Before we vote that section I wish to call attention to the fact that the justice which this provision will occasion in my locality. There is a provision here prohibiting any county, city or town from subscribing to stock in any company for the construction of a railroad. At the last session of the Legislature a bill was passed permitting the counties of Culpeper and Rappahannock to vote upon a subscription for the erection of a railroad to run from Rappahannock county down to Fredericksburg. The gentlemen interested in that scheme which was purely a local one, with no outside capital interested in it, have had surveys and estimates made for the building of the road.

Mr. THOM: Is there any difference between a case where purely local capital is interested and where outside capital is interested?

Mr. BARBOUR: None that I know of. I want to say that these gentlemen have acted on the faith of this act of the General Assembly and they have furnished this money for the purpose of making the survey and having estimates made, and then expect to have had subscriptions to the stock from the counties.

Mr. MERRITH: Have the counties yet made their subscriptions?

Mr. BARBOUR: No, sir.

Mr. MERRITH: You had better hurry up about it, then, and then it will be in the nature of a contract and cannot be affected.

Mr. BARBOUR: In the county of Rappahannock the vote will be taken on the 3rd day of April. It depends on how Rappahannock goes on the question as to what Culpeper will do. If Rappahannock votes for it Culpeper will probably vote for it. I do not think it would be just to cut these people out of the money they have invested in this enterprise, which is what it would mean—that that much money thrown away to make the deficit of the road.

Mr. HAMILTON: I think you will find somewhere in the Code a provision appropriating \$2,000 for certain clerical work in the executive department. I understand that for a great many years the General Assembly thought they were making an appropriation sufficient for clerical service in the executive department and that each year this \$2,000 was divided up among those persons whom the Legislature thought they were already sufficiently compensating. That continued until the recent executive called attention to the fact and asked that the law be repealed, which was done at a recent session of the General Assembly. That \$2,000 was not in the appropriation bill but was paid each year and the gentlemen who were supposed to be paid under the general appropriation bill received it.

I say that I think the people have the right to know such facts as these. It is nothing more than right that all appropriations and expenditures should be shown on the appropriation bills, so that any one may find out the entire cost of each one of the departments of the government in any year by an examination of the bill appropriating the public revenues for that year.

Mr. FAIRFAX: The committee will accept that amendment.

The CHAIRMAN: The question is on the adoption of the amendment offered by the gentleman from Charlotte (Mr. Eggleston). The amendment was adopted.

The CHAIRMAN: The Secretary will read section 20.

The Secretary read as follows: Sec. 20. On the passage of every act which creates, or amends, or revives a debt, or an appropriation bill, or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim, or the names of the persons voting against the same, shall be entered on the journals of the respective houses of the General Assembly, and a majority of all the members elected to each house shall be necessary to annul the same. Any law which imposes, continues, or revives a tax, shall be enacted in like manner, and shall specifically state such tax, and no law shall be construed as stating such tax specifically, when it requires a reference to any other law or any other tax.

The CHAIRMAN: If there are no amendments to section 20 the Secretary will read section 21.

The Secretary read as follows: Sec. 21. The General Assembly of Virginia shall be law and maintain a sinking fund in accordance with the provisions of section 19 of an act of the General Assembly of Virginia, approved February 20, 1892, entitled "an act to provide for the redemption of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and partially existing at the date of, the Constitution of 1870, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February 14, 1882." Every law heretofore enacted, or to be enacted, creating a debt, or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

The CHAIRMAN: If there are no amendments to section 21 the Secretary will read section 22.

The Secretary read as follows: Sec. 22. The General Assembly shall provide by law for adjusting the State of Virginia proportion to the public debt of Virginia proper to be borne by the State of Virginia and West Virginia, and shall provide that such sum as shall be received from West Virginia in the application of the payment of public debt of the State.

The CHAIRMAN: If there are no amendments to section 22 the Secretary will read section 23.

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The CHAIRMAN: If there are no amendments to section 23 the Secretary will read section 24.

The Secretary read as follows: Sec. 24. On all tracts of land and lots and the improvements thereon, and all personal property, choses in action, moneys, credit and capital, not exempt from taxation by the provisions of this article, there shall be a tax of 20 cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free school of the State, provided that the tax rate upon such real and personal property, choses in action, moneys, credit and capital for the support of the government and for public free school purposes shall be such as may be prescribed by law.

Mr. WITHERS: I want to say, Mr. Chairman, that this section is practically self-explanatory, and that I desire no credit for the resolution, as several gentlemen have been in consultation about it.

Mr. KEZZELL: Will you allow me to make a suggestion?

Mr. WITHERS: Yes, sir.

Mr. KEZZELL: You will find that if the tax rate is reduced in accordance with the article which you propose, you will either have to reduce the State appropriation for schools or you will have to increase your rate of tax. You will find that your twenty cents will probably be more than enough for governmental purposes, but that the ten cent rate would be less than is needed for the public free schools.

Mr. WITHERS: My estimate was that this rate would provide for that very emergency.

Mr. KEZZELL: Mr. Moore has a statement from the Auditor himself, I believe, which deals with the increased and the unincreased appropriations. The reason I offer this is that if this Convention has done the work it believes it has done, it has reduced the expenses of the government. The result of this and other reports has been to increase the income from various properties of the State. If the Convention has done the work it believes it has done I believe that the people of the State are entitled to the benefit of the reduction, and that for four years and maybe even for eight years, it is perfectly safe to make the reduction therein specified without in any way affecting the appropriations for the support of public institutions, hospitals, etc. At the same time it will give to the citizens of the State the benefit of the work of this Convention. I merely make this suggestion to prevent taking up the time of the committee. I think it would be wise to permit this section to be printed, and then such criticisms as are desired can then be made upon it, and the whole subject can be settled in Convention without discussing the subject twice.

