PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION.

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Wysor amendment, modifying its operation by limiting its duration to 1904, and bringing it then to an absolute and final termination; and further believing that the only way, under the circumstances, to effect the adoption of the Wysor amendment was to agree to support the so-called compromise plan as amended by that amendment, if the amendment should be adopted, I stated then, in a speech to the conference, that if those members who were led to support the compromise plan for fear that no other plan could be adopted, and for fear that if this compromise plan was defeated it would mean the restoration of the chaotic condition of the entire suffrage matter which had existed for ten months past—that if these members would unite with us in the adoption of the Wysor amendment I would withdraw the plan I had offered, and, in good faith, then, as a matter of compromise, support the "compromise plan" with the modified understanding clause therein, limiting it in its duration to the first of January, 1904. Other gentlemen, holding the same views as myself, notably the gentleman from Pulaski, who offered the amendment, followed with similar statements; and I believe that it was largely due to this position taken by us that the proposition for the indefinite understanding clause was defeated. Having, however, obtained this result by reason of my promise to support the clause as it now exists, I feel in honor bound to support it, and I will accordingly do so and vote against the amendment offered by the gentleman from Norfolk pending before this Convention.

Mr. President, I deeply lament the presence of the objectionable understanding clause in our Constitution. I cannot but regard it as a great defect in our work; but I know it to be an unavoidable defect. I recognize the great ability, the purity of motives, and the patriotism of my associates who differ from me on this subject. I have fought against any "understanding clause" in this Convention for ten months, and until further resistance would not only be useless, but would be folly, and a wrong, as it has been clearly demonstrated that there is no other ground upon which the conflicting views of the members of this body can be reconciled. I feel that there was presented to me, and to those of us who oppose any understanding clause, the choice of evils, between a temporary understanding clause lasting a year, and a permanent or indefinite understanding clause, exaggerating and perpetuating, as I verily believe, all of the worst evils of our present system.

I believe we have chosen by far the lesser of the two evils; and however distasteful it may be to me to accept it, I believe that, after the long efforts we have made in this Convention, for nearly a year, to agree upon something more satisfactory, the interests which we represent and the welfare of the State at large demand of us, as patriotic men, to accept and adopt this present plan, as the best that can be gotten under all the circumstances that surround us.

I hope, therefore, it may be the pleasure of this Convention to vote down the amendment offered by the gentleman from Norfolk, the adoption of which would, in my opinion, throw everything into confusion and again expose us to the imminent danger of having a permanent or indefinite understanding clause put upon us.

Mr. BROWN: Mr. President, I promise to detain the Convention only a moment. This seems to be an experience meeting and I desire to state my position briefly upon the matter now under consideration. I understood the gentleman from Pulaski to state that the gentlemen who voted for the property qualification as an amendment to the plan of Mr. Glass did so for the purpose of destroying his plan, and of aiding in the adoption of a permanent understanding clause. I desire to say that I, for one, did not occupy that position on that question. I came to this Convention with the determination to vote for a suffrage clause that would be as nearly effective as possible to accomplish the purposes for which we came and that would be as nearly automatic as possible and as little dependent upon the administration of the law, and also for such provisions as would enable us to have in the electorate as few men as possible who were dissatisfied with their title as voters. For these reasons I have always been opposed to every form of understanding clause, because I believe that in a great measure, it depends for its effectiveness on the administration of it. I have always been opposed to the imposition of any poll-tax, as a prerequisite to the right to vote, because I believe the imposition of a poll-tax will be considered by the voter a tax upon his right to vote and I believe that it will cut out of the electorate of this State, at least in the mountain sections of the State, and in the cities, as many or more of our white electors as it will colored, and will be a constant source of dissatisfaction and worry. I have been, from the beginning in favor of a property qualification with the broadest exemptions from its operation under the grandfather clause, that could be adopted under the Constitution of these United States. I believe we should meet the whole measure of our responsibility and our duty here. It seems to me that such a provision as that practically admits the whole of the white electorate of this State. It would admit of those worthy negroes who have shown themselves to be identified with the interests of the Commonwealth, and would encourage enterprise and stability of purpose and uplift the whole negro race and at the same time protect the body politic from ignorance and vice. I feel that I have been defeated on all of these points. There is not one provision left in this compromise plan that fills my ideal; but I am not going to try to destroy what is the composite opinion of this whole body, and I propose to vote for this provision as it stands. (Applause.)

