CONVENTION PROCEEDINGS

(CONTINUED FROM PAGE NINE.)

crimination to be made as to the clerks that are to be elected in 1903 they should be elected for the term of eight years, as provided by the Constitution. Then, if you wish harmony in the termination of the terms of these clerks, those whose terms have been extended for six months should be elected for the term of six years only. That would accomplish the object, and they would come out at the end on their terms.

Mr. BROWN: I call the pending question.

The pending question was ordered.

The PRESIDENT: The question is on agreeing to the amendment offered by the gentleman from Charlotte.

The amendment was rejected.

The PRESIDENT: The question recurs on agreeing to the amendment offered by the gentleman from Rockbridge.

The amendment was agreed to.

Mr. BROWN: I desire to offer the following amendment:

On page 124, section 8, line 11, insert after the word "five" the words:

"Provided that the first term of clerks so elected shall be for six years."

This will bring the termination of these terms coincident in 1911 and put all the clerks on a fair and equal footing.

Mr. BRAXTON: Mr. President, I move the pending question.

The pending question was ordered.

Mr. C. J. CAMPBELL: I ask for the yeas and nays.

The yeas and nays were ordered, and, being taken, the result was announced—yeas 44, nays 20—as follows:

Yeas—Messrs. Allen, George K. Anderson, Barbour, Thomas H. Barnes, Blair, Boaz, Bouldin, Braxton, Bristow, Brown, J. W. Campbell, Carter, Cobb, Daniel, Earman, Epes, Fletcher, Gilmore, Glass, James W. Gordon, R. L. Gordon, Gwyn, Hardy, Hooker, Kendall, Lawson, Lindsay, Meredith, R. Walton Moore, Thomas L. Moore, Mundy, Orr, Pollard, Portlock, Quarles, Rives, Stebbins, Tarry, Thom, Turnbull, Waddill, Walter, Woodhouse and the President—44.

Nays—Messrs. W. A. Anderson, Ayers, Manly H. Barnes, C. J. Campbell, Crismond, Eggleston, B. T. Gordon, Green, Hancock, Harrison, Ingram, G. W. Jones, Lincoln, Lovell, Marshall, Moncure, Smith, Thornton, Watson, and Westcott—20.

Not Voting—Messrs. Barham, Bolen, Brooke, Cameron, Chapman, Davis, Dunaway, Fairfax, Flood, Garnett, Gillespie, Gregory, Hamilton, Hatton, Hubard, Hunton, Claggett B. Jones, Keezell, McIlwaine, Miller, O'Flaherty, Parks, Pedigo, Pettit, Phillips, Richmond, Robertson, Stuart, Summers, Vincent, Walker, Willis, Wise, Withers, Wysor and Yancey—36.

So the motion was agreed to.

Mr. JAMES W. GORDON: I move to reconsider the vote just taken.

The motion to reconsider was rejected.

The PRESIDENT: The question recurs on agreeing to the section as amended.

The section as amended was agreed to.

Mr. QUARLES: I move to reconsider the vote by which the section as amended was adopted.

The motion to reconsider was rejected.

Mr. WILLIAM A. ANDERSON: That completes the schedule. I move that the schedule, as amended, be adopted.

The PRESIDENT: The question is on agreeing to the motion of the gentleman from Rockbridge that the schedule, as amended, be adopted.

The motion was agreed to.

Mr. ROBERTSON: I move to reconsider the vote by which the schedule, as amended, was adopted.

The motion to reconsider was rejected.

Mr. QUARLES: I move that the schedule, as adopted, be referred to the Committee on Enrolment.

The motion was agreed to.

Mr. JAMES W. GORDON: I move that the vote by which the Constitution was adopted be reconsidered.

The motion to reconsider was rejected.

Mr. LINDSAY: I move that the Convention do now adjourn.

The motion was agreed to, and the Convention (at 1 o'clock P. M.) adjourned until to-morrow, Saturday June 7, 1902, at 10 o'clock A. M.

SATURDAY'S PROCEEDINGS.

Saturday, June 7th, 1902.

The Convention met at 10 o'clock A. M.

The PRESIDENT: The Secretary will call the roll.

The Secretary called the roll and the following delegates answered to their names:

Present—Allen, George K. Anderson, W. A. Anderson, Ayers, Barbour, Manly H. Barnes, Thomas H. Barnes, Boaz, Bouldin, Braxton, Bristow, Brooke, P. W. Campbell, Carter, Chapman, Crismond, Daniel, Eggleston, Epes, Flood, Gilmore, Glass, B. T. Gordon, James W. Gordon, R. L. Gordon, Green, Gregory, Gwyn, Hancock, Hardy, Harrison, Ingram, Claggett B. Jones, Keezell, Kendall, Lindsay, Lovell, Marshall, Meredith, Moncure, Mundy, O'Flaherty, Orr, Pettit, Phillips, Pollard, Portlock, Quarles, Rives, Robertson, Smith, Stebbins, Summers, Tarry, Thornton, Turnbull, Waddill, Watson, Wescott, Yancey, The President—61.

The PRESIDENT: It appears from the call of the roll that 61 delegates are in attendance—more than a quorum.

The Secretary will read the Journal of yesterday's proceedings.

Mr. O'FLAHERTY: Mr. President, I move to dispense with the reading of the Journal.

The motion was agreed to.

LEAVES OF ABSENCE.

Mr. Thornton asked and obtained leave of absence for to-day for Mr. Davis.

Mr. Waddill asked and obtained two-days' leave of absence, beginning to-day, for Mr. Eggleston.

Mr. Green asked and obtained leave of absence for to-day for Mr. G. W. Jones.

Mr. Wm. A. Anderson asked and obtained one day's leave of absence to-day for Mr. Parks.

RESOLUTIONS AND PETITIONS.

