

EXHIBIT 2

Thursday,]

BRONSTON—BLACKBURN—APPLEGATE.

[January 22.

tiality and determination to treat the cities and towns in the country exactly alike, can take the position before this Convention antagonistic to that provision of the report of the Committee. It is said that fools never change, but wise men do, and if the extent of the change is any indication of the amount of wisdom, my distinguished friend from Woodford is certainly the wisest Delegate on this floor.

I simply desire to call the attention of the Convention to the amendment I have offered, and will then leave the matter to the Convention. The section of the report provides:

No railroad, street railway or other common carrier company shall be permitted or authorized to construct its tracks or lines of railway through a city or town, or along the streets, alleys or public grounds thereof, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but where charters have been heretofore granted conferring such rights, and work has been in good faith begun thereunder, the provisions of this section shall not apply.

I agree heartily with that provision, and I do not see how any gentleman could antagonize it. I simply ask, by my amendment, that, after the word "thereof," you add "nor shall any telephone, electric light or gas company erect its poles or posts on such streets or alleys without first having obtained the consent of the City Council or the Legislative Board which controls the town or city." I cannot see how any gentleman on the floor could insist, with sincerity and earnestness, that the city should not have control of its streets and alleys, which streets and alleys are constructed by taxation, for the benefit of the city, and under its exclusive control. The city is responsible for damages that occur by reason of obstructions on those highways. Therefore, the city ought to be permitted to control the construction of street railways, railroads, the erection of telephone or electric light poles on its streets and alleys,

and that is all this report asks, and a wish in my amendment.

Mr. BLACKBURN. If I had dreamed for a moment that the question I asked of the Chairman of the Committee was going to be taken advantage of by the Delegate from Lexington to again exhibit himself to the Convention, I should not have asked the question. I simply asked the Chairman the question whether that would not be an improper provision in his report, because I remember that railroad companies, when they want to condemn land belonging to a city or citizen, proceed, under a writ of *ad quod damnum*, to take it, whether the citizen wants to sell it or not, and to pay the assessed value, and construct their road, whether it be by our houses or away from them; and I wanted to know whether the same right of eminent domain does not exist, and shall not extend to, the little county hamlet of Midway, in Woodford county, or whether the Board of Trustees can say to the Commonwealth of Kentucky you cannot do that. Under the act of the Legislature, you may condemn the land of the farmer wherever you find it; but when you come to these incorporated towns, villages or cities, a different rule of condemnation applies altogether, and you cannot condemn that property for public purposes. I claim I am on the same line where we have stood always, desiring to treat all men and all sections of this State alike under this Constitution. I only wanted to call the attention of the Chairman to it, and am not antagonizing the report of the Committee at all.

Mr. APPLEGATE. I desire to send up an amendment.

The CHAIRMAN. It is not in order; but it can be read for information.

The amendment was read, and is as follows:

Amend section 14 by inserting after the word "obtain," in the fifth line, the words "or unless the right so to do has been acquired by condemnation in the manner