Mr. GILLESPIE: Mr. President, and gentlemen of the Convention, I do not rise before you to make a speech on this occasion. It would be useless for me to do so. When we met here on the 12th day of June, 1901, we met, as I believe, for the purpose of rising above party and partisanship and for the purpose of forming a Constitution founded on the great principles of justice and equity. I believed that was the purpose of the one hundred Virginia gentlemen here assembled. But later I found that was not the purpose. After a while the members of a certain party shut the door upon the members of the other party, and began to consider these questions behind closed doors. They have already settled it. Therefore it would be useless for me to say anything in this presence with a view to changing it or affecting it in the least. But I cannot let this question of an understanding clause pass me without my most earnest protest. We have heard gentlemen of the Democratic party stand upon this floor and arraign the understanding clause. The gentleman from Roanoke has stated that he did not oppose it for the same reason the gentleman from Norfolk did, because it was not efficient; but he opposed it because it was potent for both fraud and evil. He struck me as a true Virginian when he stood upon this floor and said—belonging as he does to the superior race—that he did not have to resort to fraud and deception in dealing with an inferior race. Now, gentlemen, you cannot denounce in too unmeasured terms this understanding clause. What does it mean? The gentleman from Pulaski says that there have been only three reports filed by the Suffrage Committee. I ask leave to correct him and tell him that there have been four reports filed by that committee.

Mr. WYSOR: When did you file yours?

Mr. GILLESPIE: A few days ago.

Mr. WYSOR: You are late.

Mr. GILLESPIE: That may be true; but it is better late than never. I filed it after I found there was no hope of the Democratic conference reporting a measure that would give relief to the people.

Mr. WYSOR: I want to say to the gentleman that I did not know he had filed a report. The other report came in months ago. He was on the committee and did not file any. If I had known that he had filed a report I would surely have mentioned it.

Mr. GILLESPIE: I want to say to the gentleman from Pulaski that if there was a man in this Convention, that I would have said that under no circumstances would he have temporized with fraud, it would have been the gentleman from Pulaski. I was never more surprised in my life than when I heard him stand upon the floor, this morning and say that he had gone over to the opposition and had accepted this proposition, temporizing with fraud.

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

Mr. GILLESPIE: Yes, sir.

Mr. WYSOR: Suppose the gentleman was confronted with two propositions, one the permanent understanding clause and the other a temporary understanding clause which lasted for one year, which would you expect him to adopt?

Mr. GILLESPIE: I would not expect him to take either. I would expect him to stand upon principle and go down with it; I will never accept fraud.

I desire now to read to the Convention something which I stated in my report as a member of the Committee on Elective Franchise:

"We do not think that any man who now has the right of suffrage should be deprived of that right. There is no right which a man has in a government like ours that can be dearer to him than the right of suffrage. It is the right preservative of all rights, and we most earnestly insist that we have no more right to take away his right to vote, than we have to take away his property. To take away his right to vote is in effect to take away his right to protect his property, his liberty and his life. We, therefore, must decline to lay upon any of the present voters of this Commonwealth a burden, as a prerequisite to voting, with which it is impossible for them to comply.

"Under the majority and one of the minority reports the voters of the State are divided into the soldier class, the property holding class and non-property holding class is to be subjected to examinations and tests not laid upon the others. This dividing of the voters into classes and subjecting one class to burdens not laid upon the others is contrary to the nature and spirit of our institutions.

The first class provided for is the soldier class. It is but proper to allow them to retain a right which they already have. Many of them are now, and doubtless were when they rendered military services, non-property holders. This suggests the thought, is it wise to discriminate against the non-property holders who furnish so many of our soldiers and thus destroy, or at least lessen, their love of country?

"The second class mentioned in these reports are those who, or whose wife, shall have paid to the State taxes for the year preceding that in which he offers to vote amounting to as much as $1 on property owned by and assessed against him or his wife. At the present rate of taxation this would require the ownership of $250 worth of property.

Under the proposed reduced rate of taxation he would be required to own $333 worth of property. If his taxes are reduced, as they should be, his ownership of property must increase under this plan.

Mr. GLASS: You do not really think so; do you? The property qualification if it be a property qualification, which of course it is not, does not last longer than January 1, 1904.

Mr. GILLESPIE: That is under your proposed plan. My reference, in my report, was to the original majority report.

This property qualification would exclude perhaps two thirds of the present voters of the Commonwealth. We submit that a property test is not a just and proper test for suffrage. The property-holder does not bear all the burdens of the government. As above suggested, a great number of the soldiers who fight its battles are not property-holders. The laborers in the fields and in the mines and shops, who do so much to create the prosperity and wealth of the State, often own but little property. It is their lot by hard labor to create the wealth of the State, yet they are to have no voice in the making of the laws, or in selecting those who shall administer them.

Under the majority report the test provided for the third class of voters is that indefinite, uncertain, and immeasurable thing, "a reasonable explanation of the general nature of the duties of the various officers for whom he may at any time under the law then existing be entitled to vote." How many voters will be deprived of the right of suffrage under that test no one can tell. It is as elastic as a rubber band and can be adjusted to any voter to suit the desire of a partisan registration board. This test has now been changed under the plan we are now considering, and the test now suggested is that the voter "shall be able to understand and give a reasonable explanation on any section of the Constitution when read to him." But it is equally as bad and elastic as that originally contained in the majority report. Under this provision the partisan board can deprive their fellow-citizens of their right to vote and then comfort themselves with the thought that the supremacy of their party is necessary for the salvation of the country, and that their fellow-citizens were unworthy to vote because they were of a different political party.