Mr. TURNBULL: Mr. President, I offer the following resolution.

The PRESIDENT: The Secretary will read the resolution.

The Secretary read as follows:

"Resolved, That when the Convention adjourns to-day, it adjourn to meet on Wednesday, the 25th day of June, 1902, at 12 o'clock, the members and employees of the Convention—except the members of the Committee on Enrolment and necessary clerks—to receive no pay during the recess, but shall be entitled to mileage. The members of the Committee on Enrolment and the clerks of said committee to receive pay for the time actually employed during the recess."

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

The resolution was agreed to.

Mr. MEREDITH: Mr. President, I ask that the following resolution be read. After it is read I shall make one or two remarks, and then ask that it be laid over until the 25th of June.

The PRESIDENT: The Secretary will read the resolution offered by the gentleman from Richmond city.

The Secretary read as follows:

"Resolved, That when this Convention shall adjourn after the enrolling of the Constitution, it shall adjourn subject to the call of the President, or in case of his inability, subject to the call of the Vice-President thereof, or in case of the inability of both the President and Vice-President, subject to the call of the Governor of the State of Virginia, if in the opinion of the officer making such call the re-assembling of the convention be necessary in order to put into more perfect operation the Constitution proclaimed by this Convention as of the 10th day of July, 1902, or for any other important matter which may arise thereunder; provided, however, that if no such call be made prior to the 1st day of January, 1903, this Convention shall then stand adjourned sine die."

Mr. MEREDITH: Mr. President, I am aware of the fact that there may be a doubt as to whether we have been proceeding properly, but for my part I do not propose to be influenced by anything in the nature of sneers. I think that the importance of this matter is too great to permit us to pay any attention to remarks of that kind. I think it is desirable to take every step necessary to make this Constitution certain, and that we should follow along the line that has been pursued by other Constitutional Conventions, by holding ourselves in readiness to perfect any part of it that may be found to need amendment or change.

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

Mr. MEREDITH: Yes, sir.

Mr. FLOOD: Do you propose to press the resolution to a termination this morning?

Mr. MEREDITH: No; but merely to explain it and so that it will go to the public. I desire to put myself in a right position with regard to it. I am going to move that the resolution be printed and lie on the table until the Convention re-assembles on the 25th day of June.

The PRESIDENT: The resolution will lie on the table and be printed, in the absence of objection.

Mr. BRAXTON: Mr. President, at the request of the gentleman from Elizabeth City, who is unavoidably detained from the Convention this morning, I ask unanimous consent that the county of Elizabeth City be added to the list of 12 counties in the schedule, in the section in reference to the election of court clerks, so that it will be included in those counties whose clerks will be elected at the November election in 1903 for terms of eight years.

The PRESIDENT: The gentleman from Augusta asks unanimous consent that the county of Elizabeth City may be added to the other counties excepted in the 8th section of the schedule.

Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAM A. ANDERSON: Mr. President, I wish to ask unanimous consent for the insertion of the language, which I will read presently in section 19 of the schedule, which was formerly section 18. Insert before the word "and" at the beginning of the 6th line of section 19, the following words: "Qualification of members."

I will read the section as it is now, and then read as it will stand if this amendment is adopted: At present the section reads:

"Section 19. The present General Assembly shall be vested with all the powers and charged with all the duties and subject to all the limitations prescribed by this Constitution in reference to the General Assembly, except as to the limitation upon the period of session, and as to the time when any of its acts shall take effect."

That language was designed by the committee and by the Convention to prescribe the powers, duties and the limitations on those powers, which should control in reference to acts and proceedings of the present General Assembly during its session called by this Convention.

Under the present Constitution a number of officers are eligible to seats in the General Assembly, and a number have been elected to and are now members of the present General Assembly who are disqualified by the new Constitution.

Section 44 of the new Constitution, which by the terms of this section is made operative as to the present General Assembly at its called session in July next, prohibits any man holding a number of specified offices from being a member of the General Assembly, and according to the construction placed upon that language, and upon this section of the schedule, by eminent lawyers in the State and by members of the General Assembly, all the present members of the General Assembly who occupy any of these offices would be unable to take the oath we have required them to take and be unable to serve.

I therefore move to insert at the beginning of line 6, before the word "and," the words "the qualification of members." So that the section will then read:

"The present General Assembly shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution in reference to the General Assembly, except as to the limitation upon the period of sessions, qualifications of members, and as to the time when its acts shall take effect."

The PRESIDENT: The gentleman from Rockbridge asks unanimous consent of the Convention to the amendment stated by him. Is there objection?

Mr. BLAIR: I object, Mr. President.

Mr. WILLIAM A. ANDERSON: Mr. President, I move to suspend the rule that the amendment may be considered.

The PRESIDENT: The gentleman from Rockbridge moves to suspend the rule in order that the amendment may be considered.

The motion was agreed to, there being upon a division ayes, 50; noes, 1.

The PRESIDENT: The rules will be suspended for the purpose indicated.

The question is on agreeing to the amendment offered by the gentleman from Rockbridge.

The amendment was agreed to.

Mr. MEREDITH: Mr. President, I offer the following resolution:

The PRESIDENT: The Secretary will read the resolution.

The Secretary read as follows:

"Resolved tnat the Secretary of the Convention is instructed to obtain from the clerks of the several committees of this body the record or minute books of the several committees and all papers containing any resolution referred to such committee, and that he shall also compile a complete set of all resolutions or propositions offered to this body, pertaining to any article of the Constitution.

Second. That he shall deliver such books and papers to the State Librarian for safe-keeping."

Mr. MEREDITH: Mr. President, I will say just one word in explanation of that resolution. I think it is extremely desirable that we should have somewhere for the purpose of reference by the Supreme Court the record showing the growth of the different resolutions contained in the Constitution. It will help the court in construing the Constitution as passed. I know of no place in which to put those papers that is preferable to the State Library, where the Supreme Court can have access to them.

