

ern, as it is to submit a constitution to the people of the whole State. I, therefore, urge that a charge should be submitted to the people subject to its command or authority, just as the Constitution is; and submitted to the people for their ratification to govern the whole State. Is there any gentleman who is opposed to it?

A DELEGATE—Oh, no!

MR. SANFORD—He says, “Oh, no,” and is unable to make the distinction if his life and his soul’s salvation depended upon it—between a charter, the organic law of a city; and the Constitution, the organic law of the State.

MR. O’NEAL—Would not that be in effect embodying the principle of initiative and referendum in the Constitution of Alabama?

MR. SANFORD (Montgomery)—No more than the Constitution itself is an initiative and referendum—precisely the same principle.

MR. O’NEAL—That is the only one we have in the Constitution.

MR. SANFORD (Montgomery)—That is the only one because it has never been agitated before, that has been moved and I move this for the same reason that the people whom it shall govern shall have something to say what shall be their organic law whether a State or a city.

MR. WEAKLEY—I renew my motion to table.

MR. SANFORD (Montgomery)—Answer it with argument.

Upon a vote being taken the motion to table prevailed.

MR. WHITESIDE—I have an amendment I desire to offer.

The Secretary read the amendment as follows: “Amend by adding an additional section: Any person, firm, or association or corporation who may construct or operate any public utility along, on or across the public streets of any municipal corporation under any privilege or franchise permitting such construction in or through such municipal corporation shall be liable to abutting proprietors for the actual damage done to the abutting property on account of such construction or operation.”

THE PRESIDENT—The question will be upon the amendment offered by the gentleman from Calhoun.

MR. WHITESIDE—Gentlemen of the Convention, the courts have held that these utilities that operate upon the streets of a city are not an additional servitude upon abutting property, they may be constructed and operated along a street and damage the prop-