It will not do to claim that men will not take advantage of a law so loosely drawn. There will always be those who are ready to use any advantage that may be taken of the law. We were told of old that "The heart is deceitful above all things and desperately wicked. Who can know it?" Human nature has not changed. Yet it is proposed by this law to put at least 250,000 of our voters at the mercy of a registration board. Under it the registration board can discriminate against one voter and in favor of another. It is needless to say that it is susceptible of fraudulent administration. In our opinion it encourages and invites such fraudulent administration. Who can doubt that under it many voters will be fraudulently discriminated against and deprived of their right to vote? We cannot believe that we will make better citizens of any part of the people by unjustly discriminating against them. To deprive a man of his right to vote by unjust discrimination must of necessity turn him against the State and to that extent make a worse citizen of him.

Again, a law so uncertain in its terms and so susceptible of fraudulent administration cannot command the respect and confidence of the people; and all upright men, jealous of their good names, will refuse to take part in the administration of such a law, and the administration of it will fall into the hands of unworthy men. Men who can adjust their consciences to suit the emergencies of any case. That these are the kind of men selected to administer such a law has been abundantly illustrated in this Commonwealth by the men who have in recent years administered its election laws.

Again, the men who administer such a law are made worse by administering it. In our government every man must necessarily be more or less a partisan, and in administering such a law the temptation to serve partisan ends is always before them. The Great Master taught us to pray "Lead us not into temptation." But under this law partisans are to be placed in a position which invites them by fraudulent discrimination to advance the interest of their party. Every wrong that a man does tends to harden and make him a worse man, and every unjust discrimination that these partisan boards shall make will make worse men of them.

Again, all classes of citizens seeing that the law invites such fraudulent discrimination, and seeing the officers of the law engaged in such fraudulent methods will despise the law, and hold the law and those who administer it in contempt.

Mr. LINDSAY: I move that the Chair be vacated until 4 o'clock.

The motion was agreed to and the chair was vacated until 4 o'clock P. M.

AFTERNOON SESSION.

The Convention met at the expiration of its recess.

Mr. George K. Anderson took the chair as Presiding Officer.

The PRESIDING OFFICER: When the Convention took a recess, the gentleman from Tazewell (Mr. Gillespie) had the floor.

Mr. GILLESPIE: Mr. President and gentlemen of the Convention, at the time we took a recess I was reading from my report. I would like to continue that reading:

"We conclude, therefore, that if the majority report should be adopted, it will demoralize the people, and work untold evil to the State, because:

"First—It will cause those who are discriminated against to despise and defy the law.

"Second—It will cause honest and upright men to lose respect for the law and to refuse to take part in its administration.

"Third—Its fraudulent administration will make worse men of those who administer it, and bring the law and those who administer it into contempt with all classes.

"We believe that every citizen of the State should be justly and honestly dealt with. The law defining who shall have the right of suffrage should be as plain and certain as it can be made, and, as far as the ingenuity of man can devise, it should be so drawn as to prevent any partisan or fraudulent administration of it. This will inspire confidence in the law and cause all men to take part in its administration—a result greatly to be desired."

Now, gentlemen, under the plan which is now suggested and under consideration, the standard is different from the original plan but equally as elastic. According to this plan, the standard is to be the ability to understand, or give a reasonable explanation, when read to him by the officers of election, of any section of this Constitution. What kind of a standard of measurement is that to determine a man's capacity to exercise the right of suffrage? Will the registration board understand the Constitution? Who knows whether they understand it properly, or not? And yet the understanding of the voter is to be measured by the understanding of the registration board. Do we not know, gentlemen, that the meaning and extent of this is to vest in the registration board the absolute and arbitrary power to register whom they please, and reject whom they please?

Will such a measure as that stand under the Federal Constitution? In the case of Yick Wo vs. Hopkins, 118th United States, page 369, the court comments upon a similar power vested in a board, and says:

"When we consider the nature and theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself. Franchise, though not regarded strictly as a natural right, but as a privilege merely conceded by society according to its will, under certain conditions, nevertheless, it is regarded as a fundamental political right, because preservative of all rights."

"Though the law itself be fair on its face, and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights the denial of equal justice is still within the prohibition of the Constitution."

So that if this law is to serve the purpose for which it is intended, it must be administered with an evil eye, and when administered with an evil eye it is in direct conflict with the Federal Constitution.

On the subject of this being a mere temporary provision, I would like to say that my understanding of the Constitution is that it should be composed of fundamental principles, so as to insure good government for the people for years. But the measure that we now have under consideration is to be only a time server.