The resolution was agreed to.

Mr. GREEN: Mr. President, I will say to the Convention that when Mr. Withers, of Danville, was compelled to leave here he requested me to pair him on the question of whether the oath should be administered to all of the officers of this State. I omitted to do that, through inadvertance. I now ask unanimous consent that his vote may be recorded in favor of administering the oath to all the officers of the State, as provided in section 34.

The PRESIDENT: That will be the order of the Convention in the absence of objection.

Mr. WILLIAM A. ANDERSON: Mr. President, I beg leave to report from the Committee on Final Revision and Schedule the ordinance to provide for the registration of voters under this Constitution prior to the year 1904.

The PRESIDENT: The Secretary will read the ordinance.

Mr. WILLIAM A. ANDERSON: The committee has reported in an amended form, the ordinance which has been printed. A number of changes have been incorporated in it, as members can see if they will follow closely the text as it is being read. The amendments are all in the line of the plan set out by the ordinance itself, and are designed to perfect that plan.

Mr. BARBOUR: Mr. President, I rise to a parliamentary inquiry. I want to know if the five minute rule applies to the debate on this subject.

The PRESIDENT: The Chair thinks not, unless it is so ordered by the Convention.

Mr. BARBOUR: I move that debate on the pending proposition and on all amendments thereto be limited to five minutes.

The motion was agreed to.

The PRESIDENT: The Secretary will read the ordinance reported by the Committee on Final Revision.

The Secretary read as follows:

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF VOTERS UNDER THIS CONSTITUTION, AND PRIOR TO THE YEAR 1904.

It is ordained as follows: Until the 1st day of January, 1904, all voters shall be registered in accordance with the requirements of this ordinance, as follows:

Section 1. Registration shall be conducted in each magisterial district of every county and in each ward of every city, by a board of registrars, composed of three competent citizens, resident in such district or ward, appointed as hereinafter provided, each of whom shall qualify by signing and filing with the Clerk of the County Court of their respective counties or the Corporation Court of their respective cities, as the case may be, a paper signifying their acceptance of their appointment, and who shall hold office until the 1st day of January, 1904; except that in the city of Bristol there shall be only one board, composed of three competent citizens thereof.

The board shall organize by electing one of its members chairman and another secretary of the board.

If any person appointed refuse or fail to qualify by the 1st day of August, 1902, or to serve, or if a vacancy occur in such board, the Judge of the County Court of the county or of the Corporation Court of the city shall by appointment supply the place or fill such vacancy; and such appointees shall qualify in the same manner as those appointed by this ordinance.

For attendance upon the sessions of the board, each member shall receive a compensation of $2 per day. While actually engaged in the discharge of his official duties as to registration each member of any such board shall have the authority and powers of conservators of the peace as defined by laws existing at the time this ordinance becomes operative.

The PRESIDENT: Are there any amendments to be offered to section 1? If not, the Secretary will read section 2.

The Secretary read as follows:

"Section 2. Prior to the 15th day of October 1902, and again prior to the 15th day of October, 1903, there shall be a general registration in each of the counties, cities, and towns of the State; and each board of registrars for each district and ward, prior to each of the foregoing dates, shall convene and sit at some place and time to be designated by it in each precinct in its district or ward, at least one day, from sunrise to sunset in the counties, and from 10 o'clock A. M. to 10 o'clock P. M. in cities and towns, and at such other places within the district or ward, as may be convenient and necessary to complete the registration of the voters. Each board may determine whether it will sit consecutively for the period hereafter stated, or whether it will sit from time to time for such number of days within said period as it may determine. At the registration to be held prior to the 15th day of October, 1902, the aggregate number of days in which any board shall sit within any one district or ward shall not exceed fifteen days; and at the registration to be had in the year 1903, the aggregate number of days in which any board shall sit within any one district or ward shall not exceed ten days. The Judge of the County Court of a county or of a Corporation Court of a city may, on the motion of the board, extend the time for either of such registrations for a further period or time to be determined by such judge, and shall fix the days for such registration.

The board shall give at least twenty days' notice of the time and place or places at which it will open books for registration at any precinct, by bills posted at five or more public places in the precinct, and also by weekly advertisement for two successive weeks in a newspaper, if one be published in the county or city, and in such other manner as it may deem expedient, and where the books are opened for more than one precinct, or for the whole district or ward, then like notice of the time and place shall be posted in five or more public places within each precinct, for which such registration is held, and advertised by publication as aforesaid."

Mr. WILLIAM A. ANDERSON: Mr. President, in that section I wish to move to strike out the words "sunrise" in line 8, and insert "8 o'clock in the morning."

Sunrise is too early an hour for boards of registration to meet in the counties. In many cases the members would have to ride ten miles in order to get to the place of the meeting, and gentlemen who are familiar with the conditions of the country think that 8 o'clock will be soon enough to begin their duties. They will then sit until sunset.

In the cities a change is desired. I move in line 8 to substitute "12" for "10" and "noon" for "A. M.," and in line 9 to substitute "9" for "10," so that the boards of registrars in the cities will be required to sit from noon until 9 o'clock at night.

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

The Secretary read as follows:

"And each board of registrars for each district and ward prior to each of the foregoing dates, shall convene and sit at some place to be designated by it in each precinct in its district or ward, at least, one day from 8 o'clock in the morning to sunset in the counties, and from 12 o'clock noon to 9 o'clock P. M. in cities and towns," etc.

The PRESIDENT: The question is on agreeing to the amendment proposed by the gentleman from Rockbridge, chairman of the committee.

The amendment was agreed to.

Mr. BLAIR: Mr. President and gentlemen of the Convention, I do not wish to offer an amendment, but I wish to call attention to a fact which occurred to me in connection with section 2. I did not know but that some of you may have overlooked it. I want to show you the possibilities and probabilities for fraud and corruption under it.