Mr. ROBERTSON: The suggestion which the gentleman makes with reference to printing this article seems to me to be a very good one. I do not know of any more important subject connected with this tax matter than the one which he has raised by this resolution. There are very few members here now, and I would be glad if the matter could be laid over.

Mr. WITHERS: I do not ask to have it laid over except for the purpose of having it printed, so that we can settle the matter in Convention. I think one discussion will disclose whether this is an error or not, and whether this reduction can be made with safety or not. I suggested printing it merely because I thought perhaps the objection made by the gentleman from Rickingham could be removed by amending the phraseology.

Mr. ROBERTSON: I do not think the printing of it is a matter of great importance, because it will be printed in the official report of the proceedings to-day.

Mr. WITHERS: My suggestion was, Mr. Chairman, made only in the hope that the committee might hear me for a moment on this to-day, and that it might then be printed. I would then offer it and some of the other gentlemen who favor it would offer it in Convention. Most of the credit for this matter is due to the gentleman from Lynchburg (Mr. Glass), and I have no desire to take it from him. He is unavoidably absent. I therefore offer it, and suggest that it be printed and that it then come up as an independent section in Convention, when the discussion will settle the matter.

Mr. R. WALTON MOORE: I understand the committee. I think it would be well to print, along with it the section offered by the gentleman from Danville (Mr. Withers), a letter which contains a statement bearing upon this question. Anticipating that the proposition is not equal altogether, but that it is not a matter of such great importance, I thought it would be well to have it printed, and that it then come up as an independent section in Convention, when the discussion will settle the matter.

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is read, I merely wish to draw the attention of the committee to the fact that by the reduction to the extent proposed by the section of the gentleman from Danville will, according to the Auditor's letter, involve a loss of \$514,198.99, the revenue of the State, which, of course, will have to be covered in some way. With reference to the motion I will ask the Secretary to read this letter, so that it may go into the report of to-day's proceedings.

The Secretary read as follows: "Commonwealth of Virginia. Office of the Auditor of Public Accounts. Richmond, Va., Feb. 24, 1902. "Hon. R. Walton Moore, "Dear Sir: "Replying to yours of this date. The estimate of receipts, annually made by me for the Finance Committee of each House of the present General Assembly was \$3,451,045.43, and the estimate of the annual expenditures, if the same sum be paid for pensions; as was paid last year was \$3,213,385.53; but should pensioners under the law be paid the act, instead of the sum paid them last year, which was only one-fifth of the pensions named in the act, the estimate was \$3,776,848.83. The loss in receipts by a reduction in the rate of taxation of 10 per cent. would be \$514,198.99. These estimates are based upon the laws now in force.

Very truly yours, MORTON MARVE, Auditor Public Accounts.

Mr. WITHERS: I have no objection to that letter being printed as a part of the amendment with the understanding that I do not offer it, because I do not think the letter is correct as applied to this resolution. I think it embraces more subjects than this proposed resolution embraces.

Mr. R. WALTON MOORE: I will say that I did not desire to have this tacked on to the amendment of the gentleman from Danville, but merely to have printed in the day's proceedings, for the information of the Committee of the Whole.

Mr. FAIRFAX: I move that the Committee rise.

The motion was agreed to and the Committee rose.

The President having resumed the chair Mr. Ayers reported that the Committee of the Whole had had under consideration the matter referred to it and had made some progress, but had come to no conclusion thereon.

LEAVES OF ABSENCE. Mr. Thornton asked and obtained five days' leave of absence for Mr. P. W. Campbell, beginning to-morrow.

Mr. THOMAS H. BARNES: I move we adjourn.

The motion was agreed to and the Convention (at 5:30 P. M.) adjourned until to-morrow, Wednesday, February 26th, 1902, at 10 o'clock A. M.

YESTERDAY'S SESSION. Wednesday, February 26, 1902. The Convention met at 10 o'clock A. M. Prayer by Rev. John Hannon, D. D. The PRESIDENT: The Secretary will call the roll.

The Secretary called the roll, and the following delegates answered to their names: Present: Messrs. Allen, George K. Anderson, W. A. Anderson, Ayers, Barnes, Blair, Boulton, Braxton, Brown, C. J. Campbell, Carter, Chapman, Cobb, C. J. Flood, Gilmore, B. T. Gordon, James W. Gordon, Green, Gregory, Gwyn, Hamilton, Hancock, Hardy, Hinton, Hubard, Hutton, Ingram, Jones, J. W. Jones, Jones, Kezell, Lincoln, Lindsay, Lovell, McWhiney, Meredith, Miller, Moncure, R. H. Phillips, Pollard, Portlock, Robertson, Stuart, Summers, Tarry, Thornton, Turnbull, Waddell, Walker, White, Withers, W. W. Wood, and the President—96.

The PRESIDENT: It appears from the call of the roll that more than a quorum. The Secretary will read the Journal of yesterday's proceedings.

Mr. WITHERS: I want to say, Mr. Chairman, that this section is practically self-explanatory, and that I desire no credit for the resolution, as several gentlemen have been in consultation about it.

Mr. KEZZELL: Will you allow me to make a suggestion?

Mr. WITHERS: Yes, sir.

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