It is to last only until the 1st of January, 1904. The measure is so fraught with wrong, so potent for evil that even its authors are afraid to allow it to become permanent. Under it they hope to enroll an electorate which will serve their purposes for years to come. The framers of this article should go down into history as time-servers, as makers of shifts for the time-being, and not as framers of a Constitution which is to last for years.

The question as to the necessity for passing this measure was referred to by me this morning in a reference made to the remarks of the gentleman from Roanoke (Mr. Robertson). Is there any necessity for a great race like ours, a superior race, to resort to such methods in coping with an inferior race? Is there any necessity for it, when we consider the vast majority of white people in this Commonwealth, the vast majority of intelligent white people, as compared with this inferior race? I have heard it urged that the reason for this provision is that as long as the negro has the right of suffrage there can be no fair elections in Virginia It has been admitted by the Democratic press of this State, and by Democratic speakers almost all over the State, that the elections in what is known as the Black Belt are carried by fraud.

The remedy by which they propose to correct this fraud is to destroy the negro vote. Gentlemen, I have been taught to believe that where a man was guilty of a fraud, or of cheating another man, the man who committed the fraud should be punished, that a man who steals a vote should be punished. But what is the remedy suggested here? The remedy suggested here is to punish the man who has been injured. It is now proposed to right a wrong by punishing those who have been defrauded of their votes to the extent of destroying their right of suffrage; in other words, the negro vote of this Commonwealth must be destroyed to prevent the Democratic election officers from stealing their votes, for it seems that, as long as there is a negro vote to be stolen, there will be a Democratic election officer ready to steal it. We are therefore urged to make this change in the fundamental law of the land for the purpose of correcting election abuses. My idea, gentlemen, is that the proper way would be to write into this Constitution an absolutely fair election law. I have added one, so far as I am able to, in my report.

It is not worth while for me to argue this question further. I only want to enter my earnest protest against this provision as fraught with untold evil.

Mr. DUNAWAY: Mr. President, we are all, I suppose, desirous of reaching a vote upon this question. I concur in that desire, and I have made up my mind that I would not occupy any of your time before reaching a vote. I promise now that I will not occupy but a few moments. The reason why I take the floor is that I feel restive under the imputation that has been, as I think, cast upon me and upon many of my comrades here of the prevailing party in this Convention.

The language was not applied directly to me by the gentleman who has just spoken. It was applied to the gentleman from Pulaski. The gentleman from Tazewell expressed great surprise that the gentleman from Pulaski would temporize with fraud. Those were his very words. As I occupied in this matter precisely the position that is occupied by him, and by others here, I cannot feel content that his expression shall go unchallenged. I think that it comes with a very bad grace from the gentleman who is one of the minority party of the Convention.

I suppose that he and the other Republican members of this Convention will vote that, hereafter, elections shall be by ballot. The gentleman knows as well as I do, that wherever there is a ballot, there is an opportunity for fraud, and if the gentleman is so afraid of it, he ought to vote to strike that provision out of the Constitution, and give us the old system of "viva voce" vote, for it is not only true in Virginia, but it is true in every State of the Union, and it will be true everywhere, that when the will of the people is to be made known by a secret ballot, there fraud will be perpetrated. Those who are occupying glass houses should beware how they cast stones.

It is not only in the eastern portions of the Commonwealth that the negroes are in the majority, and that fraudulent practices are committed in regard to the counting of ballots. I think it is true in other portions of the State, in portions of the Southwest, for instance, that the ballot has not always been properly cast, and has not always been counted as cast. Temporizing with fraud! It is admitted on all hands that frauds are perpetrated in the elections held in the Commonwealth of Virginia. The grossest frauds are committed, and if any party in this State is responsible for these frauds it is the Republican party, which has sought to introduce manhood suffrage into the Commonwealth of Virginia, whereby, in many counties of this State, white men, if the will of the Republicans should be fulfilled, would be absolutely at the tender mercy of the negroes, and would be dominated by the majority of black men of those counties. It is idle to talk to us about the great white majority in the State. We are not here seeking for a white majority in the Commonwealth of Virginia. We want the people, in their county elections, to be free from the risk of having their clerk's office filled by a negro, and from the risk of having a negro for Commonwealth's Attorney, and negroes filling all of the offices in the county. His remedy for fraud would be to punish those who commit the fraud. He would fix this black domination upon the people in the various counties of this State, and even upon my own county, where the negroes are in the majority.

When the white men of those counties, under the force of indomitable racial instincts, have felt themselves compelled to resort to measures they have themselves abominated, in order to cast off this black domination, the gentleman from Taxewell would say that those who are attempting to get rid of that domination should themselves be punished. Not only would he put us in the power of the negroes, but, if by some means, we escape from that power, he would have some penalty of law imposed upon us for the sake of freedom from temporizing with fraud. If all of the negroes of the Commonwealth are to vote as they would vote, for the Republicans, the same state of things that at present exists will continue to exist in this Commonwealth; whether I justify it or not, whether I am able to prevent it or not, and whether the gentleman from Tazewell would punish the men who used these improper means in order to escape from that black domination. That is an established fact that every man knows.