I do not want to divulge these things; but I suppose the committee must have been aware of it. You will notice that under section 2 these boards of registration need not open the poll books for the registration of voters until the 29th day of September, twenty days prior to the last day on which voters can be registered. They must complete it on the 20th day of October. If any board of registrars wants to keep voters from registering all it has to do is to give twenty days' notice on the 29th day of September and to sit one day, as required by this provision, on the 20th day of October. If that is not enough nobody gets on. The minimum number of days required for the boards to sit is one day, and the maximum number fifteen days. There is no provision to require these boards of registration to sit more than one day. You have an appeal to the county judge if that is not sufficient time, but I say that if they want to do it they can give twenty days' notice beforehand, and sit on the 20th day of October, and then close the registration; and if that is not sufficient time for the voters to get registered in any precinct, they do not get registered, because the appeal will amount to naught after that time.

It strikes me that there ought to be a provision that the poll books be opened for the purpose of registering voters not later than the 1st of August or the 1st of September, and should specify some date, during which time the books should be open. There is nothing in the ordinance now which requires it.

Mr. WILLIAM A. ANDERSON: Mr. President, it is impracticable, as the gentleman will see presently, to specify the date on which the books shall be opened. The same board has to sit in different precincts in the same magisterial district. In some of these districts there are seven precincts, in others three, and very few have less than two precincts. The registration boards will have to determine for themselves when and in what order they will sit in the several precincts of their districts or wards, and it will be impossible for the convention to specify the precise times at which they will sit at each precinct. The boards of registration are required by this ordinance to sit at least one day at each precinct. It will be their duty to sit long enough to register all the voters. They will be as much interested—

Mr. BLAIR: They must finish their work of registration by the 20th day of October. Suppose they give twenty days' notice on the 29th day of September. You cannot register the voters after the 20th of October—

Mr. WILLIAM A. ANDERSON: They would then have at least fifteen days to sit in the district, and a man can register in any part of the district in which the board happens to be sitting. If it is not convenient for him to go to the precinct in which he lives, when the board sits there, and it is more convenient for him to go to some other precinct or place of sitting, he can be registered when the board is sitting in that other precinct, or designated place of sitting in his district. So he would have three opportunities if there were three precincts, and seven opportunities if there were seven precincts, to register. Every opportunity is to be given the voter to register. This registration ordinance is not framed for the purpose of preventing the citizens of the Commonwealth from being enrolled, but for the purpose of enrolling them.

Mr. BLAIR: Will the gentleman permit me to ask him another question?

Mr. WILLIAM A. ANDERSON: Certainly.

Mr. BLAIR: Have not these registration boards got the right to commence to register voters in Henrico, for instance, on the 10th day of July, or on whatever day this Constitution is proclaimed, and in Washington county on the 1st day of October?

Mr. WILLIAM A. ANDERSON: No, sir; that would be impossible, because they have to give twenty days' notice, at least, prior to the earliest day at which they will sit for the purpose of registering voters. They could not begin, under this Constitution, earlier than about the 15th or 20th day of August. The reason we have given so much latitude is that August is the best month for registration in the tobacco growing sections; October is the best month in some counties of the State; September is the best in some other sections. Therefore we have made an elastic provision, which will enable the registrars, who will be patriotic and true citizens of the Commonwealth, to fix the time for executing their duty at such dates as will be most convenient for the various localities.

Mr. BLAIR: What is the objection to having a uniform day on which the books shall be opened for registration, as at present? The law now provides that ten days before an election you shall open the books for registration.

Mr. WILLIAM A. ANDERSON: They will be bound to open them at least thirty-five or forty days before the election under this ordinance, because they have to close the registration on the 15th of October, and, including Sundays, it will be about eighteen days before that time that they will have to begin, at the very latest period, the discharge of their duties.

Mr. BLAIR: We have an election for Congress in this State on the 5th day of November, I believe. Have not the registrars, under this Constitution, a right to keep the people of this State from knowing who is going to vote for Congressman until fifteen days before the election, if the registrars wish to do it? They never will be compelled to tell, until the 20th day of October, fifteen days before the election.

Mr. WILLIAM A. ANDERSON: As soon as a voter is denied registration we give here every opportunity for appeal without security for costs, or payment of writ-tax and make it the duty of the judges of this State to hear his appeal, in preference to every other matter. The right of way in the courts is given to these appeals, and the judges are required to sit and hear them in vacation as well as in term. Every opportunity is given here for the enrolment of every voter who is entitled to registration under this Constitution.

Mr. PORTLOCK: Mr. President, I rose some time ago for the purpose of making some reference to this very matter which has been referred to by the gentleman from Wythe, and in regard to which the gentleman who has just taken his seat (Mr. William A. Anderson) has spoken.

Mr. President, I regard this as a very important matter. I do not oppose the provision, as does the gentleman from Wythe, upon any grounds or purpose of fraud; but because a large number of the registrars who will be appointed in this State are not professional men and are not accustomed to the fixing of time under the law for their own acts, and they would be much more apt, in passing their eyes over a law, to see that on a certain day they have to commence the work of registration than they would be to carefully read this provision and calculate with nicety the matter of giving notice in advance, and the length of time that may be required for the full and fair discharge of their duties.

We know that in a great many counties in this State they have districts which are very large, and these gentlemen will not undertake to calculate neatly in advance how long it is going to take them to perform the duties devolved upon them as registrars; and even if they were to undertake it, it would be utterly impossible for them to do so. They would be apt especially in the first registration, not knowing the difficulties in the way, and the delays that may occur in the discharge of their duties, not to fix sufficient time, not through any purpose of fraud but as a mere matter of lack of judgment.