Mr. WYSOR: The gentleman from Tazewell don't want to punish you. He just pretends like he would.

Mr. DUNAWAY: I hope that is so, but that is what he stated, that he would punish those who steal votes. I never stole a vote in my life, and never expect to do so. But perhaps such a crime as that has been committed in many of the counties in the Commonwealth of Virginia.

If this so-called temporary understanding clause was the only thing that was put here as a qualification for voting, it would be extremely obnoxious. It is put here, rather for the purpose of enlarging the number of electors than for any other purpose; as an enfranchiser, and not as a disfranchiser.

There are many people in the Commonwealth who have not served in the army or navy in time of war, and whose sons have not served in time of war, who do not pay as much as $1 tax upon property, and we desire that these people—and it applies to the blacks as well as the whites—should have an additional opportunity of getting upon the registration rolls.

There is no taint of fraud in this provision, and if there was, we could not be brought to support it, under any consideration whatever. It is a just and reasonable thing. It is an ideal plan, if it could be ideally administered, that people ought not to vote, who do not understand the form of government under which they are living. I am one of those who believe that it is going to be fairly administered. I call the attention of the gentleman of the other side to the fact that the registrars who are to administer this understanding clause will be appointed by the members of this Convention. I know enough about the members of this Convention, and about every one of them, to say that they will use every means in their power to insure the appointment of registrars from the most honest and capable men in their counties. I believe that the provision will be fairly administered. If it were to run for a long time, we might suspect that there would come a time when it would be fraudulently administered, not only against the black men, but against the white men, but, as it is to continue only until 1904, and is to be administered by men to be appointed by the members of this Convention, I believe it will be fairly administered. On its fact, it is capable of honest administration, and I believe it will be honestly administered.

Having said these things, let me say a word in regard to my position upon this subject.

I opposed, as best I could, from first to last, any understanding clause whatsoever, and even after the two sessions of our conference had met in joint Convention, and a committee of five from each side had brought in a compromise report, there were thirty of us members of this Convention who met in a room in this building, and combined to oppose that report. There was an organization among us for that express purpose. We came into this hall with our competing proposition, and we had no understanding clause in it. In the Convention, from first to last, we had free debate and untrammelled voting. We were in conference with our brethren. It very soon become apparent that there was but one plan of suffrage upon which the majority of the Democratic members of this body could possibly compromise, and that was the plan which has been presented to this Convention. When I found that out, I determined that I would make no factious opposition. I battled against this understanding clause until I found that the majority of my brethren were in favor of this clause as it is, and then I acceded to it. I am going to support this plan right through, and vote against every amendment proposed to it that, in any material way affects it. I was not bound by the action of the conference. None of us were bound; but I do feel, standing here to-day, that, as a member of that conference, I should submit to the decision that was reached by it. We have had our opportunity for discussion and for debate, and I now feel that, having agreed as a body of brethren of the same party upon a specific plan the best thing we all of us can do in the Convention is to stand by the result that was reached in conference.

I forewarn you, gentlemen, that if this motion now pending, prevails, and the temporary understanding clause is stricken out, some gentleman will propose to insert in place of it a permanent understanding clause. If that fails, another will propose to insert a property qualification, and then you will be just where you were in the beginning. Some members of the Convention will be at sea and others in the air and we will be likely to fail to agree upon any plan whatsoever.

I shall sppport this plan because I believe it is the only plan upon which this Convention can agree. Whether it be the best plan or not, I heartily accept it as a compromise, for it is a compromise of compromises, a bundle of compromises. No gentleman here can expect to get all that he wished for when he came to the Convention; and having fought for what he wanted let him take what the majority has presented to him.

Mr. WATSON: I would like to ask the gentleman whether when the gentleman from Lyunchburg (Mr. Glass) was asking his catechism as to how the different gentlemen had voted on this proposition, my friend from Lancaster did not tell him that he preferred the permanent understanding clause to the temporary one.

Mr. DUNAWAY: I said so in conference and I was beaten in conference. The permanent understanding clause was knocked out, as the gentleman from Pulaski said, and I do not propose to try to revive it here. I state again that I accept the result that was reached by the conference.

The PRESIDING OFFICER: The question is on the amendment of the gentleman from Norfolk to strike out the temporary understanding clause.

Mr. HATTON: Mr. President, I regret to have to say anything more to the Convention on this subject; but I feel that it is due to myself and it is likewise due to my brethren from the Black Belt that I should at least say something by way of explanation, not by way of defence, because I believe that their action in relation to the suffrage plan reported by the conference needs no defence. I have not favored an understanding clause, except so far as the acceptance of an understanding clause might have been necessary to save us from something more distasteful; and, to me, nothing which has been presented for our consideration is more distasteful, save those provisions which recognize certain hereditary privileges and exemptions, and which may be generally designated as grandfather clauses. I do not like to designate anything here as that which I like best. I prefer to take the contrary position and designate those things which I abhor most, and the first in that category may be designated as grandfather clauses—those clauses which give constitutional recognition to the idea that privileges or exemptions outside of and above the general laws can come to any man only by the accident of birth. So far as it was necessary to take an understanding clause in preference to that species of constitutional provision, I was willing to take it, and to take it permanently, if necessary; but I was willing to take it only under those conditions, only as the drowning man catches at any flotsam that comes within his reach and which may buoy him up until something more substantial may come within his reach.

Mr. Chairman, my distinguished friend from Norfolk (Mr. Thom), who addressed the Convention this morning, has seen fit to criticise those representatives from the Black Belt who did not favor the understanding clause. For them he invoked the forgiveness of Almighty God, because he said they knew not what they did. As one of those delegates who opposed the understanding clause and who comes from the Black Belt, I stand here in this presence and declare my thankfulness to the Almighty that I and my colleagues from the Black Belt were endowed with the wisdom and foresight to oppose and defeat the permanent understanding clause. I believe that a permanent understanding clause would have wrought nearly as much evil in the Black Belt as it would have cured. I am here now to declare that conviction, and whatever responsibility is to come I am willing to take it, and take it cheerfully. I am not afraid to face my constituents and to declare that I have opposed and will continue to oppose the permanent understanding clause, under the conditions which I have indicated. I would suggest to my distinguished friend from Norfolk that he should first pluck the beam from his own eye, and then perhaps he may see more clearly, because I believe that the vision of my friend is defective. It seems to have become of a triple expansion multiplying kind, since he has been considering this suffrage question. A negro now looks to him as big as an elephant. Every time he sees one negro that one is multiplied into a dozen. I believe he has wrought himself up to such a pitch, and that it is he who does not see clearly the condition of things in his own section of the State, and that every difficulty surrounding the question has become magnified tenfold. For my own part I would be willing to strike from this plan the temporary understanding clause and that portion extending the privileges of the old soldier to his son, and would be delighted to see both of these provisions eliminated, but I know that if they are eliminated the suffrage article as agreed upon in conference will not stand without having inserted in it something even more distasteful to me than the provisions eliminated, and no man in this Convention can forsee the result which may ensue from eliminating these provisions now. We have reached an agreement in conference on this suffrage article by a compromise on every hand,, every man has given up something, and I shall not lift my voice or hand against that article. I believe that in so doing I would be recreant to the trust which my constituents have imposed upon me. If the gentleman from Norfolk is willing to go back home to his constituents on his record in this Convention I am willing to stand by mine, and I have nothing to fear from honest men. I believe that a permanent understanding clause could not get a majority of the thinking voters in the city of Norfolk. I prefer a poll-tax, cumulative forever; and in addition to the poll-tax would have required, as a prerequisite to voting, that a man should have paid all taxes with which he was legally assessed. In addition to that, I would have preferred a small property qualification or an educational qualification, and there I would have been willing to have rested my case. From what I know of the conditions in the Black Belt I believe that such a provision would have been altogether efficient, and in addition it would have been honest, simple, and easily understood. Now, Mr. President with this statement and having gone on record as to my views in this matter, I am content to let the question rest. I propose to support this plan in toto, for I believe that it is the best thing we can get under the present conditions. (Applause.)

Mr. GLASS: Mr. Chairman, if nobody else desires to speak upon this amendment, I simply want to say to the Convention that I shall not now reply to the assaults that have been made upon this plan by certain gentleman of the Convention of the dominant party and certain other gentleman of the Convention of the minority party. So far as I as concerned, I am not restive under their attacks. Nothing has been said against this plan that has not been said a thousand times and met, answered and overthrown. When I vote I have no apologies or explanations to make to anybody whatever. The objections I had to any material features of this plan I stated to an audience that was called together in brotherly conference; and I do not propose to state them now.

Mr. O'FLAHERTY: The gentleman from Northampton asked me to get him a pair. He wanted to vote no. I could not get him a pair, but I think -- is but fair to state that he would vote no, if he were present.

The question having been taken by yeas and nays, the result was announced—yeas, 21; nays, 44—as follows:

Yeas—Messrs. Blair, Bristow, Brooke, Crismond, Davis, Earman, Gillespie, Green, Hamilton, Hubard, Ingram, Marshall, McIlwaine, Pedigo, Phillips, Pollard, Rives, Summers, Thom, Waddill, Watson—21.

Nays—Messrs. George K. Anderson, W. A. Anderson, Ayers, Barbour, Thomas H. Barnes, Bouldin, Braxton, P. W. Campbell, Carter, Daniel, Dunaway, Eggleston, Fairfax, Fletcher, Garnett, Gilmore, Glass, B. T. Gordon, James W. Gordon, Hardy, Hatton, Hooker, Hunton, Claggett B. Jones, Keezell, Lawson, Lindsay, Lovell, Miller, Moncure, R. Walton Moore, O'Flaherty, Pettit, Quarles, Smith, Stuart, Tarry, Thornton, Turnbull, Walker, Willis, Withers, Wysor, the President—44.