Mr. BLAIR: Mr. President, I think the gentleman misunderstood me. I did not say that I opposed the provision because of any fraud but because of the chance of fraud.

Mr. PORTLOCK: I understand; but I am not basing my opposition on any such ground, but upon the idea that this matter may, and in all probability will, go by default, in a great many instances, throughout the State, because these gentlemen are unaccustomed to this line of work, to examining laws, and determining for themselves what they must do, instead of having the law to fix it for them. I say there is a probability, and a strong probability, in a great many instances, that this work will go by default, to some extent, in consequence of the lack of time which the registrars will give themselves, inasmuch they are the sole judges and are without any possibility of knowing what time will be consumed in their work. I understand that the date is not fixed, because in different sections of the State different vocations seem to necessitate different times for calling upon the farmers to perform these duties. The time is fixed under the present law; and you can not consider, in such an important matter as this, the mere local conditions by which people are affected, when they are called upon to discharge these duties. I say that the professional men, the lawyers whose business it is constantly to look to the law for their guidance, frequently overlook the requirements as to time, contained in statutes which they have to consider, in the discharge of their professional duties.

Now, if that is the case with them how much more is it apt to be the case with unprofessional gentlemen, who are not accustomed to this sort of clerical work? There is not only the danger that they may not conform to the time fixed by the law; but there is the possibility, at least, of their fixing a time not provided by law. I think this is a serious matter, Mr. President, and I hope that the Convention, after all the care and patience which has been displayed in order to have a proper registration under this new Constitution, will not leave the provision in this registration ordinance so indefinite as to allow any possible doubt of the proper performance of their duties, because the registrars do not allow themselves sufficient time. I had written a resolution, Mr. President, to come in at the end of this section, which provides that:

"The registrars shall commence such registration not later than the 15th day of September, 1902, and the 15th day of September, 1903."

Mr. DANIEL: I would like to ask in what line you wish to insert that amendment.

Mr. PORTLOCK: I wish it to come in at the end of section 2.

Mr. WILLIAM. A. ANDERSON: It will come in better after line 21, as a separate paragraph.

Mr. PORTLOCK: That is where I intended it to come in. I was under a misapprehension when I said I wished it to come in at the end of the section.

Mr. WATSON: Mr. President, this matter is one of importance, and it is one that was very carefully considered by the Committee on Revision. If gentlemen will think for a moment, sir, they will realize that it is absolutely impracticable for a registrar to begin at all of the precincts within this Commonwealth on a given day.

Mr. BLAIR: Does it not do that now under the present law? Does it not begin on the same day in every county and in every precinct in the Commonwealth?

Mr. WATSON: Mr. President, the trouble with the mind of the gentleman from Wythe is the trouble that has also afflicted the mind of my friend from Norfolk. The yearly registration now adds but few names to the registration books. It is a matter that can be quickly performed. There are not many people interested in it, and the business is easily transacted; but here is a proposition to enroll the whole electorate of this Commonwealth. It is a great physical undertaking, and I would say to the gentleman from Wythe county that now, sir, the boards of registration are appointed for magisterial districts and not for the precincts of the State. As it is, there will be 1,500 of them appointed. If there is to be a board for each precinct, there would be 4,500 in the State of Virginia. It is a physical impossibility for them to sit, except at one precinct within every magisterial district. That being so, and there being 1,500 precincts in the State, what my friend from Norfolk desires should happen, registration would not begin in but one third of the precincts in the State on the date named. Therefore, sir, two thirds of the precincts in this State the thing that these gentlemen want to happen could happen. We know, sir, on an important occasion the President of the United States ordered that all the armies of the United States should march against Richmond at a given day, and should march through the Confederacy at a given day. Posterity recognizes that while that sounded mighty well on paper it failed in actual execution, and meant nothing. If this ordinance should say that this registration should begin in every precinct in this Commonwealth at a given hour of a given day, it would mean that in two thirds of the precincts of this State no such thing would happen.

Mr. PORTLOCK: Mr. President, I would like to ask the gentleman if we do not have State elections at every precinct in this State.

Mr. WATSON: You do, and it is gotten through with in a day, but if you require the people to muster there on fifteen days they would not come. As I have explained, the board of registrars sits for magisterial districts and not for precincts. It is a physical impossibility for them to be, at any given date, at more than one third of the precincts of this State. That being so, Mr. President, and what the gentlemen desire being unobtainable, and it being physically impossible for the board of registration to meet at more than one third of the precincts within the State, we are thrown back to consider the convenience of the people. I would say to my friend from Norfolk and to my friend from Wythe, that the diversified industries of this State make the period at which the registrations should be held different in different sections of the State. The period of rest for the corn and oat growers of Rappahannock valley is very different from the rest time of our people of the tobacco counties, and after we have finished pulling fodder in our section of the State the people of the Valley are beginning to sow wheat. It is not their period of leisure.

If the date fixed by the gentleman from Norfolk county, were adopted, the 15th day of September, he would cut out the watermelon season in our country, which is the time of leisure, and of big meetings throughout Southside Virginia. I believe the 15th day of September would be in the midst of the busy season in the Valley. So that, on account of the diversified interests of our people, and of their different occupations in different sections of the State, it would be impracticable to fix upon a uniform day which should be used for this purpose, in all of the counties throughout the State. There is another consideration, Mr. President, which would keep us from fixing any specified day, and that is the fact that the interests of the people in political matters, and the agitation of this question of registrars, cannot be ordered ready-made from this Capitol; but will follow the natural period of a political campaign in the country. I venture the assertion that, except just before the fall elections this year, it will be impossible to haul the people opt to these boards of registration for the purpurpose of being enrolled. These gentlemen will find out that there is danger in fixing a day too near the fall election. If you fix the day too early you will have the board sitting with nobody to enroll, which would be a useless consumption of public time. I, for one, believe that this matter should be left to an elastic machinery, so that the boards throughout the various sections of the State can start at a time which is most convenient and most expedient for the citizens of the community in which they reside. There can be nothing elastic about it if you definitely fix a day.