Not Voting—Messrs. Allen, Barham, Manly H. Barnes, Boaz, Bolen, Brown, Cameron, C. J. Campbell, Chapman, Cobb, Epes, Flood, R. L. Gordon, Gregory, Gwyn, Hancock, Harrison, G. W. Jones, Kendall, Lincoln, Meredith, Thomas L. Moore, Mundy, Orr, Parks, Portlock, Richmond, Robertson, Stebbins, Vincent, Walter, Wescott, Wise, Woodhouse, and Yancey—35.

So the amendment was rejected.

Mr. GLASS: I move that the section be adopted.

The PRESIDENT: The question is on the adoption of the section.

The motion was agreed to.

Mr. GLASS: I move to reconsider the vote by which the section was adopted.

The motion to reconsider was rejected.

The PRESIDING OFFICER: The Secretary will read section 3.

The Secretary read as follows:

3. After January 1, 1904, every male citizen of the United States who has acquired residence in this State in accordance with section one (1) of this article, and not previously registered under the foregoing provisions of this Constitution, shall, as a further condition precedent to registration, have paid all poll-taxes assessed or assessable against him for the next preceding three years, or, if he come of age during the year in which he offers to register, shall have paid to the Treasurer of his county or city, to be accounted for as other poll-taxes, one dollar and fifty cents ($1.50) in lieu of the first year's poll-tax to be assessed against him, and shall, unless he be physically disqualified, make application for registration in his own handwriting, without aid or suggestion or the use of memorandum, in the presence of an officer of registration of the precinct in which he resides, setting forth the names and residence of his parents, his own name, age, place and date of birth, his occupation, and place of residence at the time and for two years prior to the date of his application; and if he has previously voted, then to state in what State, county, or city, and voting precinct he last voted; and he shall answer, on oath, any and all questions propounded to him by the registration officer affecting his qualification as an elector, which said questions and answers shall be reduced to writing; having done which and made oath to his statement, he shall be duly listed by the registrar of election. Every person registered under this provision, who is not blind or otherwise physically disabled, shall prepare and deposit his ballot without aid from another, on such printed form as may be prescribed by law; but any voter registered prior to January 1, 1904, may be aided in the preparation of his ballot by such officer of election as he may himself designate. The General Assembly shall, prior to January 1, 1904, provide by law for such a registration of voters as is thus set forth in section 3 of this article, to be held at least once in every year, and shall enact such other laws as may be necessary to carry into effect all the provisions of this section.

Mr. O'FLAHERTY: Before going to section 3, I would like to ask if section 2 has been adopted.

The PRESIDING OFFICER: The second section has just been adopted, and a motion was made to reconsider the vote by which it was adopted.

Mr. O'FLAHERTY: I was misinformed. I though that sub-section 2 of section 2 had not been adopted. I wanted to move to strike that section out.

The PRESIDING OFFICER: The Chair is of the opinion that the motion comes too late. The section has been adopted and the motion to reconsider the vote by which it was adopted has been made and lost.

Mr. O'FLAHERTY: I am very sorry about that, because I have given notice in conference that I was going to move to strike out that section.

Mr. BRAXTON: I move to amend section 3 by inserting at the end of line 26 these words: "Who is blind or physically unable to prepare his ballot or who shall make oath before the judges of election that he is unable to read." So that the sentence, as amended, will read as follows:

"Every person registered under this provision, who is not blind or otherwise physically disabled shall prepare and deposit his ballot without aid from another, on such printed form as may be prescribed by law; but any voter registered prior to January 1, 1904, who is blind or physically unable to prepare his ballot, or who shall make oath before the judges of election that he is unable to read, may be aided in the preparation of his ballot by such officer of election as he may himself designate."

The effect of this amendment is merely to prevent a man from getting aid in the preparation of his ballot, when he is able to read. Under the provisions of this article it is probable that the great bulk of the white voters of the State, numbering in the neighborhood of 300,000, will be registered. Of that 300,000 voters I believe there are only about 36,000 who are unable to read. Those who are blind or who are physically unable to prepare their ballots are of so small a number that they need not be counted. So that there will be, in all prooability, registered under the temporary provision of this section from 250,000 to 260,000 voters who are neither blind or physically unable to write their own ballots, nor illiterate; and yet every one of these men will be authorized to have their ballots fixed for them, although they may be able to read as well as you or I can.