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

Mr. WATSON: Yes, sir.

Mr. BLAIR: Did you say that it should be left to the machine? I did not catch your meaning.

Mr. WATSON: This is not the first time that the gentleman's understanding has been at fault. I can only give him the explanation in regard to the matter itself, and not an understanding. I say that the machinery of registration that we provide should, in my judgment, be sufficiently elastic to allow the registration to be conducted with reference to the convenience of the citizens in their respective communities. I would suggest to my friend that if he goes into this business of fixing dates he will find it impractical to accomplish what he desires, and will also find that the good which has been accomplished is only addressed to one third along the line of distance he wants to travel.

Mr. BARBOUR: I call the pending question.

The pending question was ordered.

Mr. BLAIR: I demand the yeas and nays.

The PRESIDENT: There is not a sufficient number up to call the yeas and nays. The question is on agreeing to the amendment offered by the gentleman from Norfolk county.

The amendment was rejected, there being on a division, yeas 16, nays 36.

Mr. WILLIAM A. ANDERSON: Mr. President, I want to call the attention of the members of the Convention to the fact that the time at which the registration is to be completed has been changed from the 20th day of October, in the ordinance as printed, to the 15th day of October, in the ordinance as reported, so that the registration will have to begin about twenty days before the day of the election.

Mr. MEREDITH: Mr. President, I desire to offer an amendment to come in at the end of line 21 in section 2. I have called the attention of the chairman of the committee and also of several members of the committee to it, and the amendment meets with their approval. You will see that, when it is found out that, at the expiration of fifteen days sufficient time has not been given for the registration, the judge of the county court or the corporation court is allowed to extend the time. Beginning in line 22, the section provides:

"The board shall give at least twenty days' notice of the time and place at which it will open books for registration at any precinct."

If additional time is allowed by the court we want to allow the board to give the proper notice. I therefore offer this amendment:

"and shall fix the day for such registration."

So that the judge, in his official order, can fix the date.

The PRESIDENT: The question is on agreeing to the amendment offered by the gentleman from Richmond city.

The amendment was agree to.

Mr. GEORGE K. ANDERSON: Mr. President, I desire to call the attention of the chairman of the Committee on Revision to line four on page two. The section provides: "There shall be a general registration in each of the counties, cities, and towns of the State." Is that a registration for town purposes, or is it only to apply to those towns which are registration precincts in themselves?

Mr. WILLIAM A. ANDERSON: That would be a registration for town purposes, where the town constitutes a magisterial district of the county. It may be that in some of the towns of the State there would have to be two registrations. The town registration could be adopted as the State registration when the limits of the town and of the precinct of the county are the same; but where they are different, as in most of the towns—where the town is not coincident with the precinct of the county, there would have to be two registrations, one for the precinct of the magisterial district and one for the town alone.

Mr. GEORGE K. ANDERSON: Mr. President, there is no provision for the board sitting except in these precincts in each district or ward. There is no provision for sitting in the towns.

The PRESIDENT: Does the gentleman offer an amendment?

Mr. WILLIAM A. ANDERSON: Mr. President, I will ask that this matter be passed by for the moment. Such an amendment should be carefully considered.

The PRESIDENT: It will be so ordered, in the absence of objection.

If there are no further amendments to section 2 the Secretary will read section 3.

The Secretary read as follows:

"Sec. 3. The board shall register all persons who apply for registration, entitled to register under this Constitution, prior to January first, nineteen hundred and four, and none others; and it shall have power to administer oaths to, and examine under oath, any applicant and witnesses, and to receive evidence and hear testimony touching qualifications for registration. The act of a majority of its members shall be the act of the board; and a majority of the members shall constitute a quorum for the transaction of all business."

The PRESIDENT: If there are no amendments to section 3 the Secretary will read section 4.

The Secretary read as follows:

"Sec. 4. The board shall record in suitable books, hereinafter provided for, in alphabetical order, the names of all persons registered, the date of birth and registration, their occupation and residence. Separate books, in duplicate, for white and colored voters shall be kept for each precinct; one of each of which shall, after the completion of each registration, be forwarded by the chairman of the board to the Clerk of the County Court of the county, or of the Corporation Court of the city, to be copied in a proper book and preserved in his office.

"Until January the first, nineteen hundred and four, the board, shall have the custody and keeping of the other duplicate of said registration books; but, a reasonable time before the elections to be held in nineteen hundred and two and nineteen hundred and three, the books for each precinct shall be delivered to the judges appointed at such precinct to conduct said elections, and they, a reasonable time after said elections, shall return the books to said board.

"After the first day of January, nineteen hundred and four, the board shall deliver the registration books to the proper registration officehs designated by law.

"At the completion of every registration conducted by it, each member of the board shall sign, and certify the accuracy of the same on oath, upon the registration books."

The PRESIDENT: If there are no amendments to section 4 the Secretary will read section 5.

The Secretary read as follows:

"Sec. 5. The board shall deliver, at his request and free of cost, to each person whom it registers, a certificate of registration, signed by the chairman and attested by the Secretary, upon forms hereinafter provided, setting forth the voter's name, age, occupation, and the county, precinct, and date on which he was registered."

Mr. WILLIAM A. ANDERSON: I move to strike out section 5. It is not now necessary. There has been a provision made for a duplicate copy of this registration, one of which is retained by the registration officer and the other of which is filed in the Clerk's office of the county and recorded in a book kept for that purpose. No provision has been made for the use of these certificates of registration. They are not given under our present laws, and they could only be needed for the purposes of transfer. Transfers are provided for in the ordinance, and the General Assembly can make any additional provision that may by possibility be necessary, if the provisions of this ordinance are not sufficient for the purpose.