Now, Mr. President and gentlemen of the Convention, it has been said again and again that the necessity of preventing bribery and corruption in elections is almost as great as that of controlling the negro vote. So far as I see now there is practically nothing in here that is not in the law to-day that will tend to prevent bribery in elections. As has been stated here so often and so forcibly by the gentleman from Page, the most efficient, and I may say the only efficient, method of preventing the selling of votes is to prevent the man who sells them from demonstrating the delivery of them. If a man who is neither blind nor physically disabled and who can read, asks somebody to fix his ballot for him there can be but one motive, and that is to show that he votes his ballot which he has sold, in the way he agreed to vote it. When you have deprived him of that you have taken the greatest step towards preventing bribery in elections that you can possibly take. It is not proposed, by this amendment, to prevent any man who cannot read from getting assistance in fixing his ballot. When a man asks another to fix his ballot for him the only legitimate excuse he can make for asking it is that he cannot read. This amendment simply says that if he cannot read he can have assistance, and if he can read he shall not have assistance, because there is then no legitimate excuse for his having assistance.

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

Mr. BRAXTON: Certainly.

Mr. KEEZELL: Don't you think that it could sometimes happen that a man who might read very poorly, but who might still be a man of considerable standing in his community, would feel himself unable to prepare his ballot, and would want to vote, but yet would not be willing to come up and make oath that he could not read.

Mr. BRAXTON: No, sir. I do not think that could happen, but if it did happen it would not be in one time out of fifty thousand. A man who can read can certainly read the names of the candidates on the ticket, and if, notwithstanding the fact that he can read, he has not got sense enough to understand the names he ought not to vote. But that would never happen, if he is a man such as you have mentioned, except in some very extraordinary case.

I say that when a man asks another to fix his ballot there can be but one legitimate excuse for it and that is that he cannot read it, or that he is blind or physically disabled from fixing it himself. By permitting a man who can read to have assistance in the preparation of his ballot you throw the door wide open to practices of fraud, and you fail to avail yourself of a well-known and thoroughly tried experiment that can work no hardship upon any man, by saying to him that if he is able to fix it himself you will not allow anybody else to fix his ballot for him. No man who is registered after 1904 is allowed to receive any assistance, whether he can read or not, unless he is blind or physically disabled from the preparation of a ballot. I propose that the only difference between the members of the present electorate and those of the future electorate, shall be that the man of the present electorate shall have assistance if he cannot read, but if he can read, he should not have any assistance in the preparation of his ballot, any more than the members of the future electorate shall have that assistance.

Mr. QUARLES: I desire to ask the gentleman who is to decide whether the voter can read?

Mr. BRAXTON: He is to make oath before the judge of election whether he can read or not.

Mr. QUARLES: Will not that be a very offensive feature of the measure?

Mr. BRAXTON: I think not, for this reason: That when the voter asks, as a voluntary matter, some one to fix his ballot for him, he in effect says that he cannot read; because if he can read there is no excuse for his asking assistance. The only effect of this amendment would be that he would be required to make oath to that thing which his action says is true, as a matter of fact.

Mr. KENDALL: May I ask the gentleman a question?

Mr. BRAXTON: Yes, sir.

Mr. KENDALL: Would you not be satisfied if we were to put in line 28 after the word "designate," the words "unless he is able himself to fix his ballot without aid," leaving out the matter of the oath?

Mr. BRAXTON: I will state to my friend that I would rather have it in that form than to have it in its present form; but I do not think it would accomplish the purpose as well as the amendment which I suggest.

Mr. DUNAWAY: Will the gentleman permit me to call his attention to the fact that it is prescribed here that he may get assistance from such judge of election as he may designate and that there will then be no chance of selling his vote, because you have already provided that none of the judges shall be candidates.

Mr. BRAXTON: My friend does not understand. A man will sell his vote for the Republican ticket and in order to show that he votes the Republican ticket, although he can read as well as you can, he will agree to call on the Republican judge to fix his ballot for him and that shall be the proof that he voted as he agreed to vote, and that he delivered the goods which he sold. I wish to limit the opportunity as far as possible, for the commission of fraud of this kind and provide that a man shall not call in assistance in the preparation of his ballot, unless he is unable to read. Then a man will not buy his vote because there is no way in which he can tell that the vote has been delivered.

Mr. BLAIR: I would like to ask the gentleman a question for information as I want to understand his proposition. Is it your proposition that no voter who can read can have assistance simply because he can read?

Mr. BRAXTON: The proposition is simply this. It is provided that those who register after 1904 shall not have assistance unless they are blind or physically unable to prepare their ballot. I propose now that those who are registered before 1904 shall have assistance if they are blind or physically unable to prepare their ballot or unable to read; but if they are neither blind nor physically unable to prepare their ballot nor unable to read, they shall not have assistance, because there is no legitimate excuse for giving them assistance.

Mr. BLAIR: Do you not think there is many a man who can read who can not mark his ballot?

Mr. BRAXTON: No, sir. I can not agree with my friend on that point. I think it would be a very rare thing to find a man who can read his ballot and yet does not know how to vote it; and I do not think that in order to meet such a very extraordinary case as that, we should throw open the doors to infinite corruption by permitting 250,000 voters, who may choose to sell their votes, to avail themselves of