The PRESIDENT: The question is on agreeing to the motion of the chairman of the committee to strike out section 5.

The motion was agreed to.

The PRESIDENT: The Secretary will read section 6.

The Secretary read as follows:

"Sec. 6. Until the first day of January, nineteen hundred and four, if any person so registered shall move to another precinct, he shall be entitled to register therein on the permanent roll, upon a transfer issued by the secretary of the board, before which he last registered; and a note of such transfer shall be made by the said secretary upon the permanent roll in his possession."

The PRESIDENT: If there are no amendments to be offered to section 6 the Secretary will read section 7.

The Secretary read as follows:

"Sec. 7. Any person, who upon his examination, shall willfully make a false statement of any material fact affecting his qualifications as a voter, shall be guilty of perjury, and, upon conviction thereof, shall forfeit for life his right to vote."

The PRESIDENT: If there are no amendments to be offered to section 7 the Secretary will read section 8.

The Secretary read as follows:

"Sec. 8. Any person denied registration shall have the right to appeal without payment of writ tax or giving security for costs to the Circuit Court of the county or to the Corporation Court of the city, in which he offers to register, or to the judge thereof in vacation, by presenting to such court, or judge, within ten days thereafter, a petition in writing to have his right to register determined, containing a statement of the facts proved before said board; to which the board shall make answer in writing. The matter shall be heard and determined upon such petition and answer, and such evidence as may be introduced in support thereof. Such proceedings shall take precedence over all other business of the said court or judge, and shall be heard as soon as possible.

"Upon the filing of such petition, the Clerk of the court shall at once give notice to the Commonwealth's Attorney for his county or city, whose duty it shall be to appear and defend against said petition in behalf of the State.

"Judgment in favor of the petition shall entitle him to registration. From judgment rendered against him, a writ of error shall lie to the Supreme Court of Appeals in favor of the petitioner."

Mr. BLAIR: Mr. President, I would like to ask the attention of the chairman of the Committee on Revision. I ask, for information, what is included in the words "such evidence as may be introduced in support thereof." I would like to know whether under that provision, oral evidence may be heard on appeal.

Mr. WILLIAM A. ANDERSON: Certainly; either oral or written evidence.

Mr. BLAIR: Suppose I am a laboring man and come before the registrar and he asks me: What does the Bill of Rights include? I know but very little about it, and my answer goes down. That is certified on appeal. Has the judge the right to examine into my intelligence on other portions of the Constitution, or is he confined to the section and question propounded to me by the registrar?

Mr. WILLIAM A. ANDERSON: On your statement of the case I should think that the judge would decide that the registrar had no right to ask that question.

Mr. BLAIR: Suppose he had a writ of habeas corpus.

Mr. WILLIAM A. ANDERSON: He can not ask him abstract questions. He must read to the voter, if he can not read for himself, or the voter must read some section of the Constitution, selected by the board of registration, and he must show a reasonable understanding of it, not a technical knowledge of it, but a reasonable understanding, such as a man of ordinary intelligence ought to have, who proposes to exercise the right of suffrage.

Mr. BLAIR: I am simply asking for information. The board of registrars would have the right to ask him what is the writ of habeas corpus as described in the Constitution.

Mr. WILLIAM A. ANDERSON: No, sir; they will not have that right.

Mr. BLAIR: Why not?

Mr. WILLIAM A. ANDERSON: Because they can only examine the applicant for registration as to some section of the Constitution. He would have the right to read to him a section of the Constitution, and ask the applicant what its meaning was. It is in the nature of an educational qualification—a test of intelligence.

Mr. BLAIR: The Constitution says the writ of habeas corpus shall not be suspended except in time of war. He has the right to ask what that means.

Mr. WILLIAM A. ANDERSON: No, sir; they would not have the right to ask auy such question. They would have the right to ask the applicant what he understood any selected section of the Constitution to mean; but the question would have to be confined to the language of the Constitution.

Mr. BLAIR: What I want to know is, what is to keep him from doing it.

Mr. WILLIAM A. ANDERSON: They could only ask you to explain a section of the Constitution selected by the board, and give a reasonable explanation of it.

Mr. BLAIR: What I want to know is whether the judge, on appeal, can go outside of that question, and inquire as to my intelligence with reference to other portions of the Constitution.

Mr. WILLIAM A. ANDERSON: The Constitution is explicit that the registration officer shall read to the applicant for registration, if he cannot read himself, some section of the Constitution, and if he can give a reasonable explanation of it he is admitted to registration. I have no idea that any board of registration would propound such questions as the gentleman from Wythe has suggested.

Mr. BLAIR: But he would have the power to do so.

Mr. TURNBULL: Mr. President, I rise to a point of order. We are discussing this registration article now, and not the article on suffrage.

The PRESIDENT: The Chair thinks the discussion should be confined to this section of the ordinance.

Mr. BLAIR: Section 8 provides for an appeal to the Circuit Court Judge, and I want to know what that appeal amounts to.

The PRESIDENT: Unless the gentleman submits an amendment he is not strictly in order.

Mr. BLAIR: If the chairman of the committee can satisfy me on this matter, I do not want to submit any amendment.

The PRESIDENT: The Chair sustains the point of order.

Mr. WILLIAM A. ANDERSON: The questions asked by the gentleman to the operation of the suffrage plan, and not to the merits of this registration ordinance.

The PRESIDENT: If there are no amendments to section 8, the Secretary will read section 9.

The Secretary read as follows:

Section 9. The Secretary of the Commonwealth shall have prepared suitable books for the registration of voters and blank forms for certificates of registration, and forward them to the Clerk of the County Court of each county, and the Clerk of the Corporation Court of each city, to be by them distributed to the several boards of registrars of their respective counties and cities.

The books shall be so spaced and ruled as to provide for the convenient entry of the number and name of the voter, in adphabetical order, his age, occupation, residence, length of time he has resided in the State and county and precinct, and, if a naturalized citizen, the date of his naturalization papers and the court by which issued, if known.

It shall be the duty of the Secretary of the Comonwealth before the 20th day of July, 1902, to forward to each of the persons chosen by the convention as members of the several boards of registration, a certificate showing that such person has been so chosen, which certificate shall be evidence of the facts therein stated.

Upon the receipt of such certificate, the member of the registration board named therein shall signify his acceptance in writing to the Clerk of his county or the Clerk of the Hustings or Corporation Court of his city, upon blanks to be furnished by the Secretary of the Commonwealth.

The Secretary of the Commonwealth shall, with said certificate, send to each member of said board a copy of the Constitution and of this registration ordinance."

The PRESIDENT: If there are no amendments to section 9 the Secretary will read section 10.

The Secretary read as follows:

"Section 10. On or before the 1st day of September, 1902, the Treasurer of each county and city shall furnish to the board of registrars of each district or ward of his county or city a certified list containing the names of all persons, within such district or ward, who for the year 1901 have paid as much as $1 in State tax for property owned by and assessed against them; and on or before the 1st day of September, 1903, the said treasurers shall furnish to said boards a similar list of those who for the year 1902 have paid as much as $1 in State tax for property owned and assessed against them."

The PRESIDENT: If there are no amendments to be offered to section 10, the Secretary will read section 11.

The Secretary read as follows:

"Section 11. The books and blank forms to be prepared by the Secretary of the Commonwealth shall be provided at the expense of the State; but all other costs and charges of registration, including postage, stationery, and publication of notices, shall be defrayed by the counties and cities in which such registration is held."

Mr. WATSON: I desire to ask the chairman of the committee if he does not think section 11 should come in as a part of section 9, which refers to the duties of the Secretary of the Commonwealth?

Mr. WILLIAM A. ANDERSON: It would be a better arrangement to make it a part of section 9. I will accept that suggestion.

The PRESIDENT: It will be so ordered if there is no objection.

Mr. WATSON: I desire to call attention to another matter. In lines 2 and 3, on page 6, appear the words "suitable books for the registration of voters, and blank forms for certificates of registration." I would suggest that instead of the words "and blank forms for certificates of registration" we should insert "forms for registration transfers." That, however, would probably not be wise, and I would suggest striking out the words "and blank forms for certificates of registration."

The PRESIDENT: That will be taken as the sense of the convention if there is no objection.

Mr. TURNBULL: In section 9 there is a provision as follows: "The books shall be so spaced and ruled as to provide convenient entry of the number and name of the voter, in alphabetical order, his age, occupation, residence, length of time he has resided in the State, and county and precinct, and if a naturalized citizen the date of his naturalization papers and the court in which issued if known." I desire to ask the chairman of the committee if he does not think it would be well to have a column in that book in which the registrars should record the reason which induced them to register a man who is a voter, that is, whether he was a soldier or the son of a soldier or the owner of property, or any reason why he should be registered.

Mr. WILLIAM A. ANDERSON: Does my friend suggests there should be two columns, one for property owners and one for soldiers or the sons of soldiers?

Mr. TURNBULL: Only one colmun for that purpose.

Mr. WILLIAM A. ANDERSON: How would the gentleman from Brunswick indicate the caption to be printed at the top of the column?

Mr. WATSON: Mr. President, I would say, in reply to the gentleman from Brunswick, that that matter has also been considered by the committee and we thought that, apart from the trouble that would be entailed upon the registration officers in keeping that column, it would serve to create a distinction between our voters themselves. It would have the effect of designating the property-holders in the community, and the soldiers and sons of soldiers. In the judgment of the committee that was not thought to serve any useful or practical purpose, and might turn out, in the end, to be a source of friction and agitation among the people. It would certainly be a very useful record hereafter, and the historian of the future might find it interesting in its detail; but, practically speaking, the committee thought the whole electorate of the State should stand on the same footin and should simply be considered as registered voters.

Mr. BARBOUR: Mr. President, I agree to a very great extent with the gentleman from Nottoway; but it does seem to me that it is a matter of importance that those who are registered under the soldier clause should be so designated, because they are not liable to the poll-tax provision, apply after 1904. It seems to me there ought to be a column designating every man registered under the soldier clause.

Mr. WATSON: I will say to the gentleman from Culpeper that the idea had not occurred to me; but I think his suggestion is a practical one.

Mr. WILLIAM A. ANDERSON: I think such an amendment ought to be adopted and that there should be a column stating whether the voter is a soldier and is registered on that account.

I offer the following amendment:

"At the end of line 12, in section 9, in the original report, to change the period into a semicolon and add the following: 'And if registered as a soldier for the statement of that fact.'"

The PRESIDENT: The question is on agreeing to the amendment offered by the chairman of the committee.

The amendment was agreed to.

Mr. TURNBULL: I move in line 4, of section 9, of the original report of the committee to strike out the word "circuit" and insert the word "county," so that it will read: "And forward them to the Clerk of the County Court of each county."

The PRESIDENT: The question is on agreeing to the amendment offered by the gentleman from Brunswick.

The amendment was adopted.

The PRESIDENT: If there are no further amendments to section 11 the Secretary will read section 12.

The Secretary read as follows:

Section 12. To conduct the registration provided for in the ordinance, the persons whose names appear below shall be, and they are hereby appointed, members of the Board of Registrars for the several magisterial districts and wards of the several counties and cities, as follows:

* * * * * * * * * *

Mr. MEREDITH: I suppose that we had better take a vote upon the adoption of the registrars of each county separately. I move that the names suggested as registrars for Accomac county be accepted.

(CONTINUED ON PAGE